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SENATE BILL 21-087

BY SENATOR(S) Danielson and Moreno, Fields, Pettersen, Bridges, Buckner, Coleman, Fenberg, Gonzales, Hansen, Jaquez Lewis, Kolker, Rodriguez, Story, Winter, Garcia;
also REPRESENTATIVE(S) McCormick and Caraveo, Duran, Kennedy, Sirota, Woodrow, Young, Amabile, Bacon, Bennett, Bird, Boesenecker, Cutter, Daugherty, Exum, Froelich, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, McCluskie, Michaelson Jenet, Mullica, Valdez A.

CONCERNING AGRICULTURAL WORKERS' RIGHTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add 8-2-206** as follows:

8-2-206. Agricultural employers - agricultural employees - violations - penalties - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADVERSE ACTION" MEANS A DEMOTION, REASSIGNMENT TO A LOWER-RANKED POSITION OR TO A POSITION WITH A LOWER LEVEL OF

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.

COMPENSATION, DECREASE IN COMPENSATION LEVEL, DENIAL OF PROMOTION, OR TERMINATION OF EMPLOYMENT; OR OTHER DECISION FOR EMPLOYMENT PURPOSES THAT ADVERSELY AFFECTS AN AGRICULTURAL EMPLOYEE.

(b) "AGRICULTURAL EMPLOYEE" MEANS A PERSON EMPLOYED BY AN AGRICULTURAL EMPLOYER.

(c) "AGRICULTURAL EMPLOYER" HAS THE SAME MEANING SET FORTH IN SECTION 8-3-104 (1).

(d) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

(e) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND STATISTICS IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(2) THE RIGHTS, REMEDIES, AND PENALTIES SPECIFIED IN THIS SECTION ARE IN ADDITION TO ANY RIGHTS, REMEDIES, OR PENALTIES AVAILABLE TO AGRICULTURAL EMPLOYEES UNDER ARTICLE 3 OR 6 OF THIS TITLE 8, PART 2 OF ARTICLE 13.5 OF THIS TITLE 8, ARTICLE 14.4 OF THIS TITLE 8, OR ANY OTHER REMEDIES AVAILABLE PURSUANT TO LAW.

(3) (a) AN AGRICULTURAL EMPLOYER SHALL NOT RETALIATE AGAINST ANY PERSON, INCLUDING AN AGRICULTURAL EMPLOYEE, ASSERTING OR SEEKING RIGHTS PROTECTED UNDER ARTICLE 3 OR 6 OF THIS TITLE 8, PART 2 OF ARTICLE 13.5 OF THIS TITLE 8, ARTICLE 14.4 OF THIS TITLE 8, INCLUDING COMPLAINING PUBLICLY OR SUPPORTING AN AGRICULTURAL EMPLOYEE SEEKING OR ASSERTING RIGHTS, REMEDIES, OR PENALTIES UNDER THOSE PROVISIONS OF THIS TITLE 8, OR ANY OTHER REMEDIES AVAILABLE PURSUANT TO LAW.

(b) THERE IS A REBUTTABLE PRESUMPTION THAT AN AGRICULTURAL EMPLOYER THAT TAKES AN ADVERSE ACTION AGAINST AN AGRICULTURAL EMPLOYEE WITHIN NINETY DAYS AFTER THE AGRICULTURAL EMPLOYEE HAS ASSERTED OR SOUGHT ANY PROTECTED RIGHTS, REMEDIES, OR PENALTIES UNDER ARTICLE 3 OR 6 OF THIS TITLE 8, PART 2 OF ARTICLE 13.5 OF THIS TITLE 8, ARTICLE 14.4 OF THIS TITLE 8, OR ANY OTHER REMEDIES AVAILABLE PURSUANT TO LAW HAS RETALIATED AGAINST THE AGRICULTURAL EMPLOYEE.

(c) AN AGRICULTURAL EMPLOYEE, A PERSON WHO HAS A FAMILIAL OR WORKPLACE RELATIONSHIP WITH THE AGRICULTURAL EMPLOYEE, OR A PERSON WITH WHOM THE AGRICULTURAL EMPLOYEE EXCHANGES CARE OR SUPPORT WHO HAS BEEN AGGRIEVED BY RETALIATION BY A PERSON MAY ASSERT A CLAIM:

(I) IN DISTRICT COURT FOR INJUNCTIVE AND EQUITABLE REMEDIES, A PENALTY IN THE AMOUNT OF THE GREATER OF THE ACTUAL DAMAGES OR TEN THOUSAND DOLLARS FOR EACH VIOLATION, AND ATTORNEY FEES AND COSTS; OR

(II) WITH THE DIVISION PURSUANT TO RULES ADOPTED BY THE DIRECTOR. THE DIRECTOR MAY INVESTIGATE AND ORDER ALL REMEDIES AVAILABLE IN DISTRICT COURT OR MAY DECLINE TO INVESTIGATE AND THUS AUTHORIZE THE COMPLAINANT TO FILE SUIT IN DISTRICT COURT. A DECISION BY THE DIRECTOR TO DECLINE TO INVESTIGATE MUST BE MADE WITHIN NINETY DAYS AFTER THE CLAIM IS FILED AS ESTABLISHED BY RULE OF THE DIRECTOR. THE STATUTE OF LIMITATIONS IS TOLLED FOR THE PURPOSE OF FILING A CLAIM IN DISTRICT COURT FROM THE DATE THAT THE CLAIM IS ASSERTED UNTIL NINETY DAYS AFTER THE DIRECTOR DECLINES TO INVESTIGATE THE CLAIM.

(4) (a) IF A PERSON WHO HAS ENGAGED IN RETALIATION HAS VIOLATED THIS SECTION OR HAS VIOLATED ARTICLE 3 OR 6 OF THIS TITLE 8, PART 2 OF ARTICLE 13.5 OF THIS TITLE 8, OR ARTICLE 14.4 OF THIS TITLE 8 IN A MANNER THAT HAS HARMED AN AGRICULTURAL EMPLOYEE, THE DIRECTOR MAY COMMENCE AN ACTION IN DISTRICT COURT ON BEHALF OF THE STATE OF COLORADO AGAINST THE PERSON WHO RETALIATED AGAINST:

(I) AN AGRICULTURAL EMPLOYEE;

(II) A PERSON WHO HAS A FAMILIAL OR WORKPLACE RELATIONSHIP WITH THE AGRICULTURAL EMPLOYEE; OR

(III) A PERSON WITH WHOM THE AGRICULTURAL EMPLOYEE EXCHANGES CARE OR SUPPORT.

