A BILL FOR AN ACT

Concerning clarification that the prohibition on an employer terminating an employee for the employee's lawful off-duty activities extends to activities that are lawful under state law even if those activities are not lawful under federal law.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill prohibits an employer from terminating an employee for the employee's lawful off-duty activities that are lawful under state law
even if those activities are not lawful under federal law.

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

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

(a) State law prohibits employers from terminating employees for lawful off-duty activities, including the off-duty consumption of alcohol;

(b) Although section 16 (1)(b) of article XVIII of the Colorado constitution requires that marijuana be regulated in a manner similar to alcohol, employers are currently allowed to terminate employees for off-duty consumption of marijuana; and

(c) By clarifying that the prohibition on termination for lawful off-duty activities includes activities that are lawful under state law, even if not lawful under federal law, the statute will be brought into harmony with the requirements of the Colorado constitution.

SECTION 2. In Colorado Revised Statutes, 24-34-402.5, amend (1) introductory portion as follows:

24-34-402.5. Unlawful prohibition of legal activities as a condition of employment. (1) It shall be discriminatory or unfair employment practice for an employer to terminate the employment of any employee due to that employee's engaging in any lawful activity that is lawful under state law while off the premises of the employer during nonworking hours, regardless of whether the activity is lawful under federal law, unless such a restriction:

SECTION 3. Act subject to petition - effective date - applicability. (1) 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 (August 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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