

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0634.01 Christy Chase x2008

HOUSE BILL 22-1144

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HOUSE SPONSORSHIP

**Baisley,**

SENATE SPONSORSHIP

**(None),**

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**House Committees**  
Health & Insurance

**Senate Committees**

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A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF INDIVIDUALS TO DEMONSTRATE  
102 NATURALLY ACQUIRED IMMUNITY TO COVID-19 IN LIEU OF  
103 COMPLYING WITH REQUIREMENTS IMPOSED TO LIMIT THE  
104 TRANSMISSION OF COVID-19.

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**Bill Summary**

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

The bill requires an employer, as a condition of employment, or a state agency that imposes a COVID-19 vaccine or testing requirement to allow a person subject to the requirement to instead provide

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.

documentation demonstrating that the person has naturally acquired immunity to the disease.

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

2           **SECTION 1. Short title.** The short title of this act is the  
3 "Naturally Acquired Immunity Equity and Inclusion Act".

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

6           (a) More than one hundred forty scientific studies, including, most  
7 notably, a study from the Kahn Sagol Maccabi Research and Innovation  
8 Center from August 25, 2021, entitled "Comparing SARS-CoV-2 natural  
9 immunity to vaccine-induced immunity: reinfections versus breakthrough  
10 infections", reflect that people previously infected with COVID-19,  
11 referred to as the "naturally immune" or people with "naturally acquired  
12 immunity", have superior protection from becoming infected with and  
13 transmitting SARS-CoV-2 than those vaccinated for COVID-19, referred  
14 to as the "vaccine immune" or people with "vaccine-induced immunity";

15           (b) "Naturally acquired immunity" or "natural immunity":

16           (I) Is found in an individual who:

17           (A) Has contracted SARS-CoV-2, has subsequently recovered,  
18 and has antibodies that are naturally occurring as a result of the immune  
19 system response of fighting off a foreign agent and having that disease  
20 "encoded" in the individual's cells; or

21           (B) Has received monoclonal antibody treatment; and

22           (II) Encompasses the natural progression to humoral immunity;

23           (c) "Vaccine-induced immunity" or "vaccine immunity" is found  
24 in an individual who has received the mRNA COVID-19 preparation,  
25 referred to as the "COVID-19 vaccine";

1 (d) With regard to the scientific studies reflecting the superior  
2 protections for the naturally immune, the federal centers for disease  
3 control and prevention (CDC) does not contest:

4 (I) Any of the data or studies, which collectively reviewed  
5 hundreds of thousands of naturally immune and vaccine-immune  
6 individuals and found that the rate of infection among the naturally  
7 immune (reinfections) is far lower than the rate of infection among the  
8 vaccinated (breakthrough cases); and

9 (II) Any of the studies and data cited that reflect that, consistent  
10 with the foregoing real-world data, the naturally immune have more  
11 robust and durable T cell and B cell immunity;

12 (e) The data and conclusions from these studies should suffice to  
13 justify lifting restrictions on people who are naturally immune at least to  
14 the same extent restrictions are lifted for people who are deemed vaccine  
15 immune;

16 (f) The uncontested data reflects that reinfection of the naturally  
17 immune is rare and occurs at a small fraction of the rate of breakthrough  
18 cases;

19 (g) Those with naturally acquired immunity have a negligible rate  
20 of reinfection;

21 (h) The vaccine immune have high breakthrough transmissions  
22 compared to the naturally immune;

23 (i) The studies do not support applying any additional limitations  
24 to the naturally immune that do not apply to the vaccinated;

25 (j) The studies also show that rates of reinfection in the naturally  
26 immune are lower than the rates of reinfection in the vaccine immune;

27 (k) The results of surviving a SARS-CoV-2 infection is a robust,

1 complete, and durable natural immunity that is in every way superior to  
2 vaccine-induced immunity;

3 (l) There are no studies demonstrating a clinical benefit to the  
4 COVID-19 vaccination in COVID-19 survivors or in those who have  
5 laboratory evidence of prior infection; however, there may be as high as  
6 a two- to four-fold increase of serious and permanent risks if a person  
7 with naturally acquired immunity receives a COVID-19 vaccine;

