

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0519.01 Yelana Love x2295

SENATE BILL 21-005

SENATE SPONSORSHIP

Woodward, Cooke, Gardner, Hisey, Holbert, Lundeen, Rankin, Zenzinger

HOUSE SPONSORSHIP

Larson, Geitner, Ransom, Rich, Will

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING EXEMPTIONS FROM ORDERS REQUIRING BUSINESSES TO**
102 **CLOSE.**

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 exempts a business from a public health agency order or executive order requiring businesses to close if:

- The products sold or services offered by the business are also available at a business that has not been required by the applicable order to cease or limit operations and the open business is operating at a physical location in the

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.*

- geographical area that is subject to the order; and
● The business that is required by the applicable order to limit or cease operations complies with any safety precautions that the order requires of businesses that are permitted to continue operations.

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 "Small
3 Business Fairness Act".

4 **SECTION 2.** In Colorado Revised Statutes, 25-1-114, **amend**
5 (1)(a); and **add** (6) as follows:

6 **25-1-114. Unlawful acts - penalties - definitions.** (1) It is
7 unlawful for any person, association, or corporation, and the officers
8 thereof:

9 (a) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, to
10 willfully violate, disobey, or disregard the provisions of the public health
11 laws or the terms of any lawful notice, order, standard, rule, or regulation
12 issued pursuant thereto; or

13 (6) (a) NOTWITHSTANDING ANY OTHER LAW, A PERSON OPERATING
14 A BUSINESS THAT THE GOVERNOR, THE DEPARTMENT, OR A PUBLIC HEALTH
15 AGENCY HAS ORDERED TO CEASE OR LIMIT OPERATIONS DUE TO A
16 DECLARED EMERGENCY, AN EPIDEMIC, A THREATENED EPIDEMIC, OR THE
17 UNUSUAL PREVALENCE OF A DANGEROUS COMMUNICABLE DISEASE, MAY
18 CONTINUE OR RESUME OPERATIONS IF:

19 (I) THE PRODUCTS SOLD OR SERVICES OFFERED BY THE BUSINESS
20 ARE ALSO AVAILABLE AT A BUSINESS THAT HAS NOT BEEN REQUIRED BY
21 THE APPLICABLE ORDER TO CEASE OR LIMIT OPERATIONS AND THE OPEN
22 BUSINESS IS OPERATING AT A PHYSICAL LOCATION IN THE GEOGRAPHICAL
23 AREA THAT IS SUBJECT TO THE ORDER; AND

1 (II) THE BUSINESS THAT IS REQUIRED BY THE APPLICABLE ORDER
2 TO LIMIT OR CEASE OPERATIONS COMPLIES WITH ANY SAFETY
3 PRECAUTIONS THAT THE ORDER REQUIRES OF BUSINESSES THAT ARE
4 PERMITTED TO CONTINUE OPERATIONS.

5 (b) AS USED IN THIS SUBSECTION (6):

6 (I) "ORDER" INCLUDES:

7 (A) A NOTICE, STANDARD, RULE, OR REGULATION ISSUED BY THE
8 DEPARTMENT OR A PUBLIC HEALTH AGENCY; AND

9 (B) AN EXECUTIVE ORDER ISSUED BY THE GOVERNOR.

10 (II) "PUBLIC HEALTH AGENCY" MEANS AN ORGANIZATION
11 OPERATED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT OR ITS
12 DESIGNEES THAT ACTS PRINCIPALLY TO PROTECT OR PRESERVE THE
13 PUBLIC'S HEALTH.

14 **SECTION 3.** In Colorado Revised Statutes, 25-1-516, **amend**
15 (1)(a); and **add** (4) as follows:

16 **25-1-516. Unlawful acts - penalties - definition.** (1) It is
17 unlawful for any person, association, or corporation, and the officers
18 thereof to:

19 (a) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION,
20 willfully violate, disobey, or disregard the provisions of the public health
21 laws or the terms of any lawful notice, order, standard, or rule;

22 (4)(a) NOTWITHSTANDING ANY OTHER LAW, A PERSON OPERATING
23 A BUSINESS THAT THE GOVERNOR, THE STATE DEPARTMENT, OR A PUBLIC
24 HEALTH AGENCY HAS ORDERED TO CEASE OR LIMIT OPERATIONS DUE TO
25 A DECLARED EMERGENCY, AN EPIDEMIC, A THREATENED EPIDEMIC, OR THE
26 UNUSUAL PREVALENCE OF A DANGEROUS COMMUNICABLE DISEASE, MAY
27 CONTINUE OR RESUME OPERATIONS IF:

1 (I) THE PRODUCTS SOLD OR SERVICES OFFERED BY THE BUSINESS
2 ARE ALSO AVAILABLE AT A BUSINESS THAT HAS NOT BEEN REQUIRED BY
3 THE APPLICABLE ORDER TO CEASE OR LIMIT OPERATIONS AND THE OPEN
4 BUSINESS IS OPERATING AT A PHYSICAL LOCATION IN THE GEOGRAPHICAL
5 AREA THAT IS SUBJECT TO THE ORDER; AND

6 (II) THE BUSINESS THAT IS REQUIRED BY THE APPLICABLE ORDER
7 TO LIMIT OR CEASE OPERATIONS COMPLIES WITH ANY SAFETY
8 PRECAUTIONS THAT THE ORDER REQUIRES OF BUSINESSES THAT ARE
9 PERMITTED TO CONTINUE OPERATIONS.

10 (b) AS USED IN THIS SUBSECTION (4), "ORDER" INCLUDES:

11 (I) A NOTICE, STANDARD, RULE, OR REGULATION ISSUED BY THE
12 STATE DEPARTMENT OR A PUBLIC HEALTH AGENCY; AND

13 (II) AN EXECUTIVE ORDER ISSUED BY THE GOVERNOR.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.