

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0599.01 Josh Schultz x5486

HOUSE BILL 26-1054

HOUSE SPONSORSHIP

Rutinel and Velasco,

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT
101 **CONCERNING WORKER SAFETY PROTECTIONS.**

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>.)

Section 1 of the bill requires an employer to ensure the employer's workplace is free from recognized hazards, as interpreted consistent with the federal occupational safety and health administration's interpretation of the general duty clause of the "Occupational Safety and Health Act of 1970" (OSH Act) as of September 1, 2025. Additionally, employers have the general duty to:

- Ensure that each workplace is constructed, equipped, arranged, operated, and conducted as to provide reasonable

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- and adequate protection to the lives, health, and safety of all individuals employed or working in the workplace; and Comply with standards for workplace health and safety adopted by rule by the division of labor standards and statistics in the department of labor and employment (division).

The bill authorizes the following actions to address workplace health and safety concerns:

- The attorney general or the division may refer workplace health and safety concerns to relevant state or local authorities;
- The attorney general, the division, a labor organization, or a person aggrieved by a violation of the bill may file a civil action;
- For each violation of the bill or of rules adopted pursuant to the bill, a court may order the person that violates the bill or rules to pay statutory damages to a person aggrieved by the violation; and
- A court may order a person that violates the bill or rules adopted pursuant to the bill to pay a penalty to the attorney general for each violation.

The bill creates the workplace health and safety fund (fund) into which penalties collected pursuant to the bill are credited. The money in the fund may be used by the division for specified purposes.

The bill authorizes the division to adopt rules:

- To replace any requirement of the OSH Act or the "Federal Mine Safety and Health Act of 1977" that is repealed, revoked, or amended in any manner that results in the federal protections of workers' rights or worker safety becoming less stringent;
- To define standards for workplace health and safety if there is no standard in effect under the OSH Act; and
- As necessary to implement the bill.

Sections 2 through 8 make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 2 to article

3 14.4 of title 8 as follows:

PART 2

WORKPLACE HEALTH AND SAFETY

1 **8-14.4-201. Definitions.**

2 AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE
3 REQUIRES:

4 (1) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND
5 STATISTICS IN THE DEPARTMENT.

6 (2) (a) "EMPLOYER" HAS THE MEANING SET FORTH IN SECTION
7 8-4-101 (6).

8 (b) "EMPLOYER" DOES NOT INCLUDE THE FEDERAL GOVERNMENT.

9 (3) "FUND" MEANS THE WORKPLACE HEALTH AND SAFETY FUND
10 CREATED IN SECTION 8-14.4-204.

11 (4) (a) "LABOR ORGANIZATION" MEANS ANY ORGANIZATION THAT
12 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF COLLECTIVE
13 BARGAINING; OF DEALING WITH EMPLOYERS CONCERNING GRIEVANCES,
14 TERMS, OR CONDITIONS OF EMPLOYMENT; OR OF OTHER MUTUAL AID OR
15 PROTECTION IN CONNECTION WITH EMPLOYMENT.

16 (b) "LABOR ORGANIZATION" INCLUDES COMMUNITY-BASED,
17 NONPROFIT, MEMBERSHIP-BASED ORGANIZATIONS DEDICATED TO
18 SUPPORTING WORKERS, ASSISTING WORKERS WITH MUTUAL AID OR
19 PROTECTION IN CONNECTION WITH EMPLOYMENT, ENCOURAGING
20 COLLECTIVE ACTION, OR EMPOWERING VULNERABLE WORKERS.

21 (5) "OSH ACT" MEANS THE FEDERAL "OCCUPATIONAL SAFETY
22 AND HEALTH ACT OF 1970", 29 U.S.C. SEC. 651 ET SEQ.

23 (6) "STRINGENT" MEANS A LAW, RULE, OR STANDARD'S OVERALL
24 EFFECTIVENESS IN PROTECTING THE RIGHTS AND SAFETY OF WORKERS. A
25 LAW, RULE, OR STANDARD IS CONSIDERED TO BE MORE STRINGENT IF IT
26 IMPOSES A SAFETY REQUIREMENT OR OBLIGATION ON EMPLOYERS THAT IS
27 STRICTER OR MORE DEMANDING THAN WHAT IS OTHERWISE IMPOSED BY

1 LAW OR IF IT PROVIDES FOR GREATER RIGHTS, BENEFITS, REMEDIES, OR
2 PROCEDURES FOR WORKERS THAN WHAT IS OTHERWISE PROVIDED BY LAW.