(b) THE DIRECTOR MAY SEEK AN ORDER IMPOSING RESTITUTION, INJUNCTIVE AND EQUITABLE REMEDIES, AND AN APPROPRIATE PENALTY OF MORE THAN ONE HUNDRED DOLLARS BUT NOT MORE THAN ONE THOUSAND

DOLLARS PER VIOLATION.

SECTION 2. In Colorado Revised Statutes, 8-3-104, **amend** the introductory portion, (1), (11), and (12); and **add** (1.5) as follows:

8-3-104. Definitions. As used in this ~~article~~ ARTICLE 3, unless the context otherwise requires:

(1) (a) ~~"All-union agreement" means a contractual provision between an employer or group of employers and a collective bargaining unit representing some or all of the employees of the employer or group of employers providing for any type of union security and compelling an employee's financial support or allegiance to a labor organization. "All-union agreement" includes, but is not limited to, contractual provision for a union shop, a modified union shop, an agency shop (meaning a contractual provision which provides for periodic payment of a sum in lieu of union dues but does not require union membership), a modified agency shop, a prehire agreement, maintenance of dues, or maintenance of membership.~~ "AGRICULTURAL EMPLOYER" MEANS A PERSON THAT:

(I) REGULARLY ENGAGES THE SERVICES OF ONE OR MORE EMPLOYEES OR CONTRACTS WITH ANY PERSON WHO RECRUITS, SOLICITS, HIRES, EMPLOYS, FURNISHES, OR TRANSPORTS EMPLOYEES; AND

(II) IS ENGAGED IN ANY SERVICE OR ACTIVITY INCLUDED IN SECTION 203 (f) OF THE FEDERAL "FAIR LABOR STANDARDS ACT OF 1938", 29 U.S.C. SEC. 201 ET SEQ., AS AMENDED, OR ENGAGED IN "AGRICULTURAL LABOR" AS DEFINED IN SECTION 3121 (g) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

(b) THE MEANING OF "AGRICULTURAL EMPLOYER" MUST BE LIBERALLY CONSTRUED FOR THE PROTECTION OF PERSONS PROVIDING SERVICES TO AN EMPLOYER.

(1.5) "ALL-UNION AGREEMENT" MEANS A CONTRACTUAL PROVISION BETWEEN AN EMPLOYER OR GROUP OF EMPLOYERS AND A COLLECTIVE BARGAINING UNIT REPRESENTING SOME OR ALL OF THE EMPLOYEES OF THE EMPLOYER OR GROUP OF EMPLOYERS PROVIDING FOR ANY TYPE OF UNION SECURITY AND COMPELLING AN EMPLOYEE'S FINANCIAL SUPPORT OR ALLEGIANCE TO A LABOR ORGANIZATION. "ALL-UNION AGREEMENT"

INCLUDES, BUT IS NOT LIMITED TO, CONTRACTUAL PROVISION FOR A UNION SHOP, A MODIFIED UNION SHOP, AN AGENCY SHOP (MEANING A CONTRACTUAL PROVISION THAT PROVIDES FOR PERIODIC PAYMENT OF A SUM IN LIEU OF UNION DUES BUT DOES NOT REQUIRE UNION MEMBERSHIP), A MODIFIED AGENCY SHOP, A PREHIRE AGREEMENT, MAINTENANCE OF DUES, OR MAINTENANCE OF MEMBERSHIP.

(11) (a) "Employee" includes any person: ~~other than an independent contractor, domestic servants employed in and about private homes, and farm and ranch labor;~~

(I) Working for another for hire in the state of Colorado in a nonexecutive or nonsupervisory capacity, and ~~shall~~ IS NOT ~~be~~ limited to the employees of a particular employer and ~~shall include~~ INCLUDES any individual whose work has ceased solely as a consequence of or in connection with any current labor dispute or because of any unfair labor practice on the part of an employer; and

~~(b)~~ (II) (A) Who has not refused or failed to return to work upon the final disposition of a labor dispute or a charge of an unfair labor practice by a tribunal having competent jurisdiction of the same or whose jurisdiction was accepted by the employee or ~~his~~ THE EMPLOYEE'S representative;

~~(c)~~ (B) Who has not been found to have committed or to have been a party to any unfair labor practice under this ~~article~~ ARTICLE 3;

~~(d)~~ (C) Who has not obtained regular and substantially equivalent employment elsewhere; or

~~(e)~~ (D) Who has not been absent from ~~his~~ THE PERSON'S employment for a substantial period of time during which reasonable expectancy of settlement has ceased, except by an employer's unlawful refusal to bargain, and whose place has been filled by another engaged in the regular manner for an indefinite or protracted period and not merely for the duration of a strike or lockout. ~~but shall not include any individual employed in the domestic service of a family or person at his home or any individual employed by his parent or spouse or any employee who is subject to the federal "Railway Labor Act".~~

(b) "EMPLOYEE" DOES NOT INCLUDE:

(I) AN INDEPENDENT CONTRACTOR;

(II) DOMESTIC SERVANTS EMPLOYED IN AND ABOUT PRIVATE HOMES;

(III) AN INDIVIDUAL EMPLOYED BY THE INDIVIDUAL'S PARENT OR SPOUSE;

(IV) AN EMPLOYEE WHO IS SUBJECT TO THE FEDERAL "RAILWAY LABOR ACT", 45 U.S.C. SEC. 151 ET SEQ., AS AMENDED; OR

(V) A PARENT, SPOUSE, OR CHILD OF AN AGRICULTURAL EMPLOYER'S IMMEDIATE FAMILY.

~~(f) For purposes of this subsection (11), "farm" means stock, dairy, poultry, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, orchards, and other structures used for the raising of agricultural or horticultural commodities, provided such structures are utilized for at least fifty percent of the total output produced.~~

(12) (a) (I) "Employer" means a person who regularly engages the services of eight or more employees, other than persons within the classes expressly exempted under the terms of subsection (11) of this section. ~~and~~

(II) "EMPLOYER" includes:

(A) Any person acting on behalf of ~~any such~~ AN employer within the scope of ~~his~~ THE EMPLOYER'S authority, express or implied; ~~The term~~ AND

(B) AN AGRICULTURAL EMPLOYER.

