

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0085.01 Renee Leone x2695

HOUSE BILL 26-1272

HOUSE SPONSORSHIP

Froelich and Velasco,

SENATE SPONSORSHIP

Cutter and Weissman,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROTECTIONS FOR WORKERS NECESSITATED BY CLIMATE
102 CHANGE.

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 the department of labor and employment (CDLE), on or before January 1, 2027, to begin collecting data concerning temperature-related injury or illness or temperature-related emergencies at worksites in the state, including by requiring the division of labor standards and statistics (division) to:

- Develop a platform on CDLE's website where users can

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

provide information about occurrences of temperature-related injury or illness or temperature-related emergencies;

- Obtain from the department of public health and environment (CDPHE) data that CDPHE has collected through its syndromic surveillance program regarding occurrences of heat-related injury or illness or heat-related emergencies; and
- Collect similar data from the division of workers' compensation and the Center for Improving Value in Health Care.

On or before January 1, 2028, the bill requires the division to develop a model temperature-related injury and illness prevention plan (TRIIPP) that thereafter must be made available on CDLE's website.

Employers of workers who are exposed to extreme hot or cold temperatures at worksites are required to develop and submit a TRIIPP to the division on or before September 1, 2028, and the division is required to develop procedures regarding how often employers will be required to submit an updated TRIIPP and how the division will handle review of TRIIPPs.

Lastly, the bill requires CDLE to develop training standards related to temperature safety and ensure that employers are providing proper training to workers who are affected by extreme temperatures.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 8-14.4-101
3 as follows:

4 **8-14.4-101. Definitions.**

5 As used in this article 14.4, unless the context otherwise requires:

6 (1) "ACCLIMATIZED" MEANS THE BODY'S ADAPTATION TO WORK IN
7 THE HEAT OR COLD AS THE BODY IS EXPOSED TO HEAT OR COLD
8 GRADUALLY OVER TIME, WHICH REDUCES THE STRAIN CAUSED BY HEAT
9 STRESS OR COLD STRESS AND REDUCES THE CHANCE OF DEVELOPING
10 HEAT-RELATED INJURY OR ILLNESS OR COLD-RELATED INJURY OR ILLNESS.

11 (†) (2) "Agricultural employment" has the meaning set forth in
12 section 8-13.5-201 (2).

1 (3) "COLD-RELATED INJURY OR ILLNESS" MEANS A SERIOUS
2 MEDICAL CONDITION RESULTING FROM THE BODY'S INABILITY TO COPE
3 WITH COLD STRESS. SIGNS AND SYMPTOMS OF COLD-RELATED INJURY OR
4 ILLNESS MAY INCLUDE NUMBNESS, THE FEELING OF PINS AND NEEDLES,
5 BLUE AND BLOTCHY SKIN, ACHES, FATIGUE, CONFUSION, DISORIENTATION,
6 EXCESSIVE SHIVERING, AND LOSS OF COORDINATION.

7 (4) "COLD-TEMPERATURE TRIGGER" MEANS A TEMPERATURE AT
8 WHICH AN INDIVIDUAL, IF EXPOSED FOR A PROLONGED PERIOD, MAY BE AT
9 RISK OF SUFFERING FROM A COLD-RELATED INJURY OR ILLNESS OR
10 TEMPERATURE-RELATED EMERGENCY.

11 ~~(1.5)~~ (5) "Department" means the department of labor and
12 employment.

13 ~~(2)~~ (6) "Division" means the division of labor standards and
14 statistics in the department.

15 (7) "HEAT-RELATED INJURY OR ILLNESS" MEANS A SERIOUS
16 MEDICAL CONDITION RESULTING FROM THE BODY'S INABILITY TO COPE
17 WITH HEAT STRESS. SIGNS AND SYMPTOMS OF HEAT-RELATED INJURY OR
18 ILLNESS MAY INCLUDE HEADACHE, NAUSEA, WEAKNESS, DIZZINESS,
19 ELEVATED BODY TEMPERATURE, MUSCLE CRAMPS, AND MUSCLE PAIN OR
20 SPASMS.

21 (8) "HEAT-TEMPERATURE TRIGGER" MEANS A TEMPERATURE AT
22 WHICH AN INDIVIDUAL, IF EXPOSED FOR A PROLONGED PERIOD, MAY BE AT
23 RISK OF SUFFERING FROM A HEAT-RELATED INJURY OR ILLNESS OR
24 TEMPERATURE-RELATED EMERGENCY.

