

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0651.01 Christy Chase x2008

HOUSE BILL 22-1200

HOUSE SPONSORSHIP

Van Winkle, Neville, Ransom

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT AN EMPLOYER GRANT AN
102 EMPLOYEE AN EXEMPTION FROM A COVID-19 VACCINE
103 REQUIREMENT UNDER SPECIFIED CIRCUMSTANCES.

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 that imposes a COVID-19 vaccine requirement to grant an employee an exemption if the employee submits a written request stating that compliance with the requirement would endanger the employee's or household member's health and well-being or would violate or conflict with the employee's sincerely held religious

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.

beliefs. If an employer terminates an employee for failing to comply with the employer's COVID-19 vaccine requirement, the terminated employee is not disqualified from eligibility for unemployment benefits.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 8-2-131 as
3 follows:

4 **8-2-131. Vaccine mandate - required exemptions - eligibility**
5 **for unemployment benefits preserved - definitions.**

6 (1)(a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF
7 AN EMPLOYER IMPLEMENTS A COVID-19 VACCINE REQUIREMENT, THE
8 EMPLOYER SHALL EXEMPT AN EMPLOYEE FROM THE REQUIREMENT,
9 WITHOUT PUNITIVE ACTION, IF THE EMPLOYEE SUBMITS A WRITTEN WAIVER
10 REQUEST TO THE EMPLOYER STATING THAT COMPLYING WITH THE
11 REQUIREMENT WOULD:

12 (I) ENDANGER THE HEALTH AND WELL-BEING OF THE EMPLOYEE OR
13 AN INDIVIDUAL WHO RESIDES WITH THE EMPLOYEE; OR

14 (II) VIOLATE OR CONFLICT WITH A SINCERELY HELD RELIGIOUS
15 BELIEF OF THE EMPLOYEE, AS EVIDENCED BY AN ACCOMPANYING WRITTEN
16 STATEMENT SIGNED BY THE EMPLOYEE.

17 (b) AN EMPLOYER SHALL GRANT AN EXEMPTION REQUESTED IN
18 ACCORDANCE WITH THIS SUBSECTION (1) BASED ON SINCERELY HELD
19 RELIGIOUS BELIEFS WITHOUT INQUIRING INTO THE SINCERITY OF THE
20 REQUEST.

21 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE 8 TO
22 THE CONTRARY, IF AN EMPLOYER TERMINATES AN EMPLOYEE FOR
23 REFUSING TO COMPLY WITH THE EMPLOYER'S COVID-19 VACCINE
24 REQUIREMENT, THE TERMINATED EMPLOYEE SHALL NOT BE DISQUALIFIED

1 FROM ELIGIBILITY TO RECEIVE BENEFITS UNDER THE "COLORADO
2 EMPLOYMENT SECURITY ACT", ARTICLES 70 TO 82 OF THIS TITLE 8, ON
3 ACCOUNT OF THE TERMINATION.

4 (3) AS USED IN THIS SECTION:

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

7 (b) "COVID-19 VACCINE" MEANS AN IMMUNIZATION,
8 VACCINATION, OR INJECTION AGAINST COVID-19 OR A DISEASE CAUSED
9 BY A VARIANT OF SARS-CoV-2.

10 (c) (I) "COVID-19 VACCINE REQUIREMENT" MEANS A
11 REQUIREMENT THAT AN EMPLOYER IMPOSES ON AN EMPLOYEE TO:

12 (A) RECEIVE A COVID-19 VACCINE; OR

13 (B) PROVIDE DOCUMENTATION CERTIFYING RECEIPT OF A
14 COVID-19 VACCINE.

15 (II) "COVID-19 VACCINE REQUIREMENT" INCLUDES AN
16 EMPLOYER'S ENFORCEMENT OF A REQUIREMENT DESCRIBED IN SUBSECTION
17 (3)(c)(I) OF THIS SECTION THAT IS IMPOSED BY THE FEDERAL GOVERNMENT
18 OR ANY OTHER ENTITY.

19 (d) "EMPLOYEE" MEANS:

20 (I) AN INDIVIDUAL WHO IS EMPLOYED IN THIS STATE FOR WAGES
21 BY AN EMPLOYER;

22 (II) AN APPLICANT FOR EMPLOYMENT BY AN EMPLOYER; OR

23 (III) AN UNCOMPENSATED INTERN OR APPRENTICE WORKING FOR
24 OR ENGAGED BY AN EMPLOYER.

25 (e) "EMPLOYER" MEANS ANY PERSON IN THIS STATE WHO EMPLOYS
26 ONE OR MORE PERSONS, INCLUDING THE STATE AND ANY POLITICAL
27 SUBDIVISION OF THE STATE.

1 (f) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION,
2 ORGANIZATION, CORPORATION, LEGAL REPRESENTATIVE, TRUSTEE,
3 TRUSTEE IN BANKRUPTCY, OR RECEIVER.

4 (g) "PUNITIVE ACTION" MEANS ANY OF THE FOLLOWING ACTIONS
5 RELATED TO THE EMPLOYEE'S EXEMPTION REQUEST:

- 6 (I) TERMINATION OR REFUSAL TO HIRE;
- 7 (II) DEMOTION;
- 8 (III) TRANSFER;
- 9 (IV) REASSIGNMENT;
- 10 (V) SUSPENSION;
- 11 (VI) REPRIMAND;
- 12 (VII) WARNING OF POSSIBLE DISMISSAL;
- 13 (VIII) WITHHOLDING OF WORK; OR
- 14 (IX) ASSESSING ANY MONETARY PENALTY OR UNREASONABLE
15 CHARGE.

16 (h) "RELIGIOUS BELIEF" INCLUDES THEISTIC AND NONTHEISTIC
17 MORAL AND ETHICAL BELIEFS AS TO WHAT IS RIGHT AND WRONG THAT ARE
18 SINCERELY HELD WITH THE STRENGTH OF TRADITIONAL RELIGIOUS VIEWS.

19 (i) "SARS-CoV-2" MEANS THE SEVERE ACUTE RESPIRATORY
20 SYNDROME CORONAVIRUS 2.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.