(b) "EMPLOYER" does not include the state or any political subdivision thereof, except where the state or any political subdivision thereof acquires or operates a mass transportation system or any carrier by railroad, express company, or sleeping car company subject to the federal "Railway Labor Act", 45 U.S.C. sec. 151 et seq., AS AMENDED, or any labor organization or anyone acting in behalf of such organization other than when ~~he~~ THE EMPLOYER is acting as an employer-in-fact.

SECTION 3. In Colorado Revised Statutes, **add** 8-6-101.5 as follows:

8-6-101.5. Minimum wage for agricultural workers - rest periods - overwork protections - definition. (1) (a) ON AND AFTER JANUARY 1, 2022, EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, THE MINIMUM WAGE REQUIREMENTS OF SECTION 15 OF ARTICLE XVIII OF THE STATE CONSTITUTION, AND ANY MINIMUM WAGE LAWS ENACTED PURSUANT TO THIS ARTICLE 6, APPLY TO AGRICULTURAL EMPLOYERS EMPLOYING AGRICULTURAL WORKERS.

(b) THE COLORADO MINIMUM WAGE THAT AN AGRICULTURAL EMPLOYER MUST PAY TO AN AGRICULTURAL WORKER WHO IS PRINCIPALLY ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK, AS DESCRIBED IN 29 CFR 780.323 TO 29 CFR 780.329, ON THE OPEN RANGE IS:

(I) BEGINNING JANUARY 1, 2022, AND THROUGH DECEMBER 31, 2022, FIVE HUNDRED FIFTEEN DOLLARS PER WEEK; AND

(II) BEGINNING JANUARY 1, 2023, THE MINIMUM WAGE REQUIRED IN THE PRIOR CALENDAR YEAR ADJUSTED ANNUALLY AS MEASURED BY THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD OR ITS PREDECESSOR OR SUCCESSOR INDEX. THE DIRECTOR MAY SET A HIGHER MINIMUM WAGE THAN IS REQUIRED IN THIS SUBSECTION (1)(b)(II) CONSISTENT WITH THE DIRECTOR'S AUTHORITY AND DUTIES, INCLUDING UNDER THIS ARTICLE 6.

(2) (a) AN AGRICULTURAL WORKER IS ENTITLED TO AN UNINTERRUPTED AND DUTY-FREE MEAL PERIOD OF AT LEAST A THIRTY-MINUTE DURATION WHEN THE AGRICULTURAL WORKER'S SHIFT EXCEEDS FIVE CONSECUTIVE HOURS. THE MEAL PERIODS, TO THE EXTENT PRACTICABLE, MUST BE AT LEAST ONE HOUR AFTER THE START, AND ONE HOUR BEFORE THE END, OF THE SHIFT. AN AGRICULTURAL WORKER MUST BE RELIEVED OF ALL DUTIES AND PERMITTED TO PURSUE PERSONAL ACTIVITIES FOR A PERIOD TO QUALIFY AS NONWORK, UNCOMPENSATED TIME. IF THE NATURE OF THE BUSINESS ACTIVITIES OR OTHER CIRCUMSTANCES MAKES THE UNINTERRUPTED MEAL PERIOD IMPRACTICAL, THE AGRICULTURAL EMPLOYEE MUST BE PERMITTED TO CONSUME AN ON-DUTY MEAL WHILE PERFORMING DUTIES. AN AGRICULTURAL EMPLOYEE MUST BE PERMITTED TO FULLY CONSUME A MEAL OF CHOICE WHILE WORKING AND BE FULLY COMPENSATED FOR THE ON-DUTY MEAL PERIOD WITHOUT ANY LOSS OF TIME OR COMPENSATION.

(b) AN AGRICULTURAL WORKER IS ENTITLED TO AN UNINTERRUPTED AND DUTY-FREE REST PERIOD OF AT LEAST TEN MINUTES WITHIN EACH FOUR HOURS OF WORK.

(c) THIS SUBSECTION (2) DOES NOT APPLY TO A TRUCK DRIVER WHOSE SOLE AND PRINCIPAL DUTY IS TO HAUL LIVESTOCK OR TO A COMBINE OR HARVESTER OPERATOR WHILE HARVESTING.

(3) AS USED IN THIS SECTION, "AGRICULTURAL WORKER" HAS THE MEANING SET FORTH IN SECTION 8-13.5-201 (3).

SECTION 4. In Colorado Revised Statutes, **add** 8-6-120 as follows:

8-6-120. Overtime wages for agricultural workers - legislative declaration. THE DIRECTOR SHALL PROMULGATE RULES PROVIDING MEANINGFUL OVERTIME AND MAXIMUM HOURS PROTECTIONS TO AGRICULTURAL EMPLOYEES TO BE PROPOSED NO LATER THAN OCTOBER 31, 2021, AND ADOPTED NO LATER THAN JANUARY 31, 2022. IN PROMULGATING SUCH RULES, THE DIRECTOR SHALL CONSIDER THE INEQUITY AND RACIST ORIGINS OF THE EXCLUSION OF AGRICULTURAL EMPLOYEES FROM OVERTIME AND MAXIMUM HOURS PROTECTIONS AVAILABLE TO OTHER EMPLOYEES, THE FUNDAMENTAL RIGHT OF ALL EMPLOYEES TO OVERTIME AND MAXIMUM HOURS STANDARDS THAT PROTECT THE HEALTH AND WELFARE OF EMPLOYEES, AND THE UNIQUE DIFFICULTIES AGRICULTURAL EMPLOYEES HAVE OBTAINING WORKPLACE CONDITIONS EQUAL TO THOSE PROVIDED TO OTHER EMPLOYEES.

SECTION 5. In Colorado Revised Statutes, **add** part 2 to article 13.5 of title 8 as follows:

PART 2
LABOR CONDITIONS FOR AGRICULTURAL WORKERS

8-13.5-201. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AGRICULTURAL EMPLOYER" HAS THE SAME MEANING SET FORTH IN SECTION 8-3-104 (1).