25 (9) "POTABLE DRINKING WATER" MEANS WATER THAT IS SAFE FOR
26 HUMAN CONSUMPTION.

27 ~~(3)~~ (10) "Principal" means:

1 (a) An "employer" as set forth in the federal "Fair Labor Standards
2 Act of 1938", 29 U.S.C. sec. 203 (d);

3 (b) A foreign labor contractor ~~and~~ OR a migratory field labor
4 contractor or crew leader;

5 (c) The state of Colorado, local governments, and political
6 subdivisions of the state as defined in section 1-7.5-103 (6);

7 (d) An entity that contracts with five or more independent
8 contractors in the state each year; and

9 (e) A person or entity engaged in agricultural employment.

10 ~~(4)~~ (11) "Public health emergency" means:

11 (a) A public health order issued by a state or local public health
12 agency; or

13 (b) A disaster emergency declared by the governor based on a
14 public health concern.

15 (12) "SHADE" MEANS THE BLOCKAGE OF DIRECT SUNLIGHT, SUCH
16 THAT OBJECTS DO NOT CAST A SHADOW IN THE AREA OF BLOCKED
17 SUNLIGHT.

18 (13) "SIGNS OR SYMPTOMS OF A COLD EMERGENCY" MEANS THE
19 PHYSIOLOGICAL MANIFESTATION OF A COLD-RELATED INJURY OR ILLNESS,
20 INCLUDING HYPOTHERMIA, FROSTBITE, DROWSINESS, LOSS OF
21 CONSCIOUSNESS, OR TRENCH FOOT.

22 (14) "SIGNS OR SYMPTOMS OF A HEAT EMERGENCY" MEANS THE
23 PHYSIOLOGICAL MANIFESTATION OF A HEAT-RELATED INJURY OR ILLNESS,
24 INCLUDING HEAT STROKE, HEAT EXHAUSTION, FAINTING, OR LOSS OF
25 CONSCIOUSNESS.

26 (15) "TEMPERATURE-RELATED EMERGENCY" MEANS A SERIOUS
27 MEDICAL EMERGENCY IN WHICH A WORKER IS EXHIBITING SIGNS OR

1 SYMPTOMS OF A HEAT EMERGENCY OR SIGNS OR SYMPTOMS OF A COLD
2 EMERGENCY.

3 (16) "TEMPERATURE-RELATED INJURY OR ILLNESS" MEANS
4 COLD-RELATED INJURY OR ILLNESS, HEAT-RELATED INJURY OR ILLNESS, OR
5 BOTH.

6 (17) "TRIIPP" OR "TEMPERATURE-RELATED INJURY AND ILLNESS
7 PREVENTION PLAN" MEANS A WORKSITE TEMPERATURE-RELATED INJURY
8 AND ILLNESS PREVENTION PLAN REQUIRED BY SECTION 8-14.4-101.5 (4).

9 ~~(5)~~ (18) "Worker" means:

10 (a) An "employee" as defined in section 8-4-101 (5); or

11 (b) ~~A person~~ AN INDIVIDUAL who works for an entity that
12 contracts with five or more independent contractors in the state each year.

13 (19) "WORKER AFFECTED BY EXTREME TEMPERATURES" MEANS A
14 WORKER WHO WORKS OUTDOORS OR IS OTHERWISE SUBJECT TO
15 EXPOSURES AT OR ABOVE THE HEAT-TEMPERATURE TRIGGER OR AT OR
16 BELOW THE COLD-TEMPERATURE TRIGGER FOR A DURATION THAT THE
17 DIVISION DETERMINES MAY RESULT IN A TEMPERATURE-RELATED INJURY
18 OR ILLNESS OR A TEMPERATURE-RELATED EMERGENCY.

