A BILL FOR AN ACT

CONCERNING A REQUIREMENT THAT AN EMPLOYER GRANT AN
EMPLOYEE AN EXEMPTION FROM A COVID-19 VACCINE
REQUIREMENT UNDER SPECIFIED CIRCUMSTANCES.

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 requires an employer that imposes a COVID-19 vaccine requirement to grant an employee an exemption if the employee submits a written request stating that compliance with the requirement would endanger the employee's or household member's health and well-being or would violate or conflict with the employee's sincerely held religious
beliefs. If an employer terminates an employee for failing to comply with the employer's COVID-19 vaccine requirement, the terminated employee is not disqualified from eligibility for unemployment benefits.

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

SECTION 1. In Colorado Revised Statutes, add 8-2-131 as follows:


(1) (a) Notwithstanding any provision of law to the contrary, if an employer implements a COVID-19 vaccine requirement, the employer shall exempt an employee from the requirement, without punitive action, if the employee submits a written waiver request to the employer stating that complying with the requirement would:

(I) Endanger the health and well-being of the employee or an individual who resides with the employee; or

(II) Violate or conflict with a sincerely held religious belief of the employee, as evidenced by an accompanying written statement signed by the employee.

(b) An employer shall grant an exemption requested in accordance with this subsection (1) based on sincerely held religious beliefs without inquiring into the sincerity of the request.

(2) Notwithstanding any other provision of this title 8 to the contrary, if an employer terminates an employee for refusing to comply with the employer's COVID-19 vaccine requirement, the terminated employee shall not be disqualified
FROM ELIGIBILITY TO RECEIVE BENEFITS UNDER THE "COLORADO EMPLOYMENT SECURITY ACT", ARTICLES 70 TO 82 OF THIS TITLE 8, ON ACCOUNT OF THE TERMINATION.

(3) AS USED IN THIS SECTION:

(a) "COVID-19" MEANS THE CORONAVIRUS DISEASE 2019 CAUSED BY SARS-CoV-2.

(b) "COVID-19 VACCINE" MEANS AN IMMUNIZATION, VACCINATION, OR INJECTION AGAINST COVID-19 OR A DISEASE CAUSED BY A VARIANT OF SARS-CoV-2.

(c) (I) "COVID-19 VACCINE REQUIREMENT" MEANS A REQUIREMENT THAT AN EMPLOYER IMPOSES ON AN EMPLOYEE TO:

(A) RECEIVE A COVID-19 VACCINE; OR

(B) PROVIDE DOCUMENTATION CERTIFYING RECEIPT OF A COVID-19 VACCINE.

(II) "COVID-19 VACCINE REQUIREMENT" INCLUDES AN EMPLOYER'S ENFORCEMENT OF A REQUIREMENT DESCRIBED IN SUBSECTION (3)(c)(I) OF THIS SECTION THAT IS IMPOSED BY THE FEDERAL GOVERNMENT OR ANY OTHER ENTITY.

(d) "EMPLOYEE" MEANS:

(I) AN INDIVIDUAL WHO IS EMPLOYED IN THIS STATE FOR WAGES BY AN EMPLOYER;

(II) AN APPLICANT FOR EMPLOYMENT BY AN EMPLOYER; OR

(III) AN UNCOMPENSATED INTERN OR APPRENTICE WORKING FOR OR ENGAGED BY AN EMPLOYER.

(e) "EMPLOYER" MEANS ANY PERSON IN THIS STATE WHO EMPLOYS ONE OR MORE PERSONS, INCLUDING THE STATE AND ANY POLITICAL SUBDIVISION OF THE STATE.
(f) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION, ORGANIZATION, CORPORATION, LEGAL REPRESENTATIVE, TRUSTEE, TRUSTEE IN BANKRUPTCY, OR RECEIVER.

(g) "PUNITIVE ACTION" MEANS ANY OF THE FOLLOWING ACTIONS RELATED TO THE EMPLOYEE'S EXEMPTION REQUEST:

(I) TERMINATION OR REFUSAL TO HIRE;

(II) DEMOTION;

(III) TRANSFER;

(IV) REASSIGNMENT;

(V) SUSPENSION;

(VI) REPRIMAND;

(VII) WARNING OF POSSIBLE DISMISSAL;

(VIII) WITHHOLDING OF WORK; OR

(IX) ASSESSING ANY MONETARY PENALTY OR UNREASONABLE CHARGE.

(h) "RELIGIOUS BELIEF" INCLUDES THEISTIC AND NONTHEISTIC MORAL AND ETHICAL BELIEFS AS TO WHAT IS RIGHT AND WRONG THAT ARE SINCERELY HELD WITH THE STRENGTH OF TRADITIONAL RELIGIOUS VIEWS.

(i) "SARS-CoV-2" MEANS THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2.

SECTION 2. 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.