(2) "AGRICULTURAL EMPLOYMENT" MEANS EMPLOYMENT IN ANY SERVICE OR ACTIVITY INCLUDED IN SECTION 203 (f) OF THE FEDERAL "FAIR LABOR STANDARDS ACT OF 1938", 29 U.S.C. SEC. 201 ET SEQ., AS AMENDED, OR SECTION 3121 (g) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

(3) "AGRICULTURAL WORKER" OR "WORKER" MEANS A WORKER ENGAGED IN ANY SERVICE OR ACTIVITY INCLUDED IN SECTION 203 (f) OF THE FEDERAL "FAIR LABOR STANDARDS ACT OF 1938", 29 U.S.C. SEC. 201 ET SEQ., AS AMENDED, OR SECTION 3121 (g) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

(4) "AGRICULTURAL WORKER'S REPRESENTATIVE" MEANS A PERSON OR ENTITY DESIGNATED BY AN AGRICULTURAL EMPLOYEE IN A CONFIDENTIAL, SEALED FILING WITH THE COURT.

(5) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(6) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND STATISTICS IN THE DEPARTMENT.

(7) "KEY SERVICE PROVIDER" MEANS A HEALTH CARE PROVIDER; A COMMUNITY HEALTH WORKER, INCLUDING A PROMOTORA; AN EDUCATION PROVIDER; AN ATTORNEY; A LEGAL ADVOCATE; A GOVERNMENT OFFICIAL, INCLUDING A CONSULAR REPRESENTATIVE; A MEMBER OF THE CLERGY; AND ANY OTHER SERVICE PROVIDER TO WHICH AN AGRICULTURAL WORKER MAY NEED ACCESS.

(8) "OCCASIONAL OR INTERMITTENT" MEANS TWENTY PERCENT OR LESS OF AN AGRICULTURAL WORKER'S WEEKLY WORK TIME.

(9) "SHORT-HANDLED HOE" MEANS A HANDHELD TOOL WITH A FLAT BLADE AFFIXED PERPENDICULARLY TO A HANDLE THAT IS LESS THAN EIGHTEEN INCHES LONG. "SHORT-HANDLED HOE" INCLUDES A LONG-HANDLED HAND TOOL THAT HAS BEEN MODIFIED TO BE USED AS A SHORT-HANDLED HOE.

(10) "WHISTLEBLOWER" MEANS AN AGRICULTURAL WORKER WITH KNOWLEDGE OF AN ALLEGED VIOLATION OF THIS PART 2 OR THE

AGRICULTURAL WORKER'S REPRESENTATIVE.

8-13.5-202. Agricultural workers - right of access to key service providers - rules. (1) (a) AN EMPLOYER SHALL NOT INTERFERE WITH AN AGRICULTURAL WORKER'S REASONABLE ACCESS TO VISITORS AT THE AGRICULTURAL WORKER'S EMPLOYER-PROVIDED HOUSING DURING ANY TIME WHEN THE AGRICULTURAL WORKER IS PRESENT AT SUCH HOUSING.

(b) AN EMPLOYER SHALL NOT INTERFERE WITH AN AGRICULTURAL WORKER'S REASONABLE ACCESS TO KEY SERVICE PROVIDERS AT ANY LOCATION DURING ANY TIME IN WHICH THE AGRICULTURAL WORKER IS NOT PERFORMING COMPENSABLE WORK OR DURING PAID OR UNPAID REST AND MEAL BREAKS, AND WITH RESPECT TO HEALTH-CARE PROVIDERS DURING ANY TIME, WHETHER OR NOT THE AGRICULTURAL WORKER IS WORKING.

(c) TO ENSURE THAT AGRICULTURAL WORKERS HAVE MEANINGFUL ACCESS TO SERVICES, THE DIRECTOR OF THE DIVISION SHALL PROMULGATE RULES REGARDING ADDITIONAL TIMES DURING WHICH AN EMPLOYER MAY NOT INTERFERE WITH AN AGRICULTURAL WORKER'S REASONABLE ACCESS TO KEY SERVICE PROVIDERS, INCLUDING PERIODS DURING WHICH THE AGRICULTURAL WORKER IS PERFORMING COMPENSABLE WORK, ESPECIALLY DURING PERIODS WHEN THE AGRICULTURAL WORKER IS REQUIRED TO WORK IN EXCESS OF FORTY HOURS PER WEEK AND MAY HAVE DIFFICULTY ACCESSING SUCH SERVICES OUTSIDE OF WORK HOURS. THE RULES MUST BE PROPOSED ON OR BEFORE OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE JANUARY 31, 2022.

(d) AN EMPLOYER MAY REQUIRE VISITORS ACCESSING A WORK SITE TO FOLLOW PROTOCOLS DESIGNED TO MANAGE BIOHAZARDS AND OTHER RISKS OF CONTAMINATION, TO PROMOTE FOOD SAFETY, AND TO REDUCE THE RISK OF INJURIES TO OR FROM LIVESTOCK ON FARMS AND RANCHES EXCEPT ON THE OPEN RANGE, IF THE SAME PROTOCOLS ARE GENERALLY APPLIED TO ANY OTHER THIRD PARTIES WHO MAY HAVE OCCASION TO ENTER THE WORK SITE.

(e) AN AGRICULTURAL EMPLOYER THAT PROVIDES HOUSING AND TRANSPORTATION FOR AGRICULTURAL WORKERS SHALL, AT LEAST ONE DAY PER WEEK, PROVIDE TRANSPORTATION TO THE AGRICULTURAL WORKERS TO A LOCATION WHERE THE WORKERS CAN ACCESS BASIC NECESSITIES, CONDUCT FINANCIAL TRANSACTIONS, AND MEET WITH KEY SERVICE

PROVIDERS; EXCEPT THAT TRANSPORTATION MUST BE PROVIDED NOT LESS THAN ONE DAY EVERY THREE WEEKS FOR RANGE WORKERS WHO ARE ACTIVELY ENGAGED IN THE PRODUCTION OF LIVESTOCK ON THE OPEN RANGE. THIS SUBSECTION (1)(e) DOES NOT LIMIT OR RESTRICT AN AGRICULTURAL WORKER'S ABILITY TO TRAVEL USING THE AGRICULTURAL WORKER'S OWN MEANS OF TRANSPORTATION. NOTHING IN THIS SUBSECTION (1)(e) REQUIRES AN EMPLOYER TO VIOLATE A STATE OR FEDERAL LAW OR REGULATION.

