

CHAPTER 401

GOVERNMENT - STATE

HOUSE BILL 26-1417

BY REPRESENTATIVE(S) Soper and Bacon, Boesenecker, Duran, Froelich, Goldstein, Hamrick, Jackson, Lieder, McCormick, Nguyen, Phillips, Ricks, Rutinel, Stewart K., Story;
also SENATOR(S) Roberts and Rich, Daugherty, Exum, Jodeh, Kipp, Kolker, Marchman, Coleman.

AN ACT**CONCERNING THE DISABILITY-RELATED ACCOMMODATION REQUIREMENT OF A TESTING ENTITY.**

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

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

(a) Equal access to education and professional opportunity is a fundamental right. Professional or licensure-based examinations serve as critical gateways to advancement, employment, and economic mobility. Denial of equitable access to these assessments undermines the promise of equal opportunity and perpetuates systemic inequities.

(b) Individuals with disabilities continue to face persistent and well-documented barriers in testing environments. These barriers may include inaccessible formats, inadequate accommodations, rigid timing structures, and discriminatory policies or practices that fail to account for diverse needs. Such barriers do not reflect an individual's knowledge or ability, but rather the failure of systems to provide equitable access.

(c) Reasonable accommodations are essential to ensuring fairness, not advantage. Accommodations such as extended time, alternative formats, assistive technology, and accessible testing environments are necessary to level the playing field and ensure that examinations measure aptitude and achievement rather than the impact of a disability.

(d) Anti-discrimination statutes play a critical role in protecting these rights. Laws prohibiting discrimination on the basis of disability, including requirements for

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

reasonable accommodations, establish clear standards, accountability mechanisms, and avenues for redress. These protections are essential to preventing exclusionary practices and ensuring consistent access across institutions and jurisdictions.

(e) The erosion or inadequate enforcement of these protections threatens equal access. Without strong statutory safeguards and meaningful enforcement, individuals with disabilities may be denied opportunities, discouraged from participation, or forced to navigate inconsistent and burdensome processes to secure basic accommodations.

(f) Ensuring equal access benefits not only individuals, but society as a whole. When barriers are removed, individuals with disabilities are better able to contribute their talents, perspectives, and expertise to the workforce, civic life, and broader community. Inclusive systems strengthen economic growth, innovation, and social equity.

(g) It is therefore the intent of the general assembly to affirm and strengthen protections that guarantee equal access to examinations. Accordingly, the general assembly declares that equal access to examinations is a matter of civil rights, employment equity, and public interest and must be protected through robust and enforceable anti-discrimination laws.

(h) In a recent District Court decision, *Catherine Dunn V. National Board of Medical Examiners*, case number 25CV34093, the court determined that the defendant was not subject to Colorado's statutory protections for test takers with disabilities. The decision to grant a preliminary injunction does not address section 24-34-806, which clearly states that failure to accommodate is a proper cause of action.

(2) The general assembly further finds and declares that it is the general assembly's intent that the National Board of Medical Examiners is a covered entity in this context, and that it is necessary to amend section 24-34-806 to align with 42 U.S.C. sec. 12189 to further ensure Colorado's workforce has equitable access to opportunities.

SECTION 2. In Colorado Revised Statutes, 24-34-806, **amend** (2)(c) and (3)(a) introductory portion as follows:

24-34-806. Testing accommodations for Coloradans with disabilities - right of action - legislative declaration - definitions.

(2) As used in this section, unless the context otherwise requires:

(c) "Testing entity" means ~~a private entity of this state or a state or local governmental entity of this state that offers an exam related to licensing or certification for professional or trade purposes and has control over testing accommodation decisions.~~ ANY PERSON, BUSINESS, OR STATE OR LOCAL GOVERNMENT AGENCY THAT OFFERS EXAMINATIONS OR COURSES RELATED TO APPLICATIONS, LICENSING, CERTIFICATION, OR CREDENTIALING FOR SECONDARY OR POSTSECONDARY EDUCATION, OR FOR PROFESSIONAL OR TRADE PURPOSES.

(3) (a) A testing entity must OFFER EXAMINATIONS OR COURSES IN A PLACE AND MANNER ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES OR MUST OFFER ALTERNATIVE ACCESSIBLE ARRANGEMENTS FOR SUCH INDIVIDUALS AND grant an individual's request for a testing accommodation on a licensing exam if the individual:

SECTION 3. Act subject to petition - effective date. 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 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 4, 2026