

During the 2023 legislative session, the General Assembly examined a number of measures related to civil law. Specifically, the legislature passed bills that made changes to consumer protections, asset forfeiture, and reproductive and civil rights.

### Reproductive Rights

The General Assembly enacted a law to shield reproductive health care providers from civil suits. Another related bill addressed deceptive advertising penalties for pregnancy resource centers.

**Protections from out-of-state legal actions.** In response to laws passed in other states that restrict access to abortions or gender-affirming care, *Senate Bill 23-188* codifies protections for health care providers and facilities that provide reproductive health care in compliance with Colorado law. The bill specifically shields Colorado providers and patients who come here seeking abortion care or gender affirming treatment from being subjected to criminal prosecution or civil lawsuits initiated in other states.

**False advertising.** *Senate Bill 23-190* makes it a deceptive trade practice to directly or indirectly advertise abortions, emergency contraceptives, or referrals for these services when the person does not provide these services. Violators may face

civil penalties of up to \$20,000 for each infraction under the Colorado Consumer Protection Act. The bill also makes it medical misconduct to prescribe an abortion reversal pill, unless three of the state's medical boards find it is a "generally accepted standard or practice".

### Consumer Protection

Lawmakers overhauled Colorado's consumer protection code with *House Bill 23-1192*, which repeals and reenacts the "Colorado Antitrust Act of 1992" as the "Colorado State Antitrust Act of 2023". The bill specifically modifies existing laws and definitions related to unfair and anticompetitive practices and removes barriers to pursuing legal action. Among other changes, the bill:

- makes facilitating or aiding another person's anti-trust violation a violation of the act;
- allows the Attorney General to deem investigative records available to public inspection and issue public statements and warnings;
- allows for additional remedies to fully compensate injured parties;
- changes maximum civil penalty from \$250,000 to \$1.0 million per violation;
- changes maximum criminal penalty from \$1.0 million to \$5.0 million; and
- clarifies the statute of limitations for violations and exempts the Attorney General from the statute of limitations.



Additionally, the bill extends the time limit for price gouging laws to 180 days after a disaster declaration ends.

## Civil Rights

Colorado law prohibits discrimination based on protected class in employment, housing, and places of public accommodation. A number of bills passed in 2023 that enforced, clarified, or strengthened these civil rights laws.

### Remedies persons with disabilities.

*House Bill 23-1032* prohibits businesses from discriminating on the basis of disability in places of public accommodation (i.e. restaurants, theaters, doctors' offices, pharmacies, hotels, etc.). The bill further permits individuals with disabilities who allege discrimination in a place of public accommodation to file a complaint directly with a court instead of first exhausting administrative remedies. Individuals who are found to be discriminated against are also entitled to enhanced remedies, including a court order requiring compliance along with either actual monetary damages or a statutory fine.

**Disability task force.** *House Bill 23-1296* creates the Rights of Coloradans with Disabilities Task Force. The task force includes four subcommittees to identify any barriers, gaps, or deficiencies in existing laws, regulations, policies, and practices that affect the rights and inclusion of individuals with disabilities.

**Workers' rights.** *Senate Bill 23-172* makes changes to state law regarding discriminatory and unfair labor practices. The bill expands the definition of harassment as it pertains to workplace matters and removes the requirement that the conduct needs to be "severe or pervasive" to constitute discriminatory or unfair employment practices. Additionally, the bill specifies that a single instance cannot qualify as harassment. Employers are also given an opportunity to assert an affirmative defense, as long as records of harassment complaints were properly document and maintained.

Lastly, the bill includes deterrence measures to prevent future harassment by modernizing language around non-disclosure agreements, expanding protections for people with disabilities, and adding marital status as a protected class.

**Civil protections.** Under current law, the Department of Law (DOL) has statutory responsibilities to address various civil rights violations and to implement civil protections for Colorado residents. Recent legislation adopted by the General Assembly has increased the responsibilities of the DOL with respect to protecting civil rights, including investigating violations by governmental authorities, protecting civil rights for workers, and enforcing fair housing laws. *Senate Bill 23-247* codifies DOL responsibilities and recent funding in a new division within DOL.



## Asset Forfeiture

Colorado law allows law enforcement, district attorneys, cities, and other agencies to seize property suspected of being linked to a crime, whether or not the owner is found guilty. To better understand the extent of this practice, *House Bill 23-1086* updates reporting requirements in the Department of Local Affairs (DOLA) civil asset forfeiture report. Local law enforcement agencies, including district attorneys, are required to submit this information to DOLA to satisfy the new reporting requirements, which include:

- outcome of the forfeiture proceeding, including if the owner defaulted or was an innocent owner, or if the property was forfeited by court order, settlement, or plea agreement; and,
- estimated value of the property seized.