(f) IF AN AGRICULTURAL WORKER HAS ACCESS TO THE WORKER'S OWN VEHICLE AND IS PERMITTED TO PARK THE VEHICLE ON THE EMPLOYER'S PROPERTY, THE EMPLOYER IS NOT REQUIRED TO PROVIDE TRANSPORTATION AS SET FORTH IN SUBSECTION (1)(e) OF THIS SECTION.

(2) NO PERSON OTHER THAN THE AGRICULTURAL WORKER MAY PROHIBIT, BAR, OR INTERFERE WITH, OR ATTEMPT TO PROHIBIT, BAR, OR INTERFERE WITH, THE ACCESS TO OR EGRESS FROM THE RESIDENCE OF ANY AGRICULTURAL WORKER BY ANY PERSON, EITHER BY THE ERECTION OR MAINTENANCE OF ANY PHYSICAL BARRIER, BY PHYSICAL FORCE OR VIOLENCE OR BY THE THREAT OF PHYSICAL FORCE OR VIOLENCE, OR BY ANY ORDER OR NOTICE GIVEN IN ANY MANNER.

(3) AN AGRICULTURAL EMPLOYER SHALL POST NOTICE OF AN AGRICULTURAL WORKER'S RIGHTS UNDER THIS PART 2:

(a) IN A CONSPICUOUS LOCATION ON THE AGRICULTURAL EMPLOYER'S PREMISES, INCLUDING IN THE AGRICULTURAL WORKER'S EMPLOYER-PROVIDED HOUSING; AND

(b) IN ALL PLACES WHERE NOTICES TO EMPLOYEES, INCLUDING AGRICULTURAL WORKERS, ARE CUSTOMARILY POSTED; AND

(c) ELECTRONICALLY, INCLUDING BY E-MAIL AND ON AN INTRANET OR INTERNET SITE, IF THE AGRICULTURAL EMPLOYER CUSTOMARILY COMMUNICATES WITH AGRICULTURAL WORKERS BY THESE MEANS.

8-13.5-203. Extreme overwork protections - heat stress training - short-handled hoe prohibited - rules. (1) THE DIRECTOR OF THE DIVISION SHALL PROMULGATE RULES THAT REQUIRE AGRICULTURAL EMPLOYERS TO PROTECT AGRICULTURAL WORKERS FROM HEAT-RELATED STRESS ILLNESSES AND INJURIES WHEN THE OUTSIDE TEMPERATURES REACH

EIGHTY DEGREES OR HIGHER, WITH DISCRETION TO ADJUST REQUIREMENTS BASED ON ENVIRONMENTAL FACTORS, EXPOSURE TIME, ACCLIMATIZATION, AND METABOLIC DEMANDS OF THE JOB AS SET FORTH IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS FOR DISEASE CONTROL AND PREVENTION NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH 2016 REVISED PUBLICATION: CRITERIA FOR A RECOMMENDED STANDARD, OCCUPATIONAL EXPOSURE TO HEAT AND HOT ENVIRONMENTS. THE RULES MUST BE PROPOSED ON OR BEFORE OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE JANUARY 31, 2022.

(2) (a) USING A SHORT-HANDLED HOE IS PROHIBITED IN AGRICULTURAL EMPLOYMENT FOR WEEDING AND THINNING IN A STOOPED, KNEELING, OR SQUATTING POSITION.

(b) THE PERFORMANCE OF WEEDING AND THINNING BY HAND OR WITH A SHORT-HANDLED TOOL, OTHER THAN A SHORT-HANDLED HOE, IN A STOOPED, KNEELING, OR SQUATTING POSITION IS STRONGLY DISFAVORED UNLESS THERE IS NO SUITABLE LONG-HANDLED TOOL OR OTHER ALTERNATIVE MEANS OF PERFORMING THE WORK THAT IS SUITABLE AND APPROPRIATE TO BOTH THE PRODUCTION OF THE AGRICULTURAL OR HORTICULTURAL COMMODITY AND THE SCALE OF THE OPERATION. NOTHING IN THIS SUBSECTION (2) IS CONSTRUED TO ALLOW THE USE OF THE SHORT-HANDLED HOE.

(c) BEGINNING JANUARY 1, 2022, THIS SUBSECTION (2) DOES NOT PROHIBIT:

(I) OCCASIONAL OR INTERMITTENT HAND WEEDING OR HAND THINNING IN A STOOPED, KNEELING, OR SQUATTING POSITION THAT IS INCIDENTAL TO A NON-HAND-WEEDING OPERATION;

(II) HAND THINNING OF HIGH DENSITY PLANTS SPACED LESS THAN TWO INCHES APART WHEN PLANTED;

(III) HAND WEEDING OR THINNING OF ANY AGRICULTURAL OR HORTICULTURAL COMMODITY GROWN IN FIELDS OR GREENHOUSES FOR WHICH THE EMPLOYER MAINTAINS A CURRENT CERTIFICATION FROM THE COLORADO DEPARTMENT OF AGRICULTURE OR AN AUTHORIZED CERTIFYING BODY AS MEETING THE STANDARDS OF THE UNITED STATES DEPARTMENT OF AGRICULTURE'S NATIONAL ORGANIC PROGRAM;

(IV) HAND WEEDING, THINNING, OR TENDING ANY AGRICULTURAL OR HORTICULTURAL COMMODITIES WHEN THEY ARE SEEDLINGS;

(V) HAND WEEDING, THINNING, OR TENDING AGRICULTURAL OR HORTICULTURAL COMMODITIES GROWN IN TUBS OR PLANTER CONTAINERS WITH AN OPENING THAT DOES NOT EXCEED FIFTEEN INCHES IN WIDTH;

(VI) SEEDING, PLANTING, TRANSPLANTING, OR HARVESTING BY HAND OR WITH A HAND TOOL; OR

(VII) HAND WEEDING, THINNING, OR TENDING THE SOIL-EXPOSED AREA IMMEDIATELY SURROUNDING AGRICULTURAL OR HORTICULTURAL COMMODITIES GROWN USING POLYETHYLENE FILM OR PLASTIC MULCH. THIS EXEMPTION DOES NOT PERMIT THE HAND WEEDING OF THE SPACES BETWEEN ROWS OF PLANTS GROWN USING POLYETHYLENE FILM OR PLASTIC MULCH.