19 (20) "WORKSITE" MEANS A PHYSICAL LOCATION WHERE A
20 PRINCIPAL'S WORK OR OPERATIONS ARE PERFORMED.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 8-14.4-101.5 as
22 follows:

23 **8-14.4-101.5. Worker protection - extreme temperatures -**
24 **temperature-related injury and illness prevention plan - legislative**
25 **declaration - rules.**

26 (1) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS AND
27 DECLARES THAT:

1 (a) CLIMATE CHANGE IS EXACERBATING THE EFFECTS OF EXTREME
2 WEATHER EVENTS, INCLUDING EXTREME HEAT, EXTREME COLD, DROUGHT,
3 AND WILDFIRE IN COLORADO;

4 (b) SINCE 2011, COLORADO HAS MADE IT A PRIORITY TO TRACK
5 TEMPERATURE-RELATED INJURY AND ILLNESS AND TO ENSURE
6 COLORADANS ARE AWARE OF THE RISKS OF EXPOSURE TO EXTREME HEAT
7 AND EXTREME COLD;

8 (c) IN 2024, COLORADO'S LARGEST WORKERS' COMPENSATION
9 INSURER HAS INDICATED THAT INDOOR AND OUTDOOR WORKERS IN THE
10 STATE ARE FIFTY-TWO PERCENT MORE LIKELY TO EXPERIENCE INJURY
11 DURING EXTREME TEMPERATURE EVENTS;

12 (d) SINCE 2021, FEDERAL EXPERTS AT THE UNITED STATES
13 DEPARTMENT OF LABOR HAVE RECOGNIZED THAT WORKERS WORKING IN
14 EXTREME TEMPERATURES NEED ADDITIONAL PROTECTIONS, AND THE
15 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION HAS ASSERTED
16 THAT EXPOSURE TO EXTREME TEMPERATURES IN THE WORKPLACE POSES
17 A SIGNIFICANT RISK OF SERIOUS INJURY AND ILLNESS;

18 (e) THE STATE'S ECONOMY DEPENDS ON THE LABOR OF WORKERS
19 ACROSS MANY SECTORS AND INDUSTRIES WHO ARE ROUTINELY EXPOSED
20 TO DANGEROUS WORKING CONDITIONS, INCLUDING EXTREME HEAT,
21 EXTREME COLD, AND OTHER ENVIRONMENTAL HAZARDS THAT MAY
22 THREATEN THEIR HEALTH, SAFETY, AND LIVES. THE RISKS THESE WORKERS
23 FACE INCREASE AS OUTDOOR TEMPERATURES BECOME MORE VOLATILE,
24 AND WORKERS WHO ARE EXPOSED TO PROLONGED HEAT OR COLD
25 SOMETIMES SUFFER PREVENTABLE INJURIES, ILLNESSES, AND DEATHS.

26 (f) THE STATE'S CURRENT PROTECTIONS ARE INADEQUATE TO
27 PROTECT WORKERS EXPOSED TO EXTREME TEMPERATURES AT WORKSITES.

1 EXISTING WORKPLACE STANDARDS DO NOT REQUIRE COMPREHENSIVE
2 PREVENTION PLANS; DO NOT GUARANTEE ACCESS TO POTABLE DRINKING
3 WATER, SHADE, OR COOL-DOWN OR WARM-UP AREAS; AND DO NOT
4 ESTABLISH PROCEDURES FOR MONITORING TEMPERATURES, ADJUSTING
5 WORK PRACTICES DURING EXTREME HEAT OR EXTREME COLD, OR
6 PROTECTING NEWLY HIRED OR RETURNING WORKERS WHO ARE NOT
7 ACCLIMATIZED. AS A RESULT, MANY WORKERS CONTINUE TO FACE UNSAFE
8 CONDITIONS WITHOUT ENFORCEABLE SAFEGUARDS.

9 (g) THE ABSENCE OF CONSISTENT STATEWIDE STANDARDS
10 CREATES UNEQUAL PROTECTIONS ACROSS INDUSTRIES AND REGIONS,
11 LEAVING THE MOST VULNERABLE WORKERS, INCLUDING THOSE WHO WORK
12 IN LOW-PAYING POSITIONS, AT THE GREATEST RISK OF HARM. THESE
13 WORKERS OFTEN FACE ADDITIONAL BARRIERS, SUCH AS FEAR OF
14 RETALIATION, LIMITED ACCESS TO COMPLAINT SYSTEMS OR REPORTING,
15 AND A LACK OF ACCESSIBLE INFORMATION IN A LANGUAGE THEY
16 UNDERSTAND. THESE BARRIERS CONTRIBUTE TO UNDERREPORTING OF
17 DANGEROUS CONDITIONS AND PREVENT TIMELY INTERVENTION.