8 (m) Natural immunity is stunted by subsequent vaccinations, and  
9 notably, researchers in the United States who studied individuals with  
10 humoral immunity from two weeks to six months after vaccination in  
11 individuals with and without SARS-CoV-2 infection before vaccination:

12 (I) Noted that, "[a]ntispikes, anti-RBD and neutralization levels  
13 dropped more than 84% over 6 months' time in all [vaccinated] groups  
14 irrespective of prior SARS-CoV-2 infection";

15 (II) Observed that the fact that the levels drop following  
16 vaccination is an indication that vaccination is having an adverse effect  
17 on naturally acquired immunity; and

18 (III) Concluded that normal, longstanding, robust immunity does  
19 not typically show significant waning and, in fact, shows increasing  
20 potency over time, and in those recovered and subsequently vaccinated,  
21 immunity is dropping eighty-four percent over six months after  
22 vaccination;

23 (n) According to a study funded in part by the National Institutes  
24 of Health in January of 2021, researchers of the La Jolla Institute for  
25 Immunology analyzed immune cells and antibodies from almost two  
26 hundred people who had been exposed to SARS-CoV-2 and recovered  
27 and found a durable immune response, and the number of both T cells and

1 virus-specific B cells were found to significantly increase over time, with  
2 greater protection for the individual at six months than at one month;

3 (o) Internationally, countries such as Germany that have instituted  
4 severe COVID restrictions acknowledge the validity of natural immunity;

5 (p) Historically, the very concept of "herd immunity" is based  
6 upon scientific studies of naturally acquired immunity within a given  
7 community, so to deny naturally acquired immunity is to deny both  
8 historical precedent and science;

9 (q) An important October 2021 Israeli study of more than one  
10 hundred fifty thousand people found that naturally acquired immunity is  
11 thirteen times more effective than vaccine-induced immunity. Harvard  
12 Medical School professor Martin Kulldorff agrees, noting "Based on the  
13 solid evidence from the Israeli study, the Covid recovered have stronger  
14 and longer-lasting immunity against Covid disease than the vaccinated.  
15 Hence, there is no reason to prevent them from activities that are  
16 permitted to the vaccinated."

17 (r) On January 6, 2022, the National Collegiate Athletic  
18 Association's COVID-19 Medical Advisory Group released new guidance  
19 that acknowledges the validity and efficacy of naturally acquired  
20 immunity and stated, "Individuals within ninety days of a documented  
21 COVID-19 infection fall within the equivalent of 'fully vaccinated.'";

22 (s) On January 19, 2022, the CDC released a report indicating that  
23 those with naturally acquired immunity were six times less likely to  
24 contract the Delta variant of SARS-CoV-2 than those who received the  
25 COVID-19 vaccine;

26 (t) Based on all available science, there is neither a compelling  
27 state interest nor a rational basis to treat individuals who have recovered

1 from SARS-CoV-2 differently than those who have been vaccinated with  
2 regard to COVID-19-related restrictions and freedoms;

3 (u) The people and state of Colorado, as reflected in our laws and  
4 culture, support the noble ideals of equity and inclusion, and all citizens  
5 of this great state, regardless of disability, race, creed, color, sex, sexual  
6 orientation, gender identity, gender expression, religion, age, national  
7 origin, ancestry, or medical condition, are to be treated with fairness and  
8 justice;

9 (v) Coloradans also strive to be inclusive and to recognize,  
10 respect, and embrace those who look, worship, or think differently; and

11 (w) Therefore, it is the intent of the general assembly to enact the  
12 "Naturally Acquired Immunity Equity and Inclusion Act" to establish that  
13 naturally acquired immunity, for purposes of COVID-19 immunity  
14 verification, shall suffice in lieu of COVID-19 vaccination or testing.

15 **SECTION 3.** In Colorado Revised Statutes, **add** 8-2-131 as  
16 follows:

17 **8-2-131. Naturally acquired immunity in lieu of COVID-19**  
18 **vaccination or test - definitions.** (1) AS USED IN THIS SECTION:

19 (a) "COVID-19" MEANS THE CORONAVIRUS DISEASE 2019 CAUSED  
20 BY SARS-CoV-2.

21 (b) "EMPLOYEE" MEANS A PERSON WHO MAY BE PERMITTED,  
22 REQUIRED, OR DIRECTED BY ANY EMPLOYER, IN CONSIDERATION OF DIRECT  
23 OR INDIRECT GAIN OR PROFIT, TO ENGAGE IN ANY EMPLOYMENT AND  
24 INCLUDES AN APPLICANT FOR EMPLOYMENT.

25 (c) "EMPLOYER" MEANS A PERSON TRANSACTING BUSINESS IN  
26 COLORADO THAT, AT ANY TIME, EMPLOYS ANOTHER PERSON TO PERFORM  
27 SERVICES OF ANY NATURE AND THAT HAS CONTROL OF THE PAYMENT OF

1 WAGES FOR SUCH SERVICES OR IS THE OFFICER, AGENT, OR EMPLOYEE OF  
2 THE PERSON HAVING CONTROL OF THE PAYMENT OF WAGES.

3 (d) "NATURALLY ACQUIRED IMMUNITY" OR "NATURAL IMMUNITY":

4 (I) MEANS THAT AN INDIVIDUAL:

5 (A) HAS CONTRACTED SARS-CoV-2, HAS SUBSEQUENTLY  
6 RECOVERED, AND HAS ANTIBODIES THAT ARE NATURALLY OCCURRING AS  
7 A RESULT OF THE IMMUNE SYSTEM RESPONSE OF FIGHTING OFF A FOREIGN  
8 AGENT AND HAVING THAT DISEASE "ENCODED" IN THE INDIVIDUAL'S  
9 CELLS; OR

10 (B) HAS RECEIVED MONOCLONAL ANTIBODY TREATMENT; AND

11 (II) ENCOMPASSES THE NATURAL PROGRESSION TO HUMORAL  
12 IMMUNITY;

13 (e) "SARS-CoV-2" MEANS THE SEVERE ACUTE RESPIRATORY  
14 SYNDROME CORONAVIRUS 2, WHICH CAUSES COVID-19.

15 (f) "VACCINE" MEANS AN mRNA PREPARATION AGAINST  
16 SARS-CoV-2, WHICH PREPARATION MAY BE ADMINISTERED BY AN ORAL,  
17 INTRANASAL, SUBCUTANEOUS, OR INTRAMUSCULAR ROUTE.

18 (2) (a) IF AN EMPLOYER REQUIRES AN EMPLOYEE TO RECEIVE A  
19 VACCINE, TO SHOW PROOF OF HAVING RECEIVED A VACCINE, OR TO BE  
20 REGULARLY TESTED FOR COVID-19 AS A CONDITION OF AN OFFER OF  
21 EMPLOYMENT OR CONTINUED EMPLOYMENT WITH THE EMPLOYER, THE  
22 EMPLOYER SHALL ACCEPT, IN LIEU OF REQUIRING A VACCINE, PROOF OF  
23 HAVING RECEIVED A VACCINE, OR REGULAR TESTING FOR COVID-19,  
24 DOCUMENTATION DEMONSTRATING NATURALLY ACQUIRED IMMUNITY  
25 AGAINST SARS-CoV-2. THE DOCUMENTATION DEMONSTRATING NATURAL  
26 IMMUNITY MAY BE EITHER:

27 (I) DOCUMENTATION SHOWING THAT THE EMPLOYEE TESTED

1 POSITIVE FOR COVID-19; OR  
2 (II) DOCUMENTATION OF A SEROLOGY TEST AND T CELL TESTING,  
3 AS WELL AS OTHER TESTING AND NEW TECHNOLOGIES THAT MAY BECOME  
4 AVAILABLE, THAT PROVE A PREVIOUS SARS-CoV-2 INFECTION.  
5 (b) THE DOCUMENTATION DEMONSTRATING NATURALLY ACQUIRED  
6 IMMUNITY AGAINST SARS-CoV-2 MUST BE DATED AFTER MARCH 1, 2020.

7 **SECTION 4.** In Colorado Revised Statutes, **add** article 3.3 to title  
8 24 as follows:

9 **ARTICLE 3.3**  
10 **Limit on State Agencies -**  
11 **COVID-19 Vaccine and Testing Requirements**

12 **24-3.3-101. Definitions.** AS USED IN THIS ARTICLE 3.3, UNLESS  
13 THE CONTEXT OTHERWISE REQUIRES:

14 (1) "COVID-19" MEANS THE CORONAVIRUS DISEASE 2019 CAUSED  
15 BY SARS-CoV-2.

16 (2) "NATURALLY ACQUIRED IMMUNITY" OR "NATURAL IMMUNITY":

17 (a) MEANS THAT AN INDIVIDUAL:

18 (I) HAS CONTRACTED SARS-CoV-2, HAS SUBSEQUENTLY  
19 RECOVERED, AND HAS ANTIBODIES THAT ARE NATURALLY OCCURRING AS  
20 A RESULT OF THE IMMUNE SYSTEM RESPONSE OF FIGHTING OFF A FOREIGN  
21 AGENT AND HAVING THAT DISEASE "ENCODED" IN THE INDIVIDUAL'S  
22 CELLS; OR

23 (II) HAS RECEIVED MONOCLONAL ANTIBODY TREATMENT; AND

24 (b) ENCOMPASSES THE NATURAL PROGRESSION TO HUMORAL  
25 IMMUNITY;

26 (3) "SARS-CoV-2" MEANS THE SEVERE ACUTE RESPIRATORY  
27 SYNDROME CORONAVIRUS 2, WHICH CAUSES COVID-19.

1 (4) "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION,  
2 COUNCIL, BOARD, BUREAU, COMMITTEE, INSTITUTION OF HIGHER  
3 EDUCATION, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE EXECUTIVE,  
4 LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.

5 (5) "VACCINE" MEANS AN MRNA PREPARATION AGAINST  
6 SARS-CoV-2, WHICH PREPARATION MAY BE ADMINISTERED BY AN ORAL,  
7 INTRANASAL, SUBCUTANEOUS, OR INTRAMUSCULAR ROUTE.

8 **24-3.3-102. Naturally acquired immunity in lieu of COVID-19**  
9 **vaccination or test.** (1) IF A STATE AGENCY REQUIRES AN INDIVIDUAL TO  
10 RECEIVE A VACCINE, TO SHOW PROOF OF HAVING RECEIVED A VACCINE, OR  
11 TO BE REGULARLY TESTED FOR COVID-19, THE STATE AGENCY SHALL  
12 ACCEPT, IN LIEU OF REQUIRING A VACCINE, PROOF OF HAVING RECEIVED A  
13 VACCINE, OR REGULAR TESTING FOR COVID-19, DOCUMENTATION  
14 DEMONSTRATING NATURALLY ACQUIRED IMMUNITY AGAINST  
15 SARS-CoV-2. THE DOCUMENTATION DEMONSTRATING NATURAL  
16 IMMUNITY MAY BE EITHER:

17 (a) DOCUMENTATION SHOWING THAT THE INDIVIDUAL TESTED  
18 POSITIVE FOR COVID-19; OR

19 (b) DOCUMENTATION OF A SEROLOGY TEST AND T CELL TESTING,  
20 AS WELL AS OTHER TESTING AND NEW TECHNOLOGIES THAT MAY BECOME  
21 AVAILABLE, THAT PROVE A PREVIOUS SARS-CoV-2 INFECTION.

22 (2) THE DOCUMENTATION DEMONSTRATING NATURALLY ACQUIRED  
23 IMMUNITY AGAINST SARS-CoV-2 MUST BE DATED AFTER MARCH 1, 2020.

24 **SECTION 5. Act subject to petition - effective date.** This act  
25 takes effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly; except  
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this  
2 act within such period, then the act, item, section, or part will not take  
3 effect unless approved by the people at the general election to be held in  
4 November 2022 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor.