

## CHAPTER 156

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**GOVERNMENT - STATE**


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**HOUSE BILL 21-1108**

BY REPRESENTATIVE(S) Esgar, Amabile, Bacon, Bernett, Bird, Caraveo, Cutter, Daugherty, Duran, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Roberts, Sirota, Snyder, Sullivan, Tipper, Titone, Valdez A., Weissman, Woodrow, Young, Garnett; also SENATOR(S) Moreno, Bridges, Buckner, Danielson, Donovan, Fenberg, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Lee, Pettersen, Story, Winter, Zenzinger, Garcia.

**AN ACT**

**CONCERNING UPDATES TO PROHIBITIONS AGAINST GENDER-BASED DISCRIMINATION TO CLARIFY THE INDIVIDUALS WHO ARE INCLUDED IN A PROTECTED CLASS.**

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

**SECTION 1. Legislative declaration.** The general assembly hereby finds, determines, and declares that nothing in this act is intended to impede or otherwise limit the protections contained in section 4 of article II of the state constitution concerning the free exercise and enjoyment of religious profession and worship.

**SECTION 2.** In Colorado Revised Statutes, 24-34-301, **amend** (5)(b) and (7); and **add** (3.3) and (3.5) as follows:

**24-34-301. Definitions.** As used in parts 3 to 8 of this article 34, unless the context otherwise requires:

(3.3) "GENDER EXPRESSION" MEANS AN INDIVIDUAL'S WAY OF REFLECTING AND EXPRESSING THE INDIVIDUAL'S GENDER TO THE OUTSIDE WORLD, TYPICALLY DEMONSTRATED THROUGH APPEARANCE, DRESS, AND BEHAVIOR.

(3.5) "GENDER IDENTITY" MEANS AN INDIVIDUAL'S INNATE SENSE OF THE INDIVIDUAL'S OWN GENDER, WHICH MAY OR MAY NOT CORRESPOND WITH THE INDIVIDUAL'S SEX ASSIGNED AT BIRTH.

(5) (b) For the purposes of part 5 of this ~~article~~ **ARTICLE 34**, "person" does not include any private club not open to the public ~~which~~ **THAT**, as an incident to its

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*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.*

primary purpose or purposes, provides lodgings that it owns or operates for other than a commercial purpose, unless ~~such~~ THE club has the purpose of promoting discrimination in the matter of housing against any person because of disability, race, creed, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, familial status, national origin, or ancestry.

(7) "Sexual orientation" means an individual's ~~orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another individual's perception thereof~~ IDENTITY, OR ANOTHER INDIVIDUAL'S PERCEPTION THEREOF, IN RELATION TO THE GENDER OR GENDERS TO WHICH THE INDIVIDUAL IS SEXUALLY OR EMOTIONALLY ATTRACTED AND THE BEHAVIOR OR SOCIAL AFFILIATION THAT MAY RESULT FROM THE ATTRACTION.

**SECTION 3.** In Colorado Revised Statutes, 24-34-303, **amend** (1)(b)(II) introductory portion and (1)(b)(II)(A) as follows:

**24-34-303. Civil rights commission - membership.** (1) (b) (II) In addition to the qualifications specified in subsection (1)(b)(I) of this section, the ~~members~~ MEMBERSHIP of the commission must at all times include:

(A) At least four members who are members of groups of people who have been or who might be discriminated against because of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, national origin, ancestry, marital status, religion, or age; and

**SECTION 4.** In Colorado Revised Statutes, 24-34-402, **amend** (1) introductory portion, (1)(a), (1)(b), (1)(c), (1)(d), and (1)(f) as follows:

**24-34-402. Discriminatory or unfair employment practices - definition.** (1) It ~~shall be~~ IS a discriminatory or unfair employment practice:

(a) For an employer to refuse to hire, to discharge, to promote or demote, to harass during the course of employment, or to discriminate in matters of compensation, terms, conditions, or privileges of employment against any ~~person~~ INDIVIDUAL otherwise qualified because of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, religion, age, national origin, or ancestry; but, with regard to a disability, it is not a discriminatory or an unfair employment practice for an employer to act as provided in this ~~paragraph (a)~~ SUBSECTION (1)(a) if there is no reasonable accommodation that the employer can make with regard to the disability, the disability actually disqualifies the ~~person~~ INDIVIDUAL from the job, and the disability has a significant impact on the job. For purposes of this ~~paragraph (a)~~ SUBSECTION (1)(a), "harass" means to create a hostile work environment based upon an individual's race, national origin, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, disability, age, or religion. Notwithstanding the provisions of this ~~paragraph (a)~~ SUBSECTION (1)(a), harassment is not an illegal act unless a complaint is filed with the appropriate authority at the complainant's workplace and ~~such~~ THE authority fails to initiate a reasonable investigation of a complaint and take prompt remedial action if appropriate.