18 (h) REQUIRING PRINCIPALS TO ADOPT CLEAR, PROACTIVE
19 MEASURES, INCLUDING MONITORING AND RECORDING TEMPERATURE
20 CONDITIONS, PROVIDING POTABLE DRINKING WATER AND REST BREAKS,
21 ENSURING ACCESS TO SHADE OR SHELTER, DEVELOPING WRITTEN
22 PREVENTION AND RESPONSE PLANS, AND ADEQUATELY TRAINING
23 WORKERS, IS NECESSARY TO REDUCE TEMPERATURE-RELATED INJURIES
24 AND ILLNESSES IN THE STATE. THE STATE SHOULD REQUIRE PROTECTIONS
25 THAT ARE PRACTICAL, EVIDENCE-BASED, AND ACHIEVABLE FOR
26 EMPLOYERS OF ALL SIZES.

27 (i) PROTECTING WORKERS FROM EXTREME TEMPERATURES IS A

1 MATTER OF PUBLIC HEALTH AND SAFETY AND ECONOMIC STABILITY.
2 ENSURING SAFER WORKING CONDITIONS ACROSS INDUSTRIES WILL REDUCE
3 PREVENTABLE MEDICAL EMERGENCIES, SUPPORT WORKFORCE RETENTION
4 AND PRODUCTIVITY, AND PROMOTE FAIRNESS FOR PRINCIPALS THAT
5 ALREADY COMPLY WITH HIGH SAFETY STANDARDS.

6 (j) ESTABLISHING STATEWIDE ENFORCEABLE PROTECTIONS FOR
7 WORKERS EXPOSED TO EXTREME TEMPERATURES IS NECESSARY TO
8 SAFEGUARD THE STATE'S WORKFORCE, STRENGTHEN FAMILIES AND
9 COMMUNITIES, AND UPHOLD THE STATE'S RESPONSIBILITY TO ENSURE THAT
10 WORKERS CAN PERFORM THEIR DUTIES WITHOUT RISKING THEIR HEALTH,
11 THEIR SAFETY, OR THEIR LIVES.

12 (2) **Data collection - model temperature-related injury and**
13 **illness prevention plan.**

14 (a) ON OR BEFORE JANUARY 15, 2027, THE DIVISION SHALL:

15 (I) DEVELOP A PLATFORM ON THE DEPARTMENT'S WEBSITE WHERE
16 USERS CAN PROVIDE INFORMATION ABOUT OCCURRENCES OF
17 TEMPERATURE-RELATED INJURY OR ILLNESS OR TEMPERATURE-RELATED
18 EMERGENCIES AT WORKSITES IN THE STATE;

19 (II) OBTAIN DATA FROM THE DEPARTMENT OF PUBLIC HEALTH AND
20 ENVIRONMENT USING THE DEPARTMENT OF PUBLIC HEALTH AND
21 ENVIRONMENT'S CURRENT SYNDROMIC SURVEILLANCE PROGRAM, OR A
22 SUCCESSOR PROGRAM, TO TRACK OCCURRENCES OF HEAT-RELATED INJURY
23 OR ILLNESS OR HEAT-RELATED EMERGENCIES AT WORKSITES IN THE STATE;
24 AND

25 (III) BEGIN WORKING WITH:

26 (A) THE DIVISION OF WORKERS' COMPENSATION TO PERIODICALLY,
27 AND AT LEAST TWICE ANNUALLY, COLLECT INFORMATION CONCERNING

1 CLAIMS FOR WORKERS' COMPENSATION THAT INVOLVE
2 TEMPERATURE-RELATED INJURY OR ILLNESS OR TEMPERATURE-RELATED
3 EMERGENCIES; AND

4 (B) THE CENTER FOR IMPROVING VALUE IN HEALTH CARE, OR A
5 SUCCESSOR ORGANIZATION, TO PERIODICALLY, AND AT LEAST TWICE
6 ANNUALLY, COLLECT INFORMATION CONCERNING OCCURRENCES OF
7 TEMPERATURE-RELATED INJURY OR ILLNESS OR TEMPERATURE-RELATED
8 EMERGENCIES AT WORKSITES IN THE STATE.

