



# Colorado Women's Bar Association 2021 Legislative Session Wrap-Up

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## General Legislative Overview

Majority Democrats methodically pursued a broad progressive agenda during the 2021 legislative session, and they achieved many of their goals. But they also had to make a lot of compromises, and they set up they set up a contentious and partisan end to the session by pushing through a climate change bill with last-minute amendments.

As the session convened, the same pandemic cloud that shadowed the 2020 session was still hanging over the Capitol. Lawmakers seemed focused on COVID-19 relief legislation and on staying safe. They even went home for a month after briefly convening in mid-January.

But by the time June rolled around the pandemic seemed to be in the rear-view mirror. The clear plastic guards in the chambers came down in late May, and unmasked lobbyists were once again roaming the Capitol.

The 2021 session will be remembered less for the pandemic and more for massive spending and long slate of progressive Democratic bills that were passed.

On the budget side \$3 billion in somewhat unexpected excess state revenues allowed lawmakers to restore 2020 budget cuts, spend nearly \$1 billion on pandemic relief and stimulus and sock away a historically large reserve against future lean years.

On the policy side, majority Democrats pushed through major legislation on transportation funding, health care and firearms safety, plus consumer protection, criminal justice, early childhood care and education, elections, environmental protection and climate change, and social equity and economic security.

Along the way Democrats implemented some innovative financing methods that may loosen the handcuffs the Taxpayer's Bill of Rights has placed on elected officials for decades.

Two big factors were behind the accomplishments of the 2021 session. First, the windfall of extra state revenues and federal stimulus cash gave lawmakers spending flexibility that they have not had in years. Second, while the pandemic weakened Democrats' ability to implement their agenda last year, in 2021 they felt able to push ahead. And the 2020 election brought some new progressive Democrats to the Capitol, and new faces to leadership positions and committee chairs.

## Priority Legislation for the Colorado Women's Bar Association

Before the 2021 session kicked off the Women's Bar spend late fall and the beginning of the year engaging and providing feedback during the rule making process for the [Equal Pay Transparency](#) within

the Colorado Department of Labor & Employment's (CDLE) Division of Labor Standards and Statistics (DLSS). We expect this issue will continue to be a top priority for the CWBA as we learn more about the implementation of the new rules and strive to make sure the intent of the law is being upheld.

The Women's Bar monitored 23 bills during the 2021 legislative session, in addition to the budget process. The issues represented a broad segment of women's issues including economic stability, maternal health, and survivor's rights. Despite the unusual nature of the session some of CWBA's top bills were able to make it through the process.

However, our key workplace harassment bill the POWR Act ([SB-176](#)) was postponed indefinitely in House Judiciary committee during the last few days of session, additional details are outlined below. We expect that this bill concept will be revisited during the interim and 2022 session.

Of those 23 bills the CWBA took action to support 11 bills, opposed 2 bills, and monitored 10 other bills which are outlined below.

#### Priority Level I Bills

##### [HB21-1022](#) **Surrogacy Agreements**

**Sponsors:** Representative Froelich and Senator Ginal

**CWBA position: support level I – passed into law**

**Bill Summary:** This bill creates the Colorado Surrogacy Agreement Act to govern surrogacy agreements. Specifically, the act:

- creates eligibility requirements to execute an agreement.
- defines the duties for parties of the agreement.
- specifies the process for creating a surrogacy agreement, the content of such agreements, and parties' right to legal representation.
- establishes how agreements may be changed as a result of death or a change in marital status.
- outlines the process and obligation of parties when terminating an agreement.
- authorizes the court to issue orders recognizing or enforcing surrogacy agreements, and to determine parentage

##### [HB21-1108](#) **Gender Identity Expression Anti-discrimination**

**Sponsors:** Representative Esgar and Senator Moreno

**CWBA position: support level I – passed into law**

**Bill Summary:** This bill modifies the definition of sexual orientation and adds gender expression and gender identity to statutes prohibiting discrimination against members of a protected class. It prohibits discrimination based on gender expression or gender identity in areas including employment, housing, financial services, healthcare, funeral arrangements, access to and participation in public services, education, youth services, criminal justice, and transportation. The bill specifies that expenses paid by a taxpayer to a private club that discriminates based on gender expression or gender identity are not tax deductible. Residential properties that are exempt from property taxes for charitable purposes are also prohibited from discrimination based on gender expression and gender identity.

##### [HB21-1143](#) **Protect Survivors' Rights to Rape Kit Evidence**

**Sponsors:** Representatives Froelich & Soper and Senator Danielson

**CWBA position: support level I – passed into law**

**Bill Summary:** This bill requires medical professionals to make certain disclosures to sexual assault victims, and requires notifications regarding and permits objections to evidence destruction.

Notifications from medical professionals. The bill requires medical professionals performing a medical forensic examination to inform the victim:

- of the contact information for the nearest sexual assault victim’s advocate if the victim makes a law enforcement report.
- of the contact information for the nearest community-based victim advocate if the victim makes a medical or an anonymous report.
- that any forensic medical evidence collected must be maintained until after the assailant may no longer be prosecuted for the crime and that the victim must be notified prior to the destruction of such evidence.

The bill requires certain victim notifications and opportunities for objection related to forensic medical evidence where the related case has not resulted in a conviction or plea of guilty. The bill requires the law enforcement agency to maintain the medical evidence until the statute of limitation has run out on the crime and for an additional 10 years if the victim objects to its destruction

### **SB21-073 Civil Action Statute of Limitations Sexual Assault**

**Sponsors:** Senators Coram & Danielson and Representatives Michaelson Jenet & Soper

**CWBA position:** support level I – passed into law

**Bill Summary:** Under current law, the statute of limitations for a civil claim based on sexual assault or sexual offense against a child is six years, with certain exceptions for when the victim is a person with a disability or has a special relationship with the perpetrator. The bill removes the statute of limitations for causes of action on or after January 1, 2022, or for causes of action accruing prior to January 1, 2022, if the six-year statute of limitations has not expired. In addition, the bill removes several additional restrictions and provisions related to these claims. The bill also applies to derivative claims and any claims brought against a person or entity that is not the perpetrator of sexual misconduct.

### **SB21-088 Child Sexual Abuse Accountability Act**

**Sponsors:** Senators Fields & Danielson and Representatives Michaelson Jenet & Soper

**CWBA position:** support level I – sent to the Governor

**Bill Summary:** This bill allows a person who is a victim of sexual misconduct that occurred when the victim was a minor to bring a civil action for damages against the actor who committed the misconduct. If the misconduct occurred at a youth organization or youth-related activity, the victim may also bring a civil claim against the managing organization of the youth program or activity. The victim may bring a claim against a public employee or agent or public entity that operates a youth program or activity, overriding the Colorado Governmental Immunity Act’s (CGIA’s) restrictions or any other state law prohibiting the claim in these situations. The cause of action applies retroactively and victims whose assault occurred between January 1, 1960, and January 1, 2022, may bring a cause of action before January 1, 2025.

### **SB21-142 Health Care Access in Cases of Rape or Incest**

**Sponsors:** Senators Pettersen & Donovan and Representatives McCluskie & Caraveo

**CWBA position:** support level I – sent to the Governor

**Bill Summary:** Colorado’s Medicaid and Indigent Care programs provides coverage for abortions only in cases of rape or incest, or when the life of the mother is endangered. In these instances, current law restricts abortion procedures to certain facility types, and they can only be performed by a physician. The bill eliminates these facility- and provider-type restrictions, allowing reimbursement for these services when performed in any health facility and by any licensed health care provider acting within the scope of their license and in accordance with applicable federal regulations.

## **SB21-176 Protecting Opportunities and Workers' Rights Act**

**Sponsors:** Senators Winter & Pettersen and Representatives Lontine & Gray

**CWBA position:** support level I – postponed indefinitely

**Bill Summary:** As introduced, the bill was very broad and was amended significantly in the Senate Judiciary Committee. Initial provisions and changes in red:

- adding ‘marital status’ and ‘caregiver status’ as protected classes under the Colorado Anti-Discrimination Act (CADA).
- clarifying when independent contractors are considered employees for the purpose of harassment and discrimination claims. **Removed in Senate and instead creates an implied covenant of non-discrimination in the agreements between employers and independent contractors.**
- broadening the definition of harassment when claiming discrimination or an unfair employment practice.
- assigning more requirements to employers related to their ability to disprove claims and avoid liability, including requiring employers of twenty or more employees to provide training and maintain records.
- limiting the ability of an employer to require confidentiality during settlement.
- requiring the Civil Rights Division (CCRD) in the Department of Regulatory Agencies to develop training and education programs to be made available to employers at no cost.
  - Employers who violate the requirements in this bill related to providing training and education, posting written notice and signage, and record keeping may be fined no less than \$500 and no more than \$10,000
- changing the pathway for claims to be heard in court by allowing claims to be brought in district or county court. **Removed in Senate and left in place the current process requiring complainant to first work through Civil Rights Division.**

### **Key Provisions of bill as emerged from Senate**

- Replaces “Severe or Pervasive” with a clear alternative that aligns with modern values and expectations for safe, dignified workplaces
  - The standard assumes that some harassment is tolerable as long as it is not “severe” and does not happen frequently. It allows employers to tolerate a level of groping, touching, crude sexual comments and other offensive behavior, whether or not that conduct makes it more difficult for the targets of that behavior to work with dignity.
- Bringing Consistency to the Definition of Employee
  - The current definition of “Employee” under CADA is vague and does not provide a consistent test to exclude individuals who are “not employees,” and thus not covered by CADA, stating only that “‘Employee’ means any person employed by an employer.
  - The bill will amend CADA to provide a consistent and clear definition of who is an “Employee,” and thus protected by CADA, and who is “not an employee,” and thus outside CADA’s protections
  - The bill does not include independent contractors within the protections of CADA, and instead creates an implied covenant of non-discrimination in the agreements between employers and independent contractors.
- Modernizes Non-Disclosure Agreements
  - Too often, people who bring claims of sexual harassment against their employer under the Colorado Civil Rights Division (CADA) are denied the opportunity to resolve their claims with the company unless they agree to terms and conditions that would prohibit

employees from disclosing the facts of the sexual harassment they experienced. The bill sets parameters on what non-disclosure agreements can and cannot require

- Protects Caregivers from Discrimination
  - The bill extends protection against discrimination to caregivers. Employers will be prohibited from making decisions about terms and conditions of employment based on caregiving status.
  - The elimination of the exemption of coverage for third-party care workers (i.e., domestic servants) is a huge benefit for women, particularly women of color.
- Additional Aspects
  - Employer Training-The bill requires employers with 20 or more employees to conduct annual training and education on discrimination and harassment prevention, bystander intervention, and workplace civility. It encourages employers with 19 or fewer employees to do the same.
  - Extends Deadline to File Claims- Currently, all claims under CADA, including claims for sexual harassment, are time-barred after 180 days the bill extends this to 300 days.
  - Treats Age Discrimination Claims the Same as Other Claims- Unlike all other protected groups in Colorado, under CADA, victims of age discrimination are currently prohibited from receiving compensatory or punitive damages.
  - Treats Marital Status Consistently- CADA currently mentions “marital status” inconsistently

**CWBA Action:** the CWBA and proponents worked throughout the entirety of session to address legislators’ concerns with the intent of passing key provision into law. This was after months of stakeholder work and considerable concessions by the proponents to address numerous opposition concerns, most of which came from large employers. The latest version of the bill was a considerably streamlined version of its former self, but it still had solid policy wins. As we entered the final days of the 2021 legislative session the POWR Act ran into significant hurdles in the House Judiciary Committee. After offering significant concessions PELA and the CWBA were ultimately unable to secure the support of the democratic members of the committee and the bill was killed on a vote of 9-2.

### **SB21-251 General Fund Loan Family Medical Leave Program**

**Sponsors:** Senators Winter & Moreno and Representatives Gray & Caraveo

**CWBA position: support level I – sent to the Governor**

**Bill Summary:** The bill creates a one-time state transfer of \$1.5 million from the General Fund to the Family and Medical Leave Insurance Fund for the purpose of defraying expenses incurred by the Division of Family and Medical Leave Insurance in the Department of Labor and Employment (CDLE) before the division receives premium revenue or revenue bond proceeds. The bill specifies that money in the fund may be used to repay the loan. The transfer is a loan from the State Treasurer to CDLE which the division is required to repay, with interest, by December 31, 2023. Interest is calculated using the U.S. 10-year Treasury Note rate at the time of transfer and accrues from the date of transfer until the loan is repaid. The bill clarifies that the transfer is not a grant under TABOR.

### **Priority Level II Bills**

#### **HB21-1011 Multilingual Ballot Access for Voters**

**Sponsors:** Representative Caraveo and Senators Moreno & Gonzales

**CWBA position: support level II – sent to the Governor**

**Bill Summary:** This bill requires the Secretary of State (SOS) and county clerks and recorders to provide multilingual ballot access in counties where either 2,000 citizens or 2.5 percent of citizens ages 18 and up speak English less than very well and speak a shared minority language at home.

- The bill requires the SOS to establish a multilingual ballot hotline to provide access to qualified translators or interpreters in each of the languages that meet the above criteria and any additional languages the secretary determines are needed to assist electors in understanding ballot language. The hotline must be established for the general election held in November 2022, and for every general election and statewide odd-year election thereafter.
- The bill requires the county clerk of affected counties to coordinate with the SOS to create minority language sample ballots in required languages. Sample ballots must include the same content as the English language ballot. The county clerk is required to make the minority language ballot available to voters online. Sample ballots must also be available in person at voter service and polling centers county-wide. In addition, Legislative Council Staff must provide translations of statewide ballot questions in the required languages, which will be made available for county clerks to include on sample ballots.

### **HB21-1250 Measures to Address Law Enforcement Accountability**

**Sponsors:** Representatives Herod & Gonzales Gutierrez and Senators Fields & Gardner

**CWBA position:** support level II – sent to the Governor

**Bill Summary:** This bill makes adjustments to certain provisions of Senate Bill 20-217, key provisions are outlined below for more detail please view the bills [fiscal note](#):

- *Definitions*-The bill defines what "contact" does and does not mean, and also defines "exonerated" in the context of criminal, civil, and administrative proceedings, and internal investigations.
- *Body-worn cameras*-The bill clarifies when body-worn cameras or dash cameras must be turned on and may be turned off and provisions related to the release of the footage.
- *Contact reporting*-The bill moves up the deadline for local law enforcement and the Colorado State Patrol (CSP) to report on "contacts" by one year to January 1, 2022. The bill also clarifies and adds information that must be reported to the Department of Public Safety.
- *POST-certified peace officer suspensions*- SB 20-217 required the Peace Officer Standards and Training (POST) Board to permanently decertify a peace officer if the officer failed to intervene, as defined in the bill, and where serious bodily injury or death occurred. The bill changes the penalty to a suspension of the officer's certification for one year and clarifies the process.
- *Attorney General subpoena power*-The bill permits the Attorney General to issue subpoenas to conduct an investigation into patterns or practices of conduct by a government authority or its agent that deprives individuals of their rights.

### **SB21-194 Maternal Health Providers**

**Sponsors:** Senator Buckner and Representative Herod

**CWBA position:** support level II – sent to Governor

**Bill Summary:** The bill places new requirements on health providers and insurers, expands public health insurance coverage, and implements other initiatives related to maternal and perinatal health. These provisions are described below.

- *Required coverage and services*-The bill requires that insurers offering health benefit plans in Colorado, to reimburse participating providers for healthcare services related to labor and delivery in a manner that promotes high-quality, cost-effective care and prevents risk in subsequent pregnancies.

- *Extension of postpartum services under Medicaid / CHP+* The bill allows a person who was eligible for all pregnancy-related and postpartum services, under Colorado’s Medicaid Program and the Children’s Basic Health Plan (CHP+) for 60 days following pregnancy, to remain continuously eligible for all services under the program for the 12-month postpartum period if permissible under federal law.
- *Colorado Maternal Mortality Review Committee* The bill makes several changes related to the Maternal Mortality Review Committee, which is housed in the CDPHE. The bill also requires the committee to incorporate input and feedback from interested and affected stakeholders, with a focus on persons who are pregnant or in the postpartum period, and their families, and incorporate input from multidisciplinary non-profit and community-based organizations that represent or provide support or advocacy to persons who are pregnant or in the postpartum period, with a focus on persons from racial and ethnic minority groups.

The bill further requires the committee to make recommendations to improve collection and public reporting of maternal health data from hospitals, health systems, midwifery practices and birthing centers, including:

- data on race and ethnicity correlated with conditions and outcomes.
- disability correlated with conditions and outcomes.
- uptake of trainings on bias, racism, or discrimination.
- incidents of disrespect or mistreatment of a pregnant person; and,
- data collected through stories from pregnant and postpartum persons and their family members, with a focus on the experiences of marginalized groups include persons of racial and ethnic minorities.

#### **House Republican Anti Choice Bills: Level II Opposition**

- **[HB 21-1017](#) Protect Human Life at Conception**  
Postponed Indefinitely 03/24/21
  - This bill would have prohibited a licensed physician from performing abortions except in limited circumstances and made the offense a class 1 felony.
- **[HB 21-1183](#) Induced Termination of Pregnancy State Registrar**  
Postponed Indefinitely 02/13
  - The bill requires health care providers that perform induced terminations of pregnancy to report certain information to the Office of the State Registrar of Vital Statistics in the Department of Public Health and Environment (CDPHE) and adds the failure to report to the definition of “unprofessional conduct” for physicians and physician assistants and to the grounds for discipline for advanced practice registered nurses.

#### **BILL MATRICES**

**[Summary Matrix](#)** view of bills, with hyperlinks to more information – bill versions, fiscal notes, engaged lobbyists, history, etc.

***Note that these matrices are confidential work products of the Colorado Women’s Bar Association and are not intended to be shared beyond your organization.*** These are dynamic links with the most up-to-date information on the bills as they move through the process and can be accessed from any internet source.

## FY 2021-22 Budget & Stimulus Overview

Lawmakers worked on three budgets this session – a main state 2021-22 budget that restored last year’s cuts, an \$800 million package of state pandemic relief and stimulus bills and \$3.8 billion in federal COVID-19 aid, some of which was spent and most of which was saved for the future.

Two things helped make it possible for the Colorado General Assembly to engineer the dramatic budget recovery.

First, fearing the pandemic would shrink state revenues, the 2020 legislative session trimmed back plans for the 2020-21 budget, setting it 4 percent below the \$33 billion allocated for 2019-20.

Second, it later became apparent that COVID-19 did not reduce revenue in 2019-20. Just before the 2021 session convened in January, lawmakers learned they had about \$3 billion in “extra” funds to spend or save in 2021-22.

That allowed lawmakers to restore cuts in the state budget this year – primarily a combined \$1 billion reduction in K-12 and higher education funding – plus give state employees a raise and increase payment rates to healthcare and other agencies that provide services to clients on behalf of state agencies. Next year’s budget is more than \$34.5 billion, including state tax revenues, federal funds, and cash revenues such as college tuition payments.

This year’s legislature also increased the state reserve to an unprecedented \$1.7 billion, more than 13 percent, and set aside about \$800 million for state-funded pandemic relief programs and economic stimulus.

That state-funded stimulus package includes nearly 40 bills that provide funds for the state water plan, workforce development, business startup loans, broadband development, clean energy initiatives, early childhood programs, rural economic development, affordable housing and wildfire mitigation and suppression. There is also a \$124 million transfer to the state highway fund.

Of the \$3.8 billion in federal funds, lawmakers spent about \$350 million of that – plus \$380 million for transportation, but the rest was saved for future legislatures to allocate, given that state have until 2024 to spend the federal stimulus money.

## Key 2021 Legislation

While there was much significant legislation, majority Democrats did not get key measures through without lots of compromises on plenty of bills, and many proposals turned out to be less sweeping than originally introduced.

And as always, there was a lot more bipartisan work and legislation than people outside the Capitol sometimes think. Despite intense debates, sporadic delaying tactics and some important ideological differences, the legislative session displayed a level of cooperation and respect not often seen elsewhere in American political life.

The parties displayed collegiality in the Senate. In the House, a small cadre of hard-right GOP members helped create a more partisan atmosphere.

## Transportation

Transportation funding was billed as the breakthrough issue of the session, promising to end years of tinkering and stopgap funding that had frustrated citizens, lawmakers of both parties, and business groups.

The solution was [SB21 260](#), a complicated package of fees and TABOR-exempt enterprises designed to raise more than \$5 billion over a decade to fund not just highway improvements but also electric vehicles, multimodal, mass transit and encourage reduction of greenhouse gases.

Most Republicans opposed the bill, arguing that it skirted constitutional spending restrictions and should have just funded roads.

Lawmakers also created a Front Range rail district ([SB21-238](#)), tasked with promoting passenger rail service from Fort Collins to Pueblo, and passed [HB21-1186](#), which gives the financially troubled Regional Transportation District more flexibility in its operations.

## Consumer Protection and Economic Fairness

Lawmakers passed about a dozen bills in this area, including restrictions on insurance company use of external consumer data that could be discriminatory ([SB21-169](#)), increased regulation of mortgage servicers ([HB21-1282](#)) and a bill to give greater control over their personal data online ([SB21-190](#)).

Some consumer bills touched on more mundane – but not unimportant – concerns. Those included limitations on pet store sales of dogs and cats ([HB21-1102](#)), requiring certain businesses to accept cash ([HB21-1048](#)), continue allowing liquor takeout and delivery ([HB21-1027](#)), a ban on meal delivery services delivering food from restaurants without express permission ([SB21-035](#)), limiting the ability of homeowners' associations to censor residents' flying of flags ([HB21-1310](#)) and even [HB21-1239](#), creating a limited right to cancel contracts with dating services.

## Education

The big news in education policy this session was passage of [HB21-1304](#), which will create a brand-new state agency, the Department of Early Childhood. Among other functions the new agency will oversee the universal preschool program that will launch in a couple of years, funded by the nicotine taxes approved by voters last November.

For K-12 the important news was budgetary – restoration of the cuts made by the 2020 session (the long bill and [SB21-268](#)), a Colorado Supreme Court ruling and a bill ([HB21-1164](#)) that will increase local district property tax revenues and a modest shift of funding toward at-risk students.

Lawmakers did approve an outside review of the state's school accountability and rating system ([HB21-1294](#)) but rejected a measure that would have given school boards more legal standing in disputes with charter schools ([HB21-1295](#)). And a sweeping bill to soften disciplinary procedures and police presence in schools was withdrawn by its sponsors.

The two most notable pieces of higher education legislation fit in with the Democrats' push for equity. National tests like the ACT no longer will be required for admission at state institutions ([HB21-1067](#)), and legacy admissions are banned by [HB21-1173](#).

## Elections

Elections were big news in other legislatures around the country this year, particularly voter suppression bills in Republican-controlled states. Colorado's minority Republicans offered a few tokens but doomed bills.

But Democrats got their own slate of election measures through, including a general overhaul of election law and tightening of recall requirements ([SB21-250](#)), a measure to move toward ranked choice/instant runoff voting in non-partisan elections ([HB21-1071](#)), a revision in ballot language for initiatives ([HB21-1321](#)), requirements for fair drawing of county commissioner district boundaries ([HB21-1047](#)), expanded access to multi-lingual ballots ([HB21-1011](#)), clarifying local election laws including special districts ([SB21-160](#)) and creation of an electronic system for disabled voters to access ballots ([SB21-188](#)).

## Environment

Environmental protection and action on climate change were big priorities for Democrats this session. That priority was baked in larger bills like the transportation measure and expressed in several individual bills.

The biggest environmental bill of the session came together very late after Gov. Jared Polis and legislative Democrats patched up differences over proposed limitations on greenhouse gas emissions and the role of the state air quality commission originally contained in [SB21-200](#).

In the session's closing hours, a softened version of those provisions – still dozens of pages long - were amended in [HB21-1266](#), a measure originally intended to provide better monitoring of pollution in disadvantaged communities.

Republicans protested about being asked to approve a substantive amendment at the very last minute, but in the end of the bill passed, allowing the House to adjourn for the year.

On the consumer front, [HB21-1162](#) will phase out single-use plastic bags and certain food containers. Other measures include a requirement to track the energy performance of large buildings ([HB21-1286](#)), a plan to encourage utilities to develop innovative energy technologies ([HB21-1324](#)) and a proposal to limit use of construction materials in public projects that contribute to climate change ([HB21-1303](#))

There also was a package of bills passed intended to encourage and empower the Public Utilities Commission to regulate and push utilities into more environmentally friendly policies. Those bills include [HBs 1238](#) and [1289](#) and [SBs 072](#), [246](#), [261](#) and [272](#).

## Health and Insurance

The public option or state option health insurance plan drew a lot of attention before the session started, partly because this high-profile effort was abandoned by Democrats during the COVID-disrupted 2020 session.

The original proposal ([HB21-1232](#)) was for a state-run insurance program that would reduce premiums for people on the individual market, particularly in some Western Slope counties. Ferocious opposition by the hospital and insurance industries, including a heavy negative advertising campaign, created

headwinds for the bill. It got amended down to a state-regulated but privately run insurance plan. The plan would affect a small number of Colorado residents.

The other big “health” related fight of the session was over [HB21-1317](#), which would regulate the potency of concentrated THC in various marijuana products. The bill had the interesting effect of pitting parents and medical professionals concerned about teens adversely affected by high-potency marijuana products against parents who advocated for the need to use specialty marijuana products to help children with epilepsy and other conditions. A much-amended version of the bill finally passed in the session’s closing days.

Other health-related bills that passed included a requirement that insurance companies cover annual mental health evaluations, ([HB21-1068](#)), expanded insurance coverage of alternative pain treatments ([HB21-1276](#)), establishment of a state board to review affordability of prescription drugs ([SB21-175](#)), significant expansion of the Department of Public Health and Environment’s public health programs ([SB21-243](#)), additional state controls on the price of insulin ([HB21-1307](#)), regulation of pharmacy benefit managers ([HB21-1297](#)), insurance coverage for telemedicine ([HB21-1190](#)), a suicide prevention bill ([HB21-1119](#)) and expansion of the kinds of prescriptions that have to be reported to the state prescription drug monitoring database ([HB21-1012](#)).

## Housing

Colorado’s out-of-control housing market and rising housing costs prompted several bills, most of which are intended to protect renters. Those include new rules for reporting tenants’ rent payment history to credit agencies ([HB21-1134](#)), greater protections for renters on late fees and evictions ([SB21173](#)), additional tenant rights legislation ([HBs 1150](#) and [1121](#)), expanded local government authority to require affordable housing ([HB211117](#)) and the removal of residency requirements to obtain housing benefits ([SB21-054](#)).

Several the pandemic stimulus bills also included funding for affordable housing programs.

## Human Services

There were several important pieces of human services legislation passed. Perhaps the most important measure is [HB21-1097](#), which implements several recommendations from the state behavioral health task force, including creation of a Behavioral Health Administration to centralize administration of those services.

Lawmakers also approved a package of five bills intended to modernize the child welfare funding system, the centerpiece of which is [SB21-278](#), which makes various changes in the child welfare allocation formula.

## Justice and Law Enforcement

Firearms safety bills drew lots of attention and some hot rhetoric. Democrats had some unfinished gun control business from past sessions, and the mass shootings at the Boulder King Soopers spurred additional bills.

Bills passed included safe storage requirements ([HB211106](#)), expanded background checks ([HB21-1298](#)), background checks when guns are transferred ([HB21-1082](#)), mandatory reporting of lost or stolen firearms ([SB21-078](#)), flexibility for governments to regulate firearms ([SB21-256](#)), creation of a state

office of gun violence prevention ([HB21-1299](#)) and reporting of firearms owned by people under protection orders ([HB21-1255](#)).

Lawmakers followed up on last session's landmark police accountability legislation with [HB21-1250](#), which expands and clarifies on the 2020 law. Prompted by the 2019 death of Elijah McClain [HB21-1251](#) puts some limits on police and paramedic use of tranquilizers on arrestees.

Two bills on sexual abuse liability sparked emotional debate. With passage of [SB21-088](#), victims who suffered sexual abuse as minors will have expanded ability to sue perpetrators and the organizations that employed them. And [SB21-073](#) extends the statute of limitation for lawsuits against perpetrators.

Lawmakers also approved some significant changes in the court system, including reform of misdemeanor laws ([SB21-271](#)), softening of the treatment of accessories under the felony murder law ([SB21-124](#)) and relaxing of speedy trial requirements because of court disruptions caused by the pandemic ([HB21-1309](#)).

But two bills intended to reduce the number of minor crimes that are subject to arrest faltered. The first version of the idea, [SB21-062](#), was abandoned in the face of strong opposition. A supposedly milder substitute, [SB21-273](#), seemed to be progressing but was killed in committee the evening before the session adjourned.

Other criminal justice bills that survived and passed include setting tighter deadlines for bond hearings ([HB21-1280](#)), easier bonding requirements for juveniles and reduction of capacity in state youth facilities ([SB21-71](#)), elimination of some court fees for juveniles ([HB21-1315](#)) and more liberal parole policies for inmates convicted of major crimes committed when under age 21 ([HB21-1209](#)).

### Social Equity and Economic Security

The Democratic push for social justice and equity was embedded in many issues, but there also were a lot of bills that directly impact those concerns.

It took lots of debate, but lawmakers finally passed [SB21-087](#), which gives farm workers many of the state labor law protections they previously did not have. But another labor measure concerning workplace harassment and unfair labor practices, [SB21-176](#), died in committee the night before adjournment.

Several measures passed affect immigrants and the undocumented, including creation of state Office of New Americans ([HB21-1150](#)), repeal of requirements that people provide proof of "lawful presence" for certain public benefits ([SB21-199](#)), provision of reproductive health services to undocumented people who aren't eligible for Medicaid ([SB21-009](#)) and elimination of the "lawful presence" requirement to obtain a state occupational license ([SB21-077](#)).

Other equity bills passed this session included extension of anti-discrimination law to gender expression ([HB21-1108](#)), support for minority marijuana entrepreneurs ([SB21-111](#)), strengthening of anti-discrimination laws related to people with disabilities ([HB21-1110](#)), creation of a program to encourage outdoor recreation by disadvantaged youth ([HB21-1318](#)), a bill to fund food bank-type centers to distribute diapers and related supplies ([SB21-27](#)) and, finally, the bill to ban most American Indian school mascots ([SB21-116](#)).

## Taxes, Revenue & TABOR

Various moves to work around the limitations of the Taxpayer's Bill of Rights made for an interesting undercurrent to the session.

The omnibus transportation bill, [SB21-260](#), will raise and spend billions of dollars for roads and transit without any public votes because it relies on fees and a network of TABOR-exempt state enterprises to spend the money.

A measure with its roots in legislation passed last year, [HB21-1164](#), basically requires certain school districts to raise local property taxes without new public votes if district voters previously voted for exemption from TABOR. The legislature formally asked the Colorado Supreme Court if doing that was constitutional. When the court said yes, the bill passed quickly.

Lawmakers also passed a bill to repeal some tax deductions and exemptions ([HB21-1312](#)) while at the same time adjusting tax rates for some lower-income taxpayers ([HB21-1311](#)).

It took until the last day of the session, but legislators also approved a bill that will require ballot measure language to include not only information about potential tax costs and reductions (as required by TABOR) but also some information about the potential service and program losses if a tax cut passes ([HB21-1321](#)).

A late measure, [SB21-293](#), does not directly deal with TABOR but will adjust some property taxes in order to blunt the impact of rising property values, an impact exacerbated by voter repeal last fall of the Gallagher Amendment. Critics of the bill argued that it is intended to trip up a possible November ballot measure to cut property taxes statewide.

Voters have been taking their own actions on tax policy recently. In addition to repeal Gallagher, which kept something of a lid on residential taxes, voters last year also raised nicotine taxes to fund universal preschool and approved a payroll tax to fund paid family and medical leave. The legislature this session passed bills intended to help roll out the preschool and leave programs.

## Looking Ahead

**Interim Committees** - There will be several interim committees meeting before the 2022 session begins. Committees are listed below and range from ongoing task forces to newly formed groups which will discuss American Rescue Plan spending.

- Affordable Housing Task Force
- Pension Review Subcommittee
- Behavioral Health Task Force
- Sales and Use Tax Simplification Task Force
- Colorado Health Insurance Exchange Oversight Committee
- Statewide Health Care Review Committee
- Colorado Youth Advisory Council Committee
- Task Force on Economic Recovery and Relief Cash Fund
- Early Childhood and School Readiness Legislative Commission
- Transportation Legislation Review Committee

- Legislative Interim Committee on School Finance
- Water Resources Review Committee
- Legislative Oversight Committee Concerning Tax Policy & Task Force
- Wildfire Matters Review Committee
- Pension Review Commission

2021 Ballot Issues - This November, Coloradans should expect to vote on several issues. As a reminder measures that can go on the ballot during odd years are limited to topics that concern taxes or state fiscal matters arising under TABOR.

Aponte & Busam intends to send a follow-up brief on the 2021 Ballot after the official ballot is determined. This analysis will include summary of initiatives and polling data.