(b) For an employment agency to refuse to list and properly classify for employment or to refer an individual for employment in a known available job for

which ~~such~~ THE individual is otherwise qualified because of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, religion, age, national origin, or ancestry or for an employment agency to comply with a request from an employer for referral of applicants for employment if the request indicates either directly or indirectly that the employer discriminates in employment on account of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, religion, age, national origin, or ancestry; but, with regard to a disability, it is not a discriminatory or an unfair employment practice for an employment agency to refuse to list and properly classify for employment or to refuse to refer an individual for employment in a known available job for which ~~such~~ THE individual is otherwise qualified if there is no reasonable accommodation that the employer can make with regard to the disability, the disability actually disqualifies the applicant from the job, and the disability has a significant impact on the job;

(c) For a labor organization to exclude any individual otherwise qualified from full membership rights in ~~such~~ THE labor organization, or to expel ~~any such~~ AN individual from membership in ~~such~~ THE labor organization, or to otherwise discriminate against any of its members in the full enjoyment of work opportunity because of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, religion, age, national origin, or ancestry;

(d) For any employer, employment agency, or labor organization to print or circulate or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or membership, or to make any inquiry in connection with prospective employment or membership that expresses, either directly or indirectly, any limitation, specification, or discrimination as to disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, religion, age, national origin, or ancestry or intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification or required by and given to an agency of government for security reasons;

(f) For any employer, labor organization, joint apprenticeship committee, or vocational school providing, coordinating, or controlling apprenticeship programs or providing, coordinating, or controlling on-the-job training programs or other instruction, training, or retraining programs:

(I) To deny to or withhold from any qualified ~~person~~ INDIVIDUAL because of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, religion, age, national origin, or ancestry the right to be admitted to or participate in an apprenticeship training program, an on-the-job training program, or any other occupational instruction, training, or retraining program; but, with regard to a disability, it is not a discriminatory or an unfair employment practice to deny or withhold the right to be admitted to or participate in any such program if there is no reasonable accommodation that can be made with regard to the disability, the disability actually disqualifies the ~~applicant~~ INDIVIDUAL from the program, and the disability has a significant impact on participation in the program;

(II) To discriminate against any qualified ~~person~~ INDIVIDUAL in pursuit of such programs or to discriminate against such a ~~person~~ AN INDIVIDUAL in the terms,

conditions, or privileges of such programs because of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, religion, age, national origin, or ancestry;

(III) To print or circulate or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for such programs, or to make any inquiry in connection with such programs that expresses, directly or indirectly, any limitation, specification, or discrimination as to disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, religion, age, national origin, or ancestry or any intent to make any such limitation, specification, or discrimination, unless based on a bona fide occupational qualification;

**SECTION 5.** In Colorado Revised Statutes, 24-34-501, **amend** (3) and (4) as follows:

**24-34-501. Definitions.** As used in this part 5, unless the context otherwise requires:

(3) "Person" has the meaning ascribed to such term in section 24-34-301 (5) and includes any owner, lessee, proprietor, manager, employee, or any agent of a person; but, for purposes of this part 5, "person" does not include any private club not open to the public ~~which~~ THAT, as an incident to its primary purpose or purposes, provides lodgings that it owns or operates for other than a commercial purpose, unless ~~such~~ THE club has the purpose of promoting discrimination in the matter of housing against any person because of disability, race, creed, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, familial status, national origin, or ancestry.

(4) "Restrictive covenant" means any specification limiting the transfer, rental, or lease of any housing because of disability, race, creed, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, familial status, national origin, or ancestry, or limiting the rental or lease of any housing because of source of income.

**SECTION 6.** In Colorado Revised Statutes, 24-34-502, **amend** (1) introductory portion, (1)(a), (1)(b), (1)(d), (1)(g), (1)(h), (1)(i), (1)(j), and (6) as follows:

**24-34-502. Unfair housing practices prohibited - definitions.** (1) It ~~shall be~~ IS an unfair housing practice, ~~and~~ unlawful, and ~~hereby~~ prohibited:

(a) For any person to refuse to show, sell, transfer, rent, or lease ~~or to~~ ANY HOUSING; refuse to receive and transmit any bona fide offer to buy, sell, rent, or lease ANY HOUSING; or otherwise make unavailable or deny or withhold from ~~any person such~~ AN INDIVIDUAL ANY housing because of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, familial status, religion, national origin, or ancestry; to discriminate against ~~any person~~ AN INDIVIDUAL because of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, familial status, religion, national origin, or ancestry in the terms, conditions, or privileges pertaining to any housing or the transfer, sale, rental, or lease ~~thereof~~ OF HOUSING or in ~~the~~

furnishing of facilities or services in connection ~~therewith~~ WITH HOUSING; or to cause to be made any written or oral inquiry or record concerning the disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, familial status, religion, national origin, or ancestry of ~~a person~~ AN INDIVIDUAL seeking to purchase, rent, or lease any housing; however, nothing in this paragraph (a) shall be construed to require SUBSECTION (1)(a) REQUIRES a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

(b) For any person to whom application is made for financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing to make or cause to be made any written or oral inquiry concerning the disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, familial status, religion, national origin, or ancestry of ~~a person~~ AN INDIVIDUAL seeking ~~such~~ financial assistance or concerning the disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, familial status, religion, national origin, or ancestry of prospective occupants or tenants of ~~such~~ THE housing, or to discriminate against any ~~person~~ INDIVIDUAL because of the disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, familial status, religion, national origin, or ancestry of ~~such person~~ THE INDIVIDUAL or prospective occupants or tenants in the terms, conditions, or privileges relating to the obtaining or use of USING any such financial assistance;

(d) For any person to make, print, or publish or cause to be made, printed, or published any notice or advertisement relating to the sale, transfer, rental, or lease of any housing that indicates any preference, limitation, specification, or discrimination based on disability, race, creed, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, familial status, national origin, or ancestry;

(g) For any person whose business includes residential real estate-related transactions, which transactions involve the making or purchasing of loans secured by residential real estate or the provisions of PROVIDING other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling or the selling, brokering, or appraising of residential real property, to discriminate against ~~any person~~ AN INDIVIDUAL in making available such a transaction or in fixing the terms or conditions of such a transaction because of race, creed, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, disability, familial status, ~~or~~ national origin, or ancestry;

(h) For any person to deny ~~another person~~ AN INDIVIDUAL access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility related to the business of selling or renting dwellings or to discriminate against ~~such person~~ THE INDIVIDUAL in the terms or conditions of such access, membership, or participation on account of race, creed, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, disability, marital status, familial status, national origin or ancestry, or source of income;

(i) For any person, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of ~~a person or persons~~ ANY INDIVIDUAL of a particular race, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, disability, familial status, creed, national origin, or ancestry;

(j) For any person to represent to any other person that ~~any~~ A dwelling is not available for inspection, sale, or rental, when ~~such~~ THE dwelling is in fact available, for the purpose of discriminating against ~~another person~~ ANY INDIVIDUAL on the basis of race, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, disability, familial status, creed, national origin, or ancestry;

(6) Nothing in this part 5 ~~shall prohibit~~ PROHIBITS a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, creed, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, familial status, disability, religion, national origin, or ancestry.

**SECTION 7.** In Colorado Revised Statutes, 24-34-601, **amend** (2)(a) as follows:

**24-34-601. Discrimination in places of public accommodation - definition.**

(2) (a) It is a discriminatory practice and unlawful for a person, directly or indirectly, to refuse, withhold from, or deny to an individual or a group, because of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, or ancestry, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or, directly or indirectly, to publish, circulate, issue, display, post, or mail any written, electronic, or printed communication, notice, or advertisement that indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation will be refused, withheld from, or denied an individual or that an individual's patronage or presence at a place of public accommodation is unwelcome, objectionable, unacceptable, or undesirable because of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, or ancestry.

**SECTION 8.** In Colorado Revised Statutes, **amend** 24-34-701 as follows:

**24-34-701. Publishing of discriminative matter forbidden.** (1) ~~No~~ A person ~~being~~ THAT IS the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement ~~directly or indirectly, by himself or herself or through another person~~ shall NOT, DIRECTLY OR INDIRECTLY, publish, issue, circulate, send, distribute, give away, or display in any way, manner, or shape or by any means or method, except as provided in this section, any communication, paper, poster, folder, manuscript, book, pamphlet, writing, print, letter, notice, or advertisement of any kind, nature, or description that:

(a) Is intended or calculated to discriminate or actually discriminates against any PERSON OR CLASS OF PERSONS ON ACCOUNT OF disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, or ancestry ~~or against any of the members thereof~~ in the matter of furnishing

or neglecting or refusing to furnish to them or any one of them any lodging, housing, schooling, or tuition or any accommodation, right, privilege, advantage, or convenience offered to or enjoyed by the general public; ~~or which~~

(b) States that any of the accommodations, rights, privileges, advantages, or conveniences of ~~any such~~ THE place of public accommodation, resort, or amusement shall or will be refused, withheld from, or denied to any person or class of persons on account of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, or ancestry; or

(c) STATES that the patronage, custom, presence, frequenting, dwelling, staying, or lodging at ~~such~~ THE place by any person or class of persons belonging to or purporting to be of any particular disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, or ancestry is unwelcome or objectionable or not acceptable, desired, or solicited.