9 (b) (I) ON OR BEFORE JANUARY 1, 2028, USING DATA COLLECTED
10 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND ANY OTHER
11 AVAILABLE RESOURCES, THE DIVISION SHALL DEVELOP A MODEL TRIIPP.
12 THE MODEL TRIIPP MAY INCLUDE:

13 (A) A LIST OF THE TYPE OF WORK ACTIVITIES COVERED BY THE
14 TRIIPP;

15 (B) AN IDENTIFICATION OF THE TEMPERATURE METRIC THAT A
16 PRINCIPAL SHALL MONITOR, INCLUDING THE HEAT-TEMPERATURE TRIGGER
17 AND THE COLD-TEMPERATURE TRIGGER;

18 (C) A MONITORING PLAN TO ENSURE WORKER SAFETY WHEN A
19 WORKER IS EXPOSED TO CONDITIONS AT OR ABOVE THE
20 HEAT-TEMPERATURE TRIGGER OR AT OR BELOW THE COLD-TEMPERATURE
21 TRIGGER;

22 (D) A PLAN FOR WARM-UP BREAKS FOR WORKERS WHO ARE
23 EXPOSED TO CONDITIONS AT OR BELOW THE COLD-TEMPERATURE TRIGGER;

24 (E) A PLAN FOR COOL-DOWN BREAKS, WITH ACCESS TO SHADE OR
25 AN AIR-CONDITIONED AREA, FOR WORKERS WHO ARE EXPOSED TO
26 CONDITIONS AT OR ABOVE THE HEAT-TEMPERATURE TRIGGER;

27 (F) A PLAN FOR ENSURING THAT WORKERS HAVE EASY ACCESS TO

1 POTABLE DRINKING WATER AND A CLIMATE-APPROPRIATE REST AREA; AND

2 (G) ADDITIONAL POLICIES AND PROCEDURES AS DETERMINED
3 NECESSARY BY THE DIVISION.

4 (II) THE DIVISION'S MODEL TRIIPP MUST ALSO INCLUDE A SAMPLE
5 TEMPERATURE-RELATED EMERGENCY RESPONSE PLAN OR PROVIDE
6 INFORMATION REGARDING BEST PRACTICES FOR CREATING A
7 TEMPERATURE-RELATED EMERGENCY RESPONSE PLAN.

8 (3) **Rule-making and access to model temperature-related
9 injury and illness prevention plan.**

10 (a) BY JANUARY 15, 2027, THE DIVISION SHALL BEGIN A
11 RULE-MAKING PROCEEDING, IN ACCORDANCE WITH SECTION 8-14.4-108
12 AND IN RESPONSE TO THE DATA COLLECTED PURSUANT TO SUBSECTION
13 (2)(a) OF THIS SECTION, TO ADOPT RULES NECESSARY TO IMPLEMENT THIS
14 SECTION.

15 (b) (I) ON AND AFTER JANUARY 15, 2028, THE DIVISION SHALL
16 ENSURE THE MODEL TRIIPP, DEVELOPED PURSUANT TO SUBSECTION (2)(b)
17 OF THIS SECTION, IS AVAILABLE ON THE DEPARTMENT'S WEBSITE IN A
18 FORMAT THAT CAN BE VIEWED OR DOWNLOADED.

19 (II) THE DIVISION SHALL ANNUALLY REVIEW AND MAKE
20 NECESSARY UPDATES TO THE MODEL TRIIPP.

21 (4) **Principal submitted temperature-related injury and illness
22 prevention plan - review process.**

23 (a) A PRINCIPAL THAT EMPLOYS WORKERS AFFECTED BY EXTREME
24 TEMPERATURES SHALL SUBMIT AN INITIAL TRIIPP TO THE DIVISION FOR
25 REVIEW ON OR BEFORE SEPTEMBER 1, 2028.

26 (b) IN ACCORDANCE WITH THE DIVISION'S RULE-MAKING
27 AUTHORITY PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE DIVISION

1 SHALL:

2 (I) DEVELOP A PROCEDURE FOR REVIEWING AND APPROVING A
3 TRIIPP;

4 (II) DEVELOP A PROCEDURE BY WHICH THE DIVISION CAN REQUIRE
5 A PRINCIPAL TO MAKE CHANGES TO A TRIIPP THAT THE DIVISION
6 DETERMINES DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS
7 SECTION; AND

8 (III) SPECIFY WHEN AND HOW OFTEN A PRINCIPAL MUST SUBMIT AN
9 UPDATED TRIIPP TO THE DIVISION FOR REVIEW.