(d) THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE SHALL PROMULGATE RULES REGARDING ALLOWANCES FOR AND LIMITATIONS TO HAND WEEDING AND HAND THINNING FOR AGRICULTURAL EMPLOYERS ACTIVELY ENGAGED IN THE TRANSITION TO CERTIFIED ORGANIC AGRICULTURE FOR A PERIOD OF NO MORE THAN THREE YEARS WHILE ENSURING THAT AGRICULTURAL WORKERS ARE NOT AT RISK OF ACUTE, CHRONIC, OR DEBILITATING INJURIES. THE RULES MUST BE PROPOSED ON OR BEFORE OCTOBER 31, 2021, AND ADOPTED ON OR BEFORE JANUARY 31, 2022.

(e) ON OR BEFORE JANUARY 31, 2022, THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE SHALL PROMULGATE RULES THAT ESTABLISH A PROCEDURE FOR AGRICULTURAL EMPLOYERS TO SEEK A CERTIFICATE OF VARIANCE FROM THE COLORADO DEPARTMENT OF AGRICULTURE THAT ALLOWS FOR MORE THAN OCCASIONAL OR INTERMITTENT HAND WEEDING OF AGRICULTURAL OR HORTICULTURAL PRODUCTS IF THE AGRICULTURAL EMPLOYER ESTABLISHES THAT:

(I) THE HAND WEEDING DOES NOT INVOLVE PROLONGED AND UNNECESSARY STOOPING, KNEELING, OR SQUATTING, AND DOES NOT CREATE A RISK OF ACUTE, CHRONIC, OR DEBILITATING INJURIES FOR AGRICULTURAL WORKERS;

(II) THERE IS NO SUITABLE LONG-HANDLED TOOL OR OTHER

ALTERNATIVE MEANS OF PERFORMING THE WORK THAT IS SUITABLE AND APPROPRIATE TO BOTH THE PRODUCTION OF THE AGRICULTURAL OR HORTICULTURAL COMMODITY AND THE SCALE OF THE OPERATION; AND

(III) THE HAND WEEDING CANNOT BE PERFORMED PURSUANT TO AN EXISTING EXEMPTION PURSUANT TO THIS SUBSECTION (2).

(3) AN AGRICULTURAL EMPLOYER SHALL PROVIDE AGRICULTURAL WORKERS ENGAGED IN HAND WEEDING AND HAND THINNING AN ADDITIONAL FIVE MINUTE REST PERIOD, WHICH, INsofar AS IS PRACTICABLE, MUST BE IN THE MIDDLE OF EACH WORK PERIOD. THE AUTHORIZED REST PERIOD MUST BE BASED ON THE TOTAL HOURS WORKED DAILY AT THE RATE OF FIFTEEN MINUTES NET REST TIME PER FOUR HOURS OF WORK, OR A MAJOR FRACTION THEREOF. THE AGRICULTURAL EMPLOYER SHALL COUNT THE AUTHORIZED REST PERIOD AS HOURS WORKED AND NOT DEDUCT THE REST PERIOD FROM THE AGRICULTURAL WORKER'S WAGES.

(4) AN AGRICULTURAL EMPLOYER SHALL PROVIDE GLOVES AND KNEE PADS, AS NECESSARY, TO EACH AGRICULTURAL WORKER ENGAGING IN HAND WEEDING, HAND THINNING, OR HAND HOT-CAPPING.

(5) IF ANY PROVISION OF THIS SECTION OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID OR UNCONSTITUTIONAL, SUCH PROVISION OR APPLICATION DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID OR UNCONSTITUTIONAL PROVISION OR APPLICATION, AND THE PROVISIONS OF THIS SECTION ARE SEVERABLE.

8-13.5-204. Enforcement - penalties - relief - rules. (1) AN AGGRIEVED AGRICULTURAL WORKER, A WHISTLEBLOWER, OR A KEY SERVICE PROVIDER WHO WAS UNABLE TO ACCESS AN AGRICULTURAL WORKER DUE TO A VIOLATION OF THIS PART 2 MAY:

(a) COMMENCE AN ACTION IN DISTRICT COURT AGAINST AN AGRICULTURAL EMPLOYER FOR A VIOLATION OF THIS PART 2; OR

(b) ASSERT A CLAIM WITH THE DIVISION PURSUANT TO RULES ADOPTED BY THE DIRECTOR OF THE DIVISION AGAINST AN AGRICULTURAL EMPLOYER. THE DIRECTOR MAY INVESTIGATE AND ORDER ALL REMEDIES AVAILABLE IN DISTRICT COURT OR MAY DECLINE TO INVESTIGATE AND THUS

AUTHORIZE THE COMPLAINANT TO FILE SUIT IN DISTRICT COURT. A DECISION BY THE DIRECTOR TO DECLINE TO INVESTIGATE MUST BE MADE WITHIN NINETY DAYS AFTER THE CLAIM IS FILED AS ESTABLISHED BY RULE OF THE DIRECTOR. THE STATUTE OF LIMITATIONS IS TOLLED FOR THE PURPOSE OF FILING A CLAIM IN DISTRICT COURT FROM THE DATE THAT THE CLAIM IS ASSERTED UNTIL NINETY DAYS AFTER THE DIRECTOR DECLINES TO INVESTIGATE THE CLAIM.

(2) (a) A COURT MAY:

(I) ORDER INJUNCTIVE RELIEF TO ENJOIN THE CONTINUANCE OF THE VIOLATION OF THIS PART 2;

(II) AWARD THE PLAINTIFF ACTUAL DAMAGES OR TEN THOUSAND DOLLARS, WHICHEVER IS GREATER; AND

(III) AWARD THE PLAINTIFF ATTORNEY FEES.

(b) ANY AMOUNTS RECOVERED BY A WHISTLEBLOWER OR KEY SERVICE PROVIDER PURSUANT TO THIS SECTION MUST BE DISTRIBUTED TO AGRICULTURAL WORKERS AFFECTED BY THE VIOLATION WHO CAN BE LOCATED, INsofar AS SUCH DISBURSEMENT IS ECONOMICALLY FEASIBLE.

