

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 21-0621.01 Kristen Forrestal x4217

**HOUSE BILL 21-1204**

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**HOUSE SPONSORSHIP**

**Snyder,**

**SENATE SPONSORSHIP**

**Holbert and Ginal,**

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**House Committees**  
Business Affairs & Labor

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE TREATMENT OF A MARIJUANA-LICENSEE-OWNED**  
102              **BUSINESS THAT PROVIDES EMPLOYMENT SERVICES TO A**  
103              **COMMONLY CONTROLLED MARIJUANA BUSINESS AS A SINGLE**  
104              **EMPLOYING UNIT.**

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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>.)*

Current law states that a common paymaster is not a single employing unit for purposes of considering the services performed by another employing unit subject to a single or common payroll. The bill

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.*

HOUSE  
2nd Reading Unamended  
March 19, 2021

creates an exception for an employee leasing company or other employing entity that is owned by one or more persons who have a medical or retail marijuana license and who own at least 50% of an entity that shares the employee leasing company's or other employing entity's services. The employee leasing company or other employing entity is not considered a common paymaster for the purposes of the "Colorado Employment Security Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-70-114, **amend** (1)  
3 as follows:

4 **8-70-114. Employing unit - definitions - rules - employee**  
5 **leasing company certification fund.** (1) (a) "Employing unit" means  
6 any individual or type of organization, including any partnership, limited  
7 liability partnership, limited liability company, limited liability limited  
8 partnership, association, trust, estate, joint stock company, insurance  
9 company, or corporation, whether domestic or foreign, or the receiver,  
10 trustee in bankruptcy, trustee or successor ~~thereof~~ OF A TRUSTEE, or legal  
11 representative of a deceased person, ~~who~~ THAT employs one or more  
12 individuals performing services within this state. All individuals  
13 performing services within this state for any employing unit that  
14 maintains two or more separate establishments within this state ~~shall be~~  
15 ARE deemed to be employed by a single employing unit for all the  
16 purposes of articles 70 to 82 of this ~~title~~ TITLE 8. Each individual  
17 employed to perform or to assist in performing the work of any agent or  
18 employee of an employing unit ~~shall be~~ ARE deemed to be employed by  
19 ~~such~~ THE employing unit for all the purposes of articles 70 to 82 of this  
20 ~~title~~ TITLE 8, whether ~~such~~ THE individual was hired or paid directly by  
21 ~~such~~ THE employing unit or by the agent or employee if the employing  
22 unit had actual or constructive knowledge of the work.

1           (b) Nothing in this section shall be construed to mean that a  
2 common paymaster, AS DEFINED BY 26 CFR 31.3121(s)-1 (b)(2)(i), may  
3 be considered a single employing unit for purposes of considering the  
4 services performed by another employing unit subject to a single or  
5 common payroll.

6           (c) NOTWITHSTANDING SUBSECTIONS (1)(a) AND (1)(b) OF THIS  
7 SECTION, AN "EMPLOYING UNIT" INCLUDES AN EMPLOYEE LEASING  
8 COMPANY OR OTHER EMPLOYING ENTITY THAT IS OWNED BY ONE OR MORE  
9 PERSONS LICENSED PURSUANT TO ARTICLE 10 OF TITLE 44 AND THAT OWN  
10 AT LEAST FIFTY PERCENT OF AN ENTITY THAT SHARES THE EMPLOYEE  
11 LEASING COMPANY'S OR OTHER EMPLOYING ENTITY'S SERVICES. AN  
12 EMPLOYING UNIT DESCRIBED IN THIS SUBSECTION (1)(c) IS NOT A COMMON  
13 PAYMASTER FOR THE PURPOSES OF ARTICLES 70 TO 82 OF THIS TITLE 8.

14           **SECTION 2. 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.