**SECTION 9.** In Colorado Revised Statutes, 2-4-401, **amend** (3.5) and (13.5); and **add** (3.2) and (3.4) as follows:

**2-4-401. Definitions.** The following definitions apply to every statute, unless the context otherwise requires:

(3.2) "FELONY" INCLUDES A DRUG FELONY DESCRIBED IN ARTICLE 18 OF TITLE 18.

(3.4) "GENDER EXPRESSION" MEANS AN INDIVIDUAL'S WAY OF REFLECTING AND EXPRESSING THE INDIVIDUAL'S GENDER TO THE OUTSIDE WORLD, TYPICALLY DEMONSTRATED THROUGH APPEARANCE, DRESS, AND BEHAVIOR.

(3.5) ~~"Felony" includes a drug felony described in article 18 of title 18, C.R.S.~~ "GENDER IDENTITY" MEANS AN INDIVIDUAL'S INNATE SENSE OF THE INDIVIDUAL'S OWN GENDER, WHICH MAY OR MAY NOT CORRESPOND WITH THE INDIVIDUAL'S SEX ASSIGNED AT BIRTH.

(13.5) "Sexual orientation" means ~~a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception thereof~~ AN INDIVIDUAL'S IDENTITY, OR ANOTHER INDIVIDUAL'S PERCEPTION THEREOF, IN RELATION TO THE GENDER OR GENDERS TO WHICH THE INDIVIDUAL IS SEXUALLY OR EMOTIONALLY ATTRACTED AND THE BEHAVIOR OR SOCIAL AFFILIATION THAT MAY RESULT FROM THE ATTRACTION.

**SECTION 10.** In Colorado Revised Statutes, **amend** 5-3-210 as follows:

**5-3-210. Discrimination prohibited - exemption.** ~~Ne~~ A consumer credit transaction regulated by this code shall NOT be denied any person, nor shall terms and conditions be made more stringent, on the basis of discrimination, solely because of disability, race, creed, religion, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, or ancestry. This section ~~shall~~ DOES not apply to any consumer credit transaction made or denied by a seller, lessor, or lender whose total original unpaid balances arising from consumer credit transactions for the previous calendar year are less than one million dollars.

**SECTION 11.** In Colorado Revised Statutes, 6-23-104, **amend** (1) as follows:

**6-23-104. Direct primary health care providers - prohibitions.** (1) A direct primary health care provider may not discriminate in the selection of patients on the basis of age, citizenship status, color, disability, gender, ~~or~~ gender identity, GENDER EXPRESSION, genetic information, health status, national origin, race, religion, sex, sexual orientation, or any other protected class.

**SECTION 12.** In Colorado Revised Statutes, **amend** 6-24-110 as follows:

**6-24-110. Discrimination.** There shall be no limitation, restriction, or covenant based upon race, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, disability, national origin, or ancestry on the size, placement, location, sale, or transfer of any cemetery grave space, niche, or crypt or in the interment of a deceased person.

**SECTION 13.** In Colorado Revised Statutes, 8-3-102, **amend** (1)(d) as follows:

**8-3-102. Legislative declaration.** (1) The public policy of the state as to employment relations and collective bargaining, in the furtherance of which this article 3 is enacted, is declared to be as follows:

(d) All rights of persons to join labor organizations or unions and their rights and privileges as members ~~thereof~~ OF LABOR ORGANIZATIONS OR UNIONS should be recognized, safeguarded, and protected. ~~No~~ A person shall NOT be denied membership in a labor organization or union on account of race, creed, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, disability, national origin, OR ancestry or by any unfair or unjust discrimination. A LABOR ORGANIZATION OR UNION SHALL NEITHER REQUIRE arbitrary or excessive initiation fees and dues ~~shall not be required, nor shall~~ IMPOSE excessive, unwarranted, arbitrary, or oppressive fines, penalties, or forfeitures. ~~be imposed.~~ The members are entitled to full and detailed reports from their officers, agents, or representatives of all financial transactions and ~~shall~~ have the right to elect officers by secret ballot and to determine and vote upon the question of striking, not striking, and other questions of policy affecting the entire membership.

**SECTION 14.** In Colorado Revised Statutes, 8-17-101, **amend** (2)(a) as follows:

**8-17-101. Colorado labor employed on public works - definitions.** (2) As used in this article 17:

(a) "Colorado labor" means any person who is a resident of the state of Colorado, at the time of the public works project, without discrimination as to race, color, creed, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, ancestry, age, or religion except when sex, GENDER, or age is a bona fide occupational qualification. A resident of the state of Colorado is a person who can provide a valid Colorado driver's license, a valid Colorado state-issued photo identification, or documentation that ~~he or she~~ THE PERSON has resided in Colorado for the last thirty days.

**SECTION 15.** In Colorado Revised Statutes, 10-4-626, **amend** (1) as follows:



**10-4-626. Prohibited reasons for nonrenewal or refusal to write policy of automobile insurance applicable to this part 6.** (1) ~~NO~~ AN insurer authorized to transact or transacting business in this state shall NOT refuse to write or refuse to renew a policy of insurance affording the coverage required by ~~operation of~~ section 10-4-620 solely because of the age, race, creed, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, national origin, ancestry, residence, marital status, or lawful occupation, including the military service, of anyone who is or seeks to become insured or solely because another insurer has canceled a policy or refused to write or renew such policy. The commissioner shall administer and enforce this subsection (1).

**SECTION 16.** In Colorado Revised Statutes, 12-135-105, **amend** (1)(b) as follows:

**12-135-105. Unlawful acts.** (1) It is unlawful:

(b) To discriminate because of race, creed, color, religion, disability, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, or ancestry in the provision of funeral services;

**SECTION 17.** In Colorado Revised Statutes, 12-135-301, **amend** (1)(a) as follows:

**12-135-301. Unlawful acts.** (1) It is unlawful for a crematory:

(a) To discriminate because of race, creed, color, religion, sex, marital status, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, or national origin in the provision of funeral services;

**SECTION 18.** In Colorado Revised Statutes, 13-71-104, **amend** (3)(a) as follows:

**13-71-104. Eligibility for juror service - prohibition of discrimination.** (3) (a) ~~NO~~ A person shall NOT be exempted or excluded from serving as a trial JUROR or grand juror because of race, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, ancestry, economic status, or occupation.

**SECTION 19.** In Colorado Revised Statutes, **amend** 13-93-102 as follows:

**13-93-102. No discrimination - issuance of license.** ~~NO~~ A person shall be ~~denied~~ NOT DENY AN INDIVIDUAL a license to practice on account of race, creed, color, religion, disability, age, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, or ancestry.

**SECTION 20.** In Colorado Revised Statutes, 19-2-303, **amend** (4)(c)(III) as follows:

**19-2-303. Juvenile diversion program - authorized - report - legislative declaration - definitions.** (4) District attorneys' offices or their designees shall:

(c) Not deny diversion to a juvenile based on the juvenile's:

(III) Age, race or ethnicity, gender, GENDER IDENTITY, GENDER EXPRESSION, or sexual orientation; or

**SECTION 21.** In Colorado Revised Statutes, 19-7-101, **amend** (1)(t) as follows:

**19-7-101. Legislative declaration.** (1) The general assembly finds and declares that youth in foster care, excluding those in the custody of the division of youth services or a state hospital for persons with mental health disorders, should enjoy the following:

(t) Having fair and equal access to available services, placement, care, treatment, and benefits based on ~~his or her~~ EACH YOUTH'S treatment plan and not being subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group, national origin, religion, sex, sexual orientation, gender identity, GENDER EXPRESSION, mental or physical disability, or HIV status;

**SECTION 22.** In Colorado Revised Statutes, 22-30.5-104, **amend** (3)(a) as follows:

**22-30.5-104. Charter school - requirements - authority - rules - definitions.** (3) (a) A charter school is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, national origin, religion, ancestry, or need for special education services. A charter school is subject to any court-ordered desegregation plan in effect for the chartering school district. Enrollment in a charter school must be open to any child who resides within the school district; except that a charter school is not required to make alterations in the structure of the facility used by the charter school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application.

**SECTION 23.** In Colorado Revised Statutes, 22-30.5-507, **amend** (3)(a) as follows:

**22-30.5-507. Institute charter school - requirements - authority - rules - definitions.** (3) (a) An institute charter school is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, national origin, religion, ancestry, or need for special education services. Enrollment in an institute charter school must be open to any child who resides within the state; except that an institute charter school is not required to make alterations in the structure of the facility used by the institute charter school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a nondiscriminatory manner specified by the applicant in the institute charter school application.

**SECTION 24.** In Colorado Revised Statutes, 22-32-109, **amend** (1)(II)(I)(A) as follows:

**22-32-109. Board of education - specific duties - definitions.** (1) In addition to any other duty required to be performed by law, each board of education has the following specific duties:

(II) (I) To adopt written policies specifying that:

(A) The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, national origin, religion, ancestry, or need for special education services;

**SECTION 25.** In Colorado Revised Statutes, 22-32-110, **amend** (1)(k)(I) as follows:

**22-32-110. Board of education - specific powers - definitions.** (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district has the following specific powers, to be exercised in its judgment:

(k) (I) To adopt written policies, rules, and regulations, not inconsistent with law, that may relate to the efficiency, in-service training, professional growth, safety, official conduct, and welfare of the employees, or any classification thereof, of the district. The practices of employment, promotion, and dismissal shall be unaffected by the employee's religion, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, racial or ethnic background, national origin, ancestry, or participation in community affairs.

**SECTION 26.** In Colorado Revised Statutes, 22-38-104, **amend** (1)(d)(I) as follows:

**22-38-104. Pilot schools - requirements - authority - definitions.** (1) The state board may provide for the establishment and operation of not more than one full-time residential pilot school and not more than three year-round nonresidential pilot schools pursuant to the following provisions:

(d) (I) A pilot school is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, national origin, religion, or ancestry. Enrollment decisions shall be made in a nondiscriminatory manner specified by the pilot school applicant in the pilot school application.

**SECTION 27.** In Colorado Revised Statutes, 22-63-206, **amend** (1)(a) as follows:

**22-63-206. Transfer - compensation - definitions.** (1) (a) A teacher may be transferred upon the recommendation of the chief administrative officer of a school district from one school, position, or grade level to another within the school district, if the transfer does not result in the assignment of the teacher to a position of employment for which the teacher is not qualified by virtue of academic preparation and certification and if, during the then-current school year, the amount of salary of the teacher is not reduced except as otherwise provided in subsections

(2) and (3) of this section. There shall be no discrimination shown toward any teacher in the assignment or transfer of that teacher to a school, position, or grade because of sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, race, creed, color, religion, national origin, ancestry, or membership or nonmembership in any group or organization.

**SECTION 28.** In Colorado Revised Statutes, 23-31.5-110, **amend** (1) as follows:

**23-31.5-110. Additional powers of board.** (1) The board of governors of the Colorado state university system has the power to lease portions of the grounds of the Colorado state university - Pueblo to private persons and corporations for the construction of dormitory, living, dining, or cottage buildings and to rent, lease, maintain, operate, and purchase ~~such~~ THOSE buildings at ~~such~~ THE university, all in the manner provided by and subject to the limitations contained in sections 23-56-105 to 23-56-111; except that none of ~~such~~ THE grounds or improvements shall be used in any manner that discriminates against anyone because of race, creed, color, religion, national origin, ancestry, sex, ~~or~~ sexual orientation, GENDER IDENTITY, OR GENDER EXPRESSION.

**SECTION 29.** In Colorado Revised Statutes, 23-41-104, **amend** (2) as follows:

**23-41-104. Control - management.** (2) The board of trustees ~~has the power to~~ MAY lease, for terms not exceeding eighty years, real or personal property, or both, to state or federal governmental agencies, persons, or entities, public or private, for the construction, use, operation, maintenance, and improvement of research and development facilities, health and recreation facilities, dormitories, and living, dining, and group housing buildings and facilities or for any of such purposes and to buy land and construct buildings and facilities therefor. ~~None of~~ NEITHER the grounds so leased nor any of the improvements constructed ~~thereon~~ ON THE GROUNDS shall be used in any manner that discriminates against anyone because of race, creed, color, religion, national origin, ancestry, sex, ~~or~~ sexual orientation, GENDER IDENTITY, OR GENDER EXPRESSION. The board of trustees ~~has the power to~~ MAY borrow money in conjunction with ~~such~~ THE construction and leases and ~~to~~ assist in effecting any of ~~such~~ THOSE purposes. Any actions taken prior to May 27, 1965, by the board of trustees consistent with any power granted in this subsection (2) are ratified and validated.

**SECTION 30.** In Colorado Revised Statutes, 23-64-112, **amend** (1)(s) as follows:

**23-64-112. Minimum standards.** (1) In establishing the criteria required by section 23-64-108 (1)(a), (1)(b), and (1)(j), the board shall observe and require compliance with at least the following minimum standards for all schools:

(s) That the school shall not deny enrollment of a student or make any distinction or classification of students on account of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, or marital status.

**SECTION 31.** In Colorado Revised Statutes, 24-31-309, **amend** (2) introductory portion as follows:

**24-31-309. Profiling - officer identification - training - definition.**

(2) **Definition.** For purposes of this section, "profiling" means the practice of relying solely on race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, GENDER EXPRESSION, age, or disability in:

**SECTION 32.** In Colorado Revised Statutes, 24-33.5-517, **amend** (1)(a) as follows:

**24-33.5-517. Criminal justice data collection - definitions - repeal.** (1) Any state or local law enforcement agency that employs a peace officer who is involved in an officer-involved shooting that results in a person suspected of criminal activity being shot at by the officer shall report the following information to the division, in a format specified by the division:

(a) If known, the age, gender, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, race, ethnicity, and medically documented physical or mental disability of the suspect;

**SECTION 33.** In Colorado Revised Statutes, 24-50-112.5, **amend** (1)(b)(I) as follows:

**24-50-112.5. Selection system - definitions.** (1) (b) (I) Appointments and promotions to positions shall be based on a fair and open comparative analysis of candidates based on objective criteria. Selections shall be made without regard to race, color, creed, religion, national origin, ancestry, age, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, or political affiliation and without regard to sex or disability except as otherwise provided by law.