(3) AN AGGRIEVED AGRICULTURAL WORKER OR WHISTLEBLOWER IS ENTITLED TO ALL RIGHTS, REMEDIES, AND PENALTIES AFFORDED UNDER SECTION 8-2-206.

8-13.5-205. Agricultural work advisory committee - creation - report - repeal. (1) ON OR BEFORE APRIL 1, 2022, THE DIRECTOR OF THE DIVISION SHALL ESTABLISH THE AGRICULTURAL WORK ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS THE "ADVISORY COMMITTEE". THE ADVISORY COMMITTEE CONSISTS OF NINE MEMBERS AS FOLLOWS:

(a) THE DIRECTOR OF THE DIVISION SHALL APPOINT:

(I) TWO MEMBERS WHO HAVE WORKED AS AGRICULTURAL WORKERS;
AND

(II) TWO MEMBERS WHO ARE ADVOCATES OF WORKERS' RIGHTS;

(b) THE COMMISSIONER OF AGRICULTURE SHALL APPOINT:

(I) THREE MEMBERS WHO REPRESENT AGRICULTURAL EMPLOYERS;
AND

(II) TWO REPRESENTATIVES FROM THE MIGRANT FARM WORKER
DIVISION OF COLORADO LEGAL SERVICES, OR ITS SUCCESSOR
ORGANIZATION.

(2) (a) THE TERMS OF THE MEMBERS ARE FOUR YEARS.

(b) IF A MEMBER FAILS TO COMPLETE THE MEMBER'S TERM, THE
APPOINTING AUTHORITY SHALL APPOINT A NEW MEMBER TO COMPLETE THE
REMAINDER OF THE TERM.

(c) MEMBERS SHALL SERVE WITHOUT COMPENSATION FOR THEIR
SERVICE; EXCEPT THAT MEMBERS MAY RECEIVE A PER DIEM AS ESTABLISHED
BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AND REIMBURSEMENT
FOR TRAVEL AND OTHER NECESSARY EXPENSES INCURRED IN THE
PERFORMANCE OF THEIR OFFICIAL DUTIES.

(3) (a) THE ADVISORY COMMITTEE SHALL GATHER AND ANALYZE
DATA AND OTHER INFORMATION REGARDING THE WAGES AND WORKING
CONDITIONS OF AGRICULTURAL WORKERS AND REPORT ITS FINDINGS AND
ANY LEGISLATIVE RECOMMENDATIONS TO THE GENERAL ASSEMBLY.

(b) TO THE EXTENT POSSIBLE, THE EXECUTIVE DIRECTOR OF THE
DEPARTMENT SHALL ENSURE THAT THE ADVISORY COMMITTEE HAS THE
OPPORTUNITY TO MEET WITH APPROPRIATE REPRESENTATIVES FROM THE
DEPARTMENT OF LABOR AND EMPLOYMENT, THE DEPARTMENT OF PUBLIC
HEALTH AND ENVIRONMENT, THE DEPARTMENT OF AGRICULTURE, AND THE
GOVERNOR'S OFFICE FOR PURPOSES OF CONDUCTING ITS WORK PURSUANT TO
SUBSECTION (3)(a) OF THIS SECTION.

(c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR BEFORE
JANUARY 1, 2023, AND EACH JANUARY 1 THEREAFTER, THE ADVISORY
COMMITTEE SHALL REPORT ITS PROGRESS, FINDINGS, AND LEGISLATIVE
RECOMMENDATIONS TO THE AGRICULTURE, LIVESTOCK, AND WATER
COMMITTEE AND THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE
HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, AND THE

AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES.

(4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031. BEFORE THE REPEAL, THE ADVISORY COMMITTEE IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

SECTION 6. In Colorado Revised Statutes, 2-3-1203, **add** (22) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (22) (a) THE FOLLOWING STATUTORY AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL REPEAL ON SEPTEMBER 1, 2031:

(III) THE AGRICULTURAL WORK ADVISORY COMMITTEE CREATED IN SECTION 8-13.5-205.

(b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.

SECTION 7. In Colorado Revised Statutes, 8-14.4-101, **amend** (1), (3)(c), and (3)(d); and **add** (1.5) and (3)(e) as follows:

8-14.4-101. Definitions. As used in this article 14.4, unless the context otherwise requires:

(1) ~~"Department" means the department of labor and employment~~ "AGRICULTURAL EMPLOYMENT" HAS THE MEANING SET FORTH IN SECTION 8-13.5-201 (2).

(1.5) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(3) "Principal" means:

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

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

(e) A PERSON OR ENTITY ENGAGED IN AGRICULTURAL EMPLOYMENT.

SECTION 8. In Colorado Revised Statutes, **add** 8-14.4-109 as follows:

8-14.4-109. Agricultural employers - responsibilities during public health emergency - worker safety protections. (1) DURING A PUBLIC HEALTH EMERGENCY, IN ADDITION TO THE OTHER PROTECTIONS AND RIGHTS AFFORDED TO WORKERS, A PRINCIPAL ENGAGED IN AGRICULTURAL EMPLOYMENT SHALL:

(a) PROVIDE EACH WORKER LIVING IN EMPLOYER-PROVIDED HOUSING WITH:

(I) IN A SINGLE-OCCUPANCY UNIT WHERE THE WORKER IS HOUSED ALONE, AT LEAST EIGHTY SQUARE FEET OF COMBINED SLEEPING AND LIVING QUARTERS;

(II) IN MULTIPLE-OCCUPANCY HOUSING, AT LEAST ONE HUNDRED SQUARE FEET OF SLEEPING QUARTERS PER WORKER AND ONE HUNDRED TWENTY SQUARE FEET OF SPACE PER WORKER IN AREAS USED FOR COMBINED PURPOSES SUCH AS MEAL PREPARATION AND EATING; AND

(III) IN ALL HOUSING, SCREENED WINDOWS THAT OPEN TO THE OUTSIDE OR LIVING SPACE THAT HAS AN AIR FILTRATION SYSTEM;

(b) PROVIDE EACH WORKER ACTIVELY ENGAGED IN THE OPEN-RANGE PRODUCTION OF LIVESTOCK WITH A SINGLE OCCUPANCY MOBILE HOUSING UNIT, REGARDLESS OF ANY VARIANCES OTHERWISE AVAILABLE PURSUANT TO 20 CFR 655.235.