3 (7) "WORKPLACE" MEANS ANY PLACE WHERE AN EMPLOYER
4 REQUIRES A WORKER TO PERFORM TASKS, JOBS, OR PROJECTS FOR
5 COMPENSATION.

6 **8-14.4-202. General duty to maintain a safe workplace.**

7 (1) AN EMPLOYER SHALL ENSURE THE EMPLOYER'S WORKPLACE IS
8 FREE FROM RECOGNIZED HAZARDS, WHICH DUTY SHALL BE INTERPRETED
9 CONSISTENT WITH THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH
10 ADMINISTRATION'S INTERPRETATION OF THE GENERAL DUTY CLAUSE OF
11 THE OSH ACT, 29 U.S.C. SEC. 654 (a)(1), AS OF SEPTEMBER 1, 2025.

12 (2) AN EMPLOYER HAS THE GENERAL DUTY TO:

13 (a) ENSURE THAT EACH WORKPLACE IS CONSTRUCTED, EQUIPPED,
14 ARRANGED, OPERATED, AND CONDUCTED IN A MANNER AS TO PROVIDE
15 REASONABLE AND ADEQUATE PROTECTION TO THE LIVES, HEALTH, AND
16 SAFETY OF ALL INDIVIDUALS EMPLOYED OR WORKING IN THE WORKPLACE;
17 AND

18 (b) COMPLY WITH STANDARDS FOR WORKPLACE HEALTH AND
19 SAFETY THAT THE DIVISION ADOPTS BY RULE PURSUANT TO THIS PART 2.

20 **8-14.4-203. Enforcement - referral to state or local authorities**
21 **- statutory damages - civil action - injunction - withdrawal from**
22 **dangerous workplace.**

23 (1) THE ATTORNEY GENERAL OR THE DIVISION MAY REFER
24 WORKPLACE HEALTH AND SAFETY CONCERNs TO RELEVANT STATE OR
25 LOCAL AUTHORITIES, INCLUDING THOSE CHARGED WITH ENFORCING
26 BUILDING CODES, SANITATION, FIRE RISK PREVENTION, AND INDUSTRIAL
27 HAZARD PREVENTION.

8 (b) AN ACTION BROUGHT BY AN AGGRIEVED PERSON PURSUANT TO
9 THIS SECTION MAY BE BROUGHT BY ONE OR MORE WORKERS ON BEHALF OF
10 THEMSELVES OR OTHER WORKERS SIMILARLY SITUATED.

11 (c) IF A COURT IMPOSES AN INJUNCTION OR A STOP WORK ORDER
12 LIMITING WORK OR PROHIBITING THE USE OF DANGEROUS MACHINERY,
13 EQUIPMENT, OR DEVICES OR AN INJUNCTION OR A STOP WORK ORDER FOR
14 A DANGEROUS WORKPLACE, THE EMPLOYER MUST EITHER:

15 (I) REASSIGN WORKERS TO WORK THAT DOES NOT INVOLVE
16 DANGEROUS MACHINERY, EQUIPMENT, OR DEVICES AND THAT DOES NOT
17 OCCUR IN THE DANGEROUS WORKPLACE; OR

21 (d) THE COURT MAY AWARD A PERSON FOUND TO HAVE BEEN
22 AGGRIEVED BY A VIOLATION OF THIS PART 2 STATUTORY DAMAGES IN AN
23 AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS PER VIOLATION,
24 EXCEPT IF THE EMPLOYER:

25 (I) REPEATEDLY VIOLATES THIS PART 2 OR RULES ADOPTED
26 PURSUANT TO SECTION 8-14.4-205, IN WHICH CASE THE STATUTORY
27 DAMAGES FOR THE SECOND VIOLATION OR ANY SUBSEQUENT VIOLATION

1 MUST NOT EXCEED TEN THOUSAND DOLLARS; OR
2 (II) WILLFULLY VIOLATES THIS PART 2 OR RULES ADOPTED
3 PURSUANT TO SECTION 8-14.4-205 OR DEMONSTRATES PLAIN
4 INDIFFERENCE TO THIS PART 2 OR RULES ADOPTED PURSUANT TO SECTION
5 8-14.4-205, IN WHICH CASE THE STATUTORY DAMAGES FOR EACH
6 VIOLATION MUST NOT EXCEED SEVENTY THOUSAND DOLLARS PER
7 VIOLATION.