**SECTION 34.** In Colorado Revised Statutes, 25-4-401, **amend** (1)(b) as follows:

**25-4-401. Legislative declaration.** (1) The general assembly declares that:

(b) Coloradans have a right to receive accurate, confidential, and timely information to make informed decisions that promote their individual physical and mental health and well-being. This right applies to all Coloradans, regardless of geographic location, ethnic or racial background, income, ability, gender, gender identity, GENDER EXPRESSION, or sexual orientation.

**SECTION 35.** In Colorado Revised Statutes, **amend** 25-4-403 as follows:

**25-4-403. Eligibility - nondiscrimination.** Notwithstanding any other provision of this part 4 to the contrary, programs and services that provide for the investigation, identification, testing, preventive care, and treatment of sexually transmitted infections are available regardless of a person's actual or perceived race, creed, color, ancestry, national origin, religion, age, sex, sexual orientation, gender identity, GENDER EXPRESSION, mental or physical disability, familial status, marital status, or immigration status.

**SECTION 36.** In Colorado Revised Statutes, 25-4-2201, **amend** (1.5)(b) as follows:

**25-4-2201. Legislative declaration.** (1.5) The general assembly hereby determines and declares that:

(b) Vulnerable populations that are currently identified by race, ethnicity, sexual orientation, gender identity, GENDER EXPRESSION, disability status, aging population, and socioeconomic status, among others, experience poorer health status outcomes; and

**SECTION 37.** In Colorado Revised Statutes, 25-4-2202, **amend** (3.5) as follows:

**25-4-2202. Definitions.** As used in this part 22, unless the context otherwise requires:

(3.5) "Health disparities" means differences in health status, access to care, and quality of care as determined by race, ethnicity, sexual orientation, gender identity, GENDER EXPRESSION, disability status, aging population, socioeconomic status, and other factors.

**SECTION 38.** In Colorado Revised Statutes, 25-4-2206, **amend** (2)(a)(III) introductory portion as follows:

**25-4-2206. Health equity commission - creation - repeal.** (2) (a) The commission consists of the following fifteen members, who are as follows:

(III) The executive director of the department shall appoint ten members who represent, to the extent practical, Colorado's diverse ethnic, racial, sexual orientation, gender identity, GENDER EXPRESSION, disability, aging population, socioeconomic, and geographic backgrounds. Each person appointed to the commission must have demonstrated expertise in at least one, and preferably two, of the following areas:

**SECTION 39.** In Colorado Revised Statutes, 25-6-102, **amend** (1) as follows:

**25-6-102. Policy, authority, and prohibitions against restrictions.** (1) All medically acceptable contraceptive procedures, supplies, and information shall be readily and practicably available to each person desirous of the same regardless of sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, race, color, creed, religion, disability, age, income, number of children, marital status, citizenship, national origin, ancestry, or motive.

**SECTION 40.** In Colorado Revised Statutes, 25.5-5-406.1, **amend** (1)(b) and (1)(l) as follows:

**25.5-5-406.1. Required features of statewide managed care system.** (1) **General features.** All medicaid managed care programs must contain the following general features, in addition to others that the federal government, state department, and state board consider necessary for the effective and cost-efficient operation of those programs:

(b) The MCE shall not discriminate against enrolled members on the basis of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation,

gender identity, ~~and~~ GENDER expression, disability, religion, creed, or political beliefs, and shall not use any policy or practice that has the effect of discriminating on the basis of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity, ~~and~~ GENDER expression, disability, religion, creed, or political beliefs;

(l) The MCE shall provide and facilitate the delivery of services in a culturally competent manner to all members, including those with limited English proficiency, diverse cultural and ethnic backgrounds, and disabilities, and regardless of gender, sexual orientation, ~~or~~ gender identity, OR GENDER EXPRESSION;

**SECTION 41.** In Colorado Revised Statutes, 25.5-8-110, **amend** (2) as follows:

**25.5-8-110. Participation by managed care plans.** (2) Managed care plans participating in the plan shall not discriminate against any potential or current enrollee based upon health status, disability, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, race, creed, color, national origin, ancestry, ethnicity, or religion.

**SECTION 42.** In Colorado Revised Statutes, 26-1-120, **amend** (8.5) as follows:

**26-1-120. Merit system.** (8.5) The merit system provided by the counties ~~shall~~ MUST assure fair treatment of applicants and employees in all aspects of personnel administration without regard to race, creed, color, religion, age, disability, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, or ancestry.

**SECTION 43.** In Colorado Revised Statutes, 27-81-114, **amend** (1)(d) as follows:

**27-81-114. Rights of persons receiving evaluation, care, or treatment.** (1) A facility shall immediately advise each person receiving evaluation, care, or treatment under any provision of this article 81, orally and in writing, that the person has and is afforded the following rights:

(d) To be treated fairly and to receive the same consideration and access to appropriate services as others, regardless of race, color, national origin, age, gender identity, GENDER EXPRESSION, sexual orientation, political affiliation, religious beliefs, financial status, or disability;

**SECTION 44.** In Colorado Revised Statutes, 29-4-717, **amend** (2)(a) as follows:

**29-4-717. Findings - percentage of low-income families required.** (2) Prior to the authority's making or committing to make any housing facility loan, the authority shall find:

(a) That, with respect to ~~such~~ THE housing facility, no restrictions are imposed as to sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, race, creed, color, religion, ancestry, or national origin of occupants;

**SECTION 45.** In Colorado Revised Statutes, 39-3-112, **amend** (3) introductory

portion and (3)(b)(IV) as follows:

**39-3-112. Definitions - residential property - orphanage - low-income elderly or individuals with disabilities - homeless or abused - low-income households - charitable purposes - exemption - limitations.** (3) In order for property to be exempt from the levy and collection of property tax pursuant to subsection (2) of this section, the administrator ~~shall be required to~~ MUST find, pursuant to section 39-2-117, that:

(b) The residential structure is efficiently operated. Efficient operation is determined by the following factors:

(IV) That the owners and operators of ~~such~~ THE residential structure have no occupancy requirement that discriminates upon the basis of race, creed, color, religion, sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, national origin, or ancestry; however, if the owner or sponsoring organization is a religious denomination, said owners or operators may give preference to members of that denomination.

**SECTION 46.** In Colorado Revised Statutes, 39-22-104, **amend** (3)(e)(I) as follows:

**39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - legislative declaration - definitions - repeal.** (3) There shall be added to the federal taxable income:

(e)(I) Any expenses incurred by a taxpayer with respect to expenditures made at, or payments made to, a club licensed pursuant to section 44-3-418 that has a policy to restrict membership on the basis of sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, race, creed, religion, color, ancestry, or national origin. Any such club shall provide on each receipt furnished to a taxpayer a printed statement as follows:

The expenditures covered by this receipt are nondeductible for state income tax purposes.

**SECTION 47.** In Colorado Revised Statutes, 39-22-304, **amend** (2)(e)(I) as follows:

**39-22-304. Net income of corporation - legislative declaration - definitions - repeal.** (2) There shall be added to federal taxable income:

(e)(I) Any expenses incurred by a taxpayer with respect to expenditures made at, or payments made to, a club licensed pursuant to section 44-3-418 that has a policy to restrict membership on the basis of sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, race, creed, religion, color, ancestry, or national origin. Any such club shall provide on each receipt furnished to a taxpayer a printed statement as follows:

The expenditures covered by this receipt are nondeductible for state income tax purposes.



**SECTION 48.** In Colorado Revised Statutes, 40-10.1-605, **amend** (6)(a) introductory portion as follows:

**40-10.1-605. Operational requirements.** (6) (a) A transportation network company shall provide services to the public in a nondiscriminatory manner, regardless of: Geographic location of the departure point or destination once the driver and rider have been matched through the digital network; race; ethnicity; gender; sexual orientation, as defined in section 2-4-401 (13.5); ~~C.R.S.~~ gender identity, AS DEFINED IN SECTION 2-4-401 (3.5); GENDER EXPRESSION, AS DEFINED IN SECTION 2-4-401 (3.4); or disability that could prevent customers from accessing transportation. A driver shall not refuse to transport a passenger unless:

**SECTION 49.** In Colorado Revised Statutes, 44-3-418, **amend** (3)(b) as follows:

**44-3-418. Club license - legislative declaration.** (3) (b) Any club licensee that has a policy to restrict membership on the basis of sex, sexual orientation, GENDER IDENTITY, GENDER EXPRESSION, marital status, race, creed, religion, color, ancestry, or national origin shall, when issuing a receipt for expenses ~~which~~ THAT may otherwise be used by taxpayers for deduction purposes pursuant to section 162 (a) of the federal "Internal Revenue Code of 1986", as amended, for purposes of determining taxes owed pursuant to article 22 of title 39, incorporate a printed statement on the receipt as follows:

The expenditures covered by this receipt are  
nondeductible for state income tax purposes.

**SECTION 50. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 20, 2021