

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0621.01 Kristen Forrestal x4217

HOUSE BILL 21-1204

HOUSE SPONSORSHIP

Snyder, Bernett, Bird, Hooton, Jodeh, Lontine, Michaelson Jenet, Ricks

SENATE SPONSORSHIP

Holbert and Ginal, Kolker, Rodriguez

House Committees
Business Affairs & Labor

Senate Committees
Business, Labor, & Technology

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.**

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.

SENATE
3rd Reading Unamended
April 16, 2021

SENATE
2nd Reading Unamended
April 15, 2021

HOUSE
3rd Reading Unamended
March 22, 2021

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".

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.