8 (e) IN ADDITION TO OTHER RELIEF AUTHORIZED BY THIS SECTION,
9 THE COURT MAY ORDER A PERSON THAT VIOLATES THIS SECTION TO PAY
10 A PENALTY FOR EACH VIOLATION OF THIS PART 2 OR RULES ADOPTED
11 PURSUANT TO SECTION 8-14.4-205. PENALTIES IMPOSED PURSUANT TO
12 THIS SUBSECTION (2)(e) SHALL BE CREDITED TO THE WORKPLACE HEALTH
13 AND SAFETY FUND CREATED IN SECTION 8-14.4-204. THE PENALTIES MUST
14 NOT EXCEED ONE THOUSAND DOLLARS PER VIOLATION, EXCEPT IF THE
15 EMPLOYER:

16 (I) REPEATEDLY VIOLATES THIS PART 2 OR RULES ADOPTED
17 PURSUANT TO SECTION 8-14.4-205, IN WHICH CASE THE PENALTY FOR THE
18 SECOND VIOLATION OR ANY SUBSEQUENT VIOLATION MUST NOT EXCEED
19 TEN THOUSAND DOLLARS; OR

20 (II) WILLFULLY VIOLATES THIS PART 2 OR RULES ADOPTED
21 PURSUANT TO SECTION 8-14.4-205 OR DEMONSTRATES PLAIN
22 INDIFFERENCE TO THIS PART 2 OR RULES ADOPTED PURSUANT TO SECTION
23 8-14.4-205, IN WHICH CASE THE PENALTY FOR EACH VIOLATION SHALL NOT
24 EXCEED SEVENTY THOUSAND DOLLARS.

25 (f) A COURT MAY AWARD THE ATTORNEY GENERAL, THE DIVISION,
26 A LABOR ORGANIZATION, OR A PERSON FOUND TO HAVE BEEN AGGRIEVED
27 BY A VIOLATION OF THIS PART 2 REASONABLE COSTS AND ATTORNEY FEES

1 INCURRED.

2 (g) EACH DAY A VIOLATION OF THIS PART 2 CONTINUES
3 CONSTITUTES A SEPARATE AND DISTINCT OFFENSE, AND EMPLOYMENT OF
4 ANY WORKER IN VIOLATION OF THIS PART 2 CONSTITUTES, WITH RESPECT
5 TO EACH WORKER EMPLOYED, A SEPARATE AND DISTINCT OFFENSE.

6 (h) THIS PART 2 SHALL NOT BE CONSTRUED TO REPLACE THE
7 "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF
8 THIS TITLE 8, AS THE APPROPRIATE MECHANISM FOR ADDRESSING
9 JOB-RELATED INJURIES.

10 **8-14.4-204. The workplace health and safety fund - created -**
11 **permissible uses.**

12 (1) THE STATE TREASURER SHALL CREDIT PENALTIES COLLECTED
13 FOR THE STATE PURSUANT TO THIS PART 2 TO THE WORKPLACE HEALTH
14 AND SAFETY FUND, WHICH FUND IS CREATED. THE MONEY IN THE FUND
15 MAY BE USED BY THE DIVISION TO COVER DIRECT AND INDIRECT COSTS
16 ASSOCIATED WITH:

17 (a) ENFORCEMENT ACTIVITIES AUTHORIZED IN THIS SECTION;

18 (b) CREATING, DISTRIBUTING, SHARING, AND PUBLICIZING
19 MATERIALS DESIGNED TO EDUCATE WORKERS AND EMPLOYERS ABOUT
20 THEIR OBLIGATIONS UNDER THE OSH ACT, THIS PART 2, AND RELATED
21 REGULATIONS AND POLICY; AND

22 (c) RULE-MAKING CONDUCTED PURSUANT TO SECTION 8-14.4-205.

