

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

INTRODUCED

LLS NO. 17-0483.02 Esther van Mourik x4215

SENATE BILL 17-283

SENATE SPONSORSHIP

Lundberg, Cooke, Hill, Lambert, Neville T., Sonnenberg

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION OF THE DISTINCTION BETWEEN**
102 **DISCRIMINATION AND THE FUNDAMENTAL RIGHT TO DISAGREE**
103 **IN THE LAW REGARDING DISCRIMINATION IN PLACES OF PUBLIC**
104 **ACCOMMODATION.**

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 specifies that it is not a discriminatory practice for a private business to decline to contract to provide goods or services:

! That convey a message with which the business chooses

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- not to associate itself or with which the business owner disagrees; or
- ! For an event that conveys a message with which the business chooses not to associate itself or with which the business owner disagrees.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) There is a profound distinction between discrimination and the
5 fundamental right to disagree. The right to disagree is the core unifying
6 principle of the unalienable rights of conscience enumerated in the First
7 Amendment of the United States Constitution.

8 (b) The current language of the commonly called "Colorado
9 Anti-Discrimination Act" does not give reasonable notice to businesses
10 as to what specific business decisions constitute unlawful discrimination;

11 (c) Colorado small business owners can be, and are being,
12 penalized for good faith business decisions;

13 (d) Most Coloradans consider the refusal to sell pre-made
14 inventoried goods because of a client's disability, race, creed, color, sex,
15 sexual orientation, marital status, national origin, or ancestry to be an
16 improper form of discrimination;

17 (e) On the other hand, many Coloradans believe that a business
18 has the fundamental right to decline to contract to provide goods or
19 services:

20 (I) When providing such goods or services conveys a message that
21 the business would rather not be associated with, chooses not to associate
22 itself with, or with which the business owner disagrees; or

23 (II) For an event that, at its core, conveys a message that the

1 business would rather not be associated with, chooses not to associate
2 itself with, or with which the business owner disagrees;

3 (f) The state issuance of business licenses does not convey
4 unbridled authority to the state to control private business decisions or to
5 coerce private parties to enter into contracts; and

6 (g) The authority to define what is and what is not discrimination
7 resides with the elected state legislature rather than with unelected state
8 commissions and administrative bodies.

9 (2) The general assembly further finds and declares that the
10 purpose of this legislation is to clarify the distinction between
11 discrimination and the fundamental right to disagree.

12 **SECTION 2.** In Colorado Revised Statutes, 24-34-601, **add** (4)
13 as follows:

14 **24-34-601. Discrimination in places of public accommodation**
15 **- definition.** (4) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS
16 SECTION, IT IS NOT A DISCRIMINATORY PRACTICE FOR A PRIVATE BUSINESS,
17 WHICH IS INCLUDED IN THE DEFINITION OF A PLACE OF PUBLIC
18 ACCOMMODATION IN SUBSECTION (1) OF THIS SECTION, TO DECLINE TO
19 CONTRACT TO PROVIDE GOODS OR SERVICES:

20 (a) THAT CONVEY A MESSAGE WITH WHICH THE BUSINESS CHOOSES
21 NOT TO ASSOCIATE ITSELF OR WITH WHICH THE BUSINESS OWNER
22 DISAGREES; OR

23 (b) FOR AN EVENT THAT CONVEYS A MESSAGE WITH WHICH THE
24 BUSINESS CHOOSES NOT TO ASSOCIATE ITSELF OR WITH WHICH THE
25 BUSINESS OWNER DISAGREES.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.