

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

**INTRODUCED**

LLS NO. 21-0638.01 Jane Ritter x4342

**HOUSE BILL 21-1110**

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**HOUSE SPONSORSHIP**

**Ortiz**, Bacon, Caraveo, Duran, Michaelson Jenet, Roberts, Titone, Woodrow

**SENATE SPONSORSHIP**

**(None)**,

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ADDING LANGUAGE TO RELEVANT COLORADO STATUTES**  
102              **RELATED TO PERSONS WITH DISABILITIES TO STRENGTHEN**  
103              **PROTECTIONS AGAINST DISCRIMINATION ON THE BASIS OF**  
104              **DISABILITY.**

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**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 adds language to strengthen current Colorado law related to protections against discrimination on the basis of disability for persons with disabilities. The added provisions include:

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.

- Prohibiting a person with a disability from being excluded from participating in or being denied the benefits of services, programs, or activities of a public entity;
- Clarifying that such prohibition includes the failure of a public entity to substantially comply with web content accessibility guidelines established and published by an international consortium;
- Any Colorado agency with the authority to promulgate rules shall not promulgate a rule that provides less protection than that provided by the "Americans with Disabilities Act of 1990".

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-301, **amend**  
3 (5.4) and (5.6) as follows:

4 **24-34-301. Definitions.** As used in parts 3 to 8 of this article 34,  
5 unless the context otherwise requires:

6 (5.4) "Public entity" ~~has the same meaning as set forth in Title II~~  
7 ~~of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec.~~  
8 ~~12131, and its related amendments and implementing regulations.~~ MEANS:

9 (a) ANY STATE OR LOCAL GOVERNMENT; OR

10 (b) ANY DEPARTMENT, AGENCY, SPECIAL PURPOSE DISTRICT, OR  
11 OTHER INSTRUMENTALITY OF A STATE OR LOCAL GOVERNMENT.

12 (5.6) "Qualified individual with a disability" or "individual with  
13 a disability" ~~has the same meaning as set forth in the federal "Americans~~  
14 ~~with Disabilities Act of 1990", 42 U.S.C. sec. 12131, and its related~~  
15 ~~amendments and implementing regulations~~ MEANS AN INDIVIDUAL WHO,  
16 WITH OR WITHOUT REASONABLE MODIFICATIONS TO RULES, POLICIES, OR  
17 PRACTICES; THE REMOVAL OF ARCHITECTURAL, COMMUNICATION, OR  
18 TRANSPORTATION BARRIERS; OR THE PROVISION OF AUXILIARY AIDS AND  
19 SERVICES, MEETS THE ESSENTIAL ELIGIBILITY REQUIREMENTS FOR THE

1 RECEIPT OF SERVICES OR THE PARTICIPATION IN PROGRAMS OR ACTIVITIES  
2 PROVIDED BY A PUBLIC ENTITY.

3 **SECTION 2.** In Colorado Revised Statutes, 24-34-802, **amend**  
4 (1), (2)(a) introductory portion, and (2)(a)(III); and **add** (5) as follows:

5 **24-34-802. Violations - penalties - immunity.** (1) (a) It is a  
6 discriminatory practice and unlawful for any person OR GROUP to  
7 discriminate against ~~any~~ AN individual or group because ~~such~~ THE person  
8 or group has opposed any practice made a discriminatory practice based  
9 on disability pursuant to part 5, 6, or 8 of this ~~article~~ ARTICLE 34, or  
10 because ~~such~~ THE person or group has made a charge, testified, assisted,  
11 or participated in any manner in an investigation, proceeding, or hearing  
12 conducted pursuant to part 5, 6, or 8 of this ~~article~~ ARTICLE 34.

13 (b) AN INDIVIDUAL WITH A DISABILITY, AS DEFINED IN SECTION  
14 24-34-301 (5.6), SHALL NOT, BY REASON OF THE INDIVIDUAL'S DISABILITY,  
15 BE EXCLUDED FROM PARTICIPATION IN OR BE DENIED THE BENEFITS OF  
16 SERVICES, PROGRAMS, OR ACTIVITIES PROVIDED BY A PUBLIC ENTITY, AS  
17 DEFINED IN SECTION 24-34-301 (5.4), OR BE SUBJECTED TO  
18 DISCRIMINATION BY ANY SUCH ENTITY.

19 (c) DISCRIMINATION PURSUANT TO THIS SECTION INCLUDES THE  
20 FAILURE OF A PUBLIC ENTITY TO SUBSTANTIALLY COMPLY WITH THE MOST  
21 RECENT WEB CONTENT ACCESSIBILITY GUIDELINES PROMULGATED AND  
22 PUBLISHED BY THE WORLD WIDE WEB CONSORTIUM WEB ACCESSIBILITY  
23 INITIATIVE OR THE INTERNATIONAL ACCESSIBILITY GUIDELINES WORKING  
24 GROUP, OR ANY SUCCESSOR GROUP OR ORGANIZATION, OR ANY  
25 SUBSEQUENT UPDATES OR REVISIONS TO SUCH GUIDELINES BY ANY  
26 SUCCESSOR GROUP OR ORGANIZATION.

27 (2) (a) ~~A qualified~~ AN individual with a disability, as defined in

1 section 24-34-301 (5.6), who is subject to a violation of subsection (1) of  
2 this section or of section 24-34-502, 24-34-502.2, 24-34-601, or  
3 24-34-803 based on ~~his or her~~ THE INDIVIDUAL'S disability may bring a  
4 civil suit in a court of competent jurisdiction and is entitled to any of the  
5 following remedies:

6 (III) A statutory fine ~~not to exceed~~ OF three thousand five hundred  
7 dollars, PAYABLE TO EACH PLAINTIFF.

8 (5) AN AGENCY IN THE STATE WITH THE AUTHORITY TO  
9 PROMULGATE RULES RELATED TO PROTECTIONS FOR PERSONS WITH  
10 DISABILITIES SHALL NOT PROMULGATE A RULE THAT PROVIDES LESS  
11 PROTECTION THAN THAT PROVIDED BY THE "AMERICANS WITH  
12 DISABILITIES ACT OF 1990", AS AMENDED, 42 U.S.C. SEC. 12101 ET. SEQ.

13 **SECTION 3. Act subject to petition - effective date.** This act  
14 takes effect at 12:01 a.m. on the day following the expiration of the  
15 ninety-day period after final adjournment of the general assembly; except  
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
17 of the state constitution against this act or an item, section, or part of this  
18 act within such period, then the act, item, section, or part will not take  
19 effect unless approved by the people at the general election to be held in  
20 November 2022 and, in such case, will take effect on the date of the  
21 official declaration of the vote thereon by the governor.