23 (2) (a) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO
24 THE DIVISION FOR USE IN IMPLEMENTING THE PURPOSES SET FORTH IN
25 SUBSECTION (1) OF THIS SECTION.

26 (b) THE STATE TREASURER MAY INVEST ANY MONEY IN THE FUND
27 NOT EXPENDED FOR THE PURPOSE OF THIS PART 2 AS PROVIDED BY LAW.

1 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
2 FROM THE INVESTMENT AND DEPOSIT OF MONEY IN THE FUND TO THE
3 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE
4 FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND SHALL
5 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER
6 FUND.

7 (3) THE LIMITATIONS SPECIFIED IN SECTION 24-75-402 DO NOT
8 APPLY TO THE FUND.

9 **8-14.4-205. Rules.**

10 (1) IF, AT ANY TIME AFTER SEPTEMBER 1, 2025, ANY REQUIREMENT
11 OF THE OSH ACT OR THE "FEDERAL MINE SAFETY AND HEALTH ACT OF
12 1977", 30 U.S.C. SEC. 801 ET SEQ., IS REPEALED, REVOKED, OR AMENDED
13 IN ANY MANNER THAT RESULTS IN THE FEDERAL PROTECTIONS OF
14 WORKERS' RIGHTS OR WORKER SAFETY BECOMING LESS STRINGENT, OR IF
15 AN OSH ACT SAFETY STANDARD, OR RULES ADOPTED THEREUNDER, IS
16 REPEALED OR REVOKED, THE DIVISION MAY, AS SOON AS PRACTICAL,
17 ADOPT RULES ESTABLISHING A STATE STANDARD THAT IS AS OR MORE
18 STRINGENT FOR EMPLOYERS IN THE STATE AS THE FEDERAL OCCUPATIONAL
19 HEALTH OR SAFETY STANDARD BEING AMENDED, REPEALED, OR REVOKED
20 AS A MINIMUM STANDARD FOR EMPLOYERS IN THIS STATE.

21 (2) THE DIVISION MAY ADOPT RULES TO DEFINE STANDARDS FOR
22 WORKPLACE HEALTH AND SAFETY IF THERE IS NO STANDARD IN EFFECT
23 UNDER SECTION 6 OF THE OSH ACT.

24 (3) ANY STANDARD ADOPTED PURSUANT TO SUBSECTION (1) OR (2)
25 OF THIS SECTION MAY BE ENFORCED THROUGH SECTION 8-14.4-203.

26 (4) THE DIVISION MAY ADOPT RULES AS NECESSARY TO IMPLEMENT
27 THIS PART 2.

1 **SECTION 2.** In Colorado Revised Statutes, 8-14.4-101, **amend**
2 the introductory portion as follows:

3 **8-14.4-101. Definitions.**

4 As used in this ~~article 14.4~~ PART 1, unless the context otherwise
5 requires:

6 **SECTION 3.** In Colorado Revised Statutes, 8-14.4-102, **amend**
7 (2)(b) and (4) as follows:

8 **8-14.4-102. Prohibition against discrimination based on claims**
9 **related to health and safety.**

10 (2) (b) A contract or agreement that violates subsection (2)(a) of
11 this section is void and unenforceable as contrary to the public policy of
12 this state. A principal's attempt to impose such a contract or agreement is
13 an adverse action in violation of this ~~article 14.4~~ PART 1.

14 (4) A principal shall not discriminate, take adverse action, or
15 retaliate against a worker based on the worker opposing any practice the
16 worker reasonably believes is unlawful under this ~~article 14.4~~ PART 1 or
17 for making a charge, testifying, assisting, or participating in any manner
18 in an investigation, proceeding, or hearing as to any matter the worker
19 reasonably believes to be unlawful under this ~~article 14.4~~ PART 1.

20 **SECTION 4.** In Colorado Revised Statutes, 8-14.4-103, **amend**
21 (1) as follows:

22 **8-14.4-103. Principal post notice of rights - rules.**

23 (1) A principal shall post notice of a worker's rights under this
24 ~~article 14.4~~ PART 1 in a conspicuous location on the principal's premises.

25 **SECTION 5.** In Colorado Revised Statutes, 8-14.4-104, **amend**
26 (1) introductory portion as follows:

27 **8-14.4-104. Relief for aggrieved person.**

3 **SECTION 6.** In Colorado Revised Statutes, 8-14.4-105, amend
4 (1)(a), (1)(b)(I), and (2)(a) as follows:

8-14.4-105. Enforcement by the division - rules.

6 (1) (a) Within two years after an alleged violation of this article
7 ~~14.4~~ PART 1, an aggrieved individual or whistleblower may file a
8 complaint against a principal with the division as specified in this
9 subsection (1).

10 (b) Until the date the division makes a complaint form publicly
11 available:

15 (2) The division shall either:

16 (a) Investigate alleged principal violations of, or interference with
17 rights or responsibilities under, this ~~article 14.4~~ PART 1 and complaints
18 filed with the division by aggrieved individuals and whistleblowers; or

19 **SECTION 7.** In Colorado Revised Statutes, 8-14.4-106, amend
20 (1), (2) introductory portion, (3)(a), (3)(b), and (4) as follows:

8-14.4-106. Relief authorized.

26 (2) A court may order affirmative relief that the court determines
27 to be appropriate, including the following relief, against a respondent who

1 is found to have engaged in a discriminatory, adverse, or retaliatory
2 employment practice prohibited by this ~~article 14.4~~ PART 1:

3 (3) (a) In addition to the relief available pursuant to subsection (2)
4 of this section, in a civil action brought by a plaintiff under this ~~article~~
5 ~~14.4~~ PART 1 against a defendant who is found to have engaged in an
6 intentional discriminatory, adverse, or retaliatory employment practice,
7 the plaintiff may recover compensatory and punitive damages as specified
8 in this subsection (3).

9 (b) A plaintiff may recover punitive damages against a defendant
10 if the plaintiff demonstrates by clear and convincing evidence that the
11 defendant engaged in a discriminatory, adverse, or retaliatory
12 employment practice with malice or reckless indifference to the rights of
13 the plaintiff. However, if the defendant demonstrates good faith efforts
14 to comply with this ~~article 14.4~~ PART 1 and to prevent discriminatory,
15 adverse, and retaliatory employment practices in the workplace, the court
16 shall not award punitive damages against the defendant.

17 (4) If a plaintiff in a civil action filed under this ~~article 14.4~~ PART
18 1 seeks compensatory or punitive damages pursuant to subsection (3) of
19 this section, any party to the civil action may demand a trial by jury.

20 **SECTION 8.** In Colorado Revised Statutes, 8-14.4-107, **amend**
21 (1), (2)(a), (2)(b), and (3)(a) as follows:

22 **8-14.4-107. Whistleblower enforcement - qui tam - definition.**

23 (1) As used in this section, "whistleblower" means a worker with
24 knowledge of an alleged violation of this ~~article 14.4~~ PART 1 or the
25 worker's representative.

26 (2) (a) A whistleblower who has exhausted the administrative
27 remedies pursuant to section 8-14.4-105 may bring a civil action against

1 a principal for a violation of this ~~article 14.4~~ PART 1 on behalf of the state
2 in district court pursuant to this section. The state may intervene in the
3 action to prosecute in its own name.

4 (b) At the time that the action is filed, the whistleblower shall give
5 written notice to the division of the specific provisions of this ~~article 14.4~~
6 PART 1 alleged to have been violated.

7 (3) The proceeds of any judgment entered pursuant to this section
8 shall be distributed as follows:

9 (a) Seventy-five percent to the division for enforcement of this
10 ~~article 14.4~~ PART 1; and

11 **SECTION 9. Applicability.** This act applies to conduct occurring
12 on or after the effective date of this act.

13 **SECTION 10. Safety clause.** The general assembly finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety or for appropriations for
16 the support and maintenance of the departments of the state and state
17 institutions.