10 (5) **Temperature-related injury or illness and**
11 **temperature-related emergency prevention training.**

12 (a) THE DEPARTMENT SHALL DEVELOP TRAINING STANDARDS FOR
13 THE PREVENTION OF TEMPERATURE-RELATED INJURY OR ILLNESS AND
14 TEMPERATURE-RELATED EMERGENCIES AND ENSURE THAT A PRINCIPAL
15 THAT EMPLOYS WORKERS AFFECTED BY EXTREME TEMPERATURES
16 PROPERLY TRAINS EACH WORKER IN A MANNER THAT ENSURES EACH
17 WORKER UNDERSTANDS THE TRAINING.

18 (b) A PRINCIPAL THAT FAILS TO PROPERLY TRAIN WORKERS
19 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION MAY BE REPORTED TO
20 THE DIVISION AND MAY BE SUBJECT TO PENALTIES PURSUANT TO SECTION
21 8-14.4-105.

22 (6) THIS SECTION IS NOT INTENDED TO SUPERSEDE OR DIMINISH A
23 COLLECTIVE BARGAINING AGREEMENT THAT:

24 (a) PROVIDES EQUAL OR GREATER RIGHTS OR PROTECTIONS FOR
25 WORKERS; OR

26 (b) REQUIRES EQUAL OR MORE PROTECTIVE WORKPLACE HEALTH
27 AND SAFETY PROCEDURES.

1 **SECTION 3.** In Colorado Revised Statutes, 8-14.4-106, **amend**
2 (2) introductory portion, (3)(a), (3)(b), and (3)(d); and **add** (6) as follows:

3 **8-14.4-106. Relief authorized.**

4 (2) A court may order affirmative relief that the court determines
5 to be appropriate, including the following relief, against a respondent who
6 is found to have ~~engaged in a discriminatory, adverse, or retaliatory~~
7 ~~employment practice prohibited by~~ VIOLATED this article 14.4:

8 (3) (a) In addition to the relief available pursuant to subsection (2)
9 of this section, in a civil action brought by a plaintiff under this article
10 14.4 against a defendant who is found to have engaged in an intentional
11 ~~discriminatory, adverse, or retaliatory employment practice~~ VIOLATION OF
12 THIS ARTICLE 14.4, the plaintiff may recover compensatory and punitive
13 damages as specified in this subsection (3).

14 (b) A plaintiff may recover punitive damages against a defendant
15 if the plaintiff demonstrates by clear and convincing evidence that the
16 defendant ~~engaged in a discriminatory, adverse, or retaliatory~~
17 ~~employment practice~~ VIOLATED THIS ARTICLE 14.4 with malice or reckless
18 indifference to the rights of the plaintiff. However, if the defendant
19 demonstrates good faith efforts to comply with this article 14.4 and to
20 prevent ~~discriminatory, adverse, and retaliatory employment practices in~~
21 ~~the workplace~~ VIOLATIONS OF THIS ARTICLE 14.4, the court shall not
22 award punitive damages against the defendant.

23 (d) In determining the appropriate level of damages to award a
24 plaintiff who has been the victim of an intentional ~~discriminatory,~~
25 ~~adverse, or retaliatory employment practice~~ VIOLATION OF THIS ARTICLE
26 14.4, the court shall consider the size and assets of the defendant and the
27 egregiousness of the ~~discriminatory, adverse, or retaliatory employment~~

1 ~~practice~~ VIOLATION.

2 (6) THIS ARTICLE 14.4 IS NOT INTENDED TO LIMIT OR AFFECT A
3 WORKER'S RIGHTS OR REMEDIES UNDER THE "WORKERS' COMPENSATION
4 ACT OF COLORADO", ARTICLES 40 TO 47 OF THIS TITLE 8. THE RIGHTS AND
5 REMEDIES PROVIDED BY THIS ARTICLE 14.4 ARE IN ADDITION TO THOSE
6 RIGHTS AND REMEDIES SET FORTH IN ARTICLES 40 TO 47 OF THIS TITLE 8.

7 **SECTION 4. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2026 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.