(c) ALLOW THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO ROUTINELY INSPECT EMPLOYER-PROVIDED HOUSING TO ENSURE COMPLIANCE WITH GUIDELINES ISSUED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT APPLICABLE TO A PUBLIC HEALTH EMERGENCY AND ANY APPLICABLE EXECUTIVE ORDERS ISSUED BY THE GOVERNOR DURING A DISASTER EMERGENCY DECLARED PURSUANT TO SECTION

24-33.5-704 (4);

(d) PROVIDE TRAINING TO WORKERS CONCERNING SAFETY PRECAUTIONS AND PROTECTIONS DURING A PUBLIC HEALTH EMERGENCY; AND

(e) PROVIDE INFORMATIONAL AND EDUCATIONAL MATERIALS THROUGH POSTERS AND PAMPHLETS WRITTEN IN ENGLISH AND SPANISH AND ANY OTHER RELEVANT LANGUAGES IN EMPLOYER-PROVIDED HOUSING, WORK SITES, AND OTHER PLACES WHERE THE PRINCIPAL USUALLY POSTS INFORMATION FOR THE WORKERS THAT:

(I) LISTS THE CONTACT INFORMATION FOR THE MIGRANT FARM WORKER DIVISION OF COLORADO LEGAL SERVICES, OR ITS SUCCESSOR ORGANIZATION, WHERE A WORKER MAY RECEIVE FREE AND CONFIDENTIAL LEGAL SERVICES; AND

(II) INFORMS THE WORKERS REGARDING FEDERAL AND STATE GUIDANCE CONCERNING A PUBLIC HEALTH EMERGENCY.

SECTION 9. In Colorado Revised Statutes, 8-3-108, **amend** (1)(c)(II)(A) and (1)(c)(II)(B) as follows:

8-3-108. What are unfair labor practices. (1) It is an unfair labor practice for an employer, individually or in concert with others, to:

(c) (II) (A) Any agreement as defined in section 8-3-104 ~~(1)~~ (1.5) between an employer and a labor organization in existence on June 29, 1977, which has not been voted upon by the employees covered by it may, by written mutual agreement of such employer and labor organization, be ratified and upon such ratification shall be filed with the director. Any agreement as defined in section 8-3-104 ~~(1)~~ (1.5) between an employer and a labor organization in existence on June 29, 1977, which has not been ratified and filed, as provided in this ~~subparagraph~~ ~~(H)~~ SUBSECTION (1)(c)(II), shall not be legal, valid, or enforceable during the remaining term of that labor contract unless and until either the employer, the labor organization, or at least twenty percent of the employees covered by such agreement file a petition upon forms provided by the division, demanding an election submitting the question of the all-union agreement to the employees covered by such agreement and said agreement is approved by

the affirmative vote of at least a majority of all the employees eligible to vote or three-quarters or more of the employees who actually voted, whichever is greater, by secret ballot in favor of such all-union agreement in an election provided for in this ~~paragraph (c)~~ SUBSECTION (1)(c) conducted under the supervision of the director.

(B) Upon filing of such instrument of ratification with the director, the director shall certify that such agreement complies with the provisions of section 8-3-104 ~~(1)~~ (1.5) notwithstanding the absence of any other election requirements of this ~~article~~ ARTICLE 3, and by virtue of such ratification and certification, such agreement shall be deemed legal, valid, and enforceable to the extent permitted under the provisions of this ~~article~~ ARTICLE 3, subject to the provisions of ~~sub-subparagraph (D)~~ of this ~~subparagraph (H)~~ SUBSECTION (1)(c)(II)(D) OF THIS SECTION.

SECTION 10. In Colorado Revised Statutes, **amend** 8-13.5-101 as follows:

8-13.5-101. Short title. ~~This article shall be known and may be cited as~~ THE SHORT TITLE OF THIS PART 1 IS the "Workplace Accommodations for Nursing Mothers Act".

SECTION 11. In Colorado Revised Statutes, 8-13.5-102, **amend** (2) as follows:

8-13.5-102. Legislative declaration. (2) The general assembly further declares that the purpose of this ~~article~~ PART 1 is for the state of Colorado to become involved in the national movement to recognize the medical importance of breastfeeding, within the scope of complete pediatric care, and to encourage removal of boundaries placed on nursing mothers in the workplace.

SECTION 12. In Colorado Revised Statutes, 8-13.5-103, **amend** the introductory portion as follows:

8-13.5-103. Definitions. As used in this ~~article~~ PART 1, unless the context otherwise requires:

SECTION 13. In Colorado Revised Statutes, **amend** 44-10-105 as follows:

44-10-105. Marijuana employee designation. An employee of a licensee is not an agricultural worker unless the employee is a farm laborer as described in section ~~8-3-104 (11)~~ AT A FARM, PLANTATION, RANCH, NURSERY, RANGE, GREENHOUSE, ORCHARD, OR OTHER STRUCTURE USED FOR THE RAISING OF AGRICULTURAL OR HORTICULTURAL COMMODITIES, AS LONG AS THE STRUCTURE IS UTILIZED FOR AT LEAST FIFTY PERCENT OF THE TOTAL OUTPUT PRODUCED.

SECTION 14. Appropriation. (1) For the 2021-22 state fiscal year, \$474,657 is appropriated to the department of labor and employment. This appropriation is from the employment support fund created in section 8-77-109 (1)(b), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$436,375 for use by the division of labor standards and statistics for program costs related to labor standards, which amount is based on an assumption that the division will require an additional 5.2 FTE; and

(b) \$38,282 for the purchase of legal services.

(2) For the 2021-22 state fiscal year, \$38,282 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of labor and employment under subsection (1)(b) of this section and is based on an assumption that the department of law will require an additional 0.2 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of labor and employment.

(3) For the 2021-22 state fiscal year, \$193,882 is appropriated to the department of agriculture. This appropriation is from the general fund, and is based on an assumption that the department will require an additional 0.9 FTE. To implement this act, the department may use this appropriation for the plant industry division.

SECTION 15. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO