

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 13-0442.01 Christy Chase x2008

**HOUSE BILL 13-1222**

---

**HOUSE SPONSORSHIP**

**Peniston,** Court, Fischer, Ginal, Hamner, Hullinghorst, Labuda, Lebsock, Melton, Rosenthal, Salazar, Singer, Tyler, Young

**SENATE SPONSORSHIP**

**Ulibarri,** Aguilar, Carroll, Giron, Hudak, Kefalas, Todd

---

**House Committees**

Health, Insurance & Environment

**Senate Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING THE EXPANSION OF THE GROUP OF FAMILY MEMBERS**  
102             **FOR WHOM COLORADO EMPLOYEES ARE ENTITLED TO TAKE**  
103             **LEAVE FROM WORK UNDER THE FEDERAL "FAMILY AND**  
104             **MEDICAL LEAVE ACT OF 1993".**

---

**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://www.leg.state.co.us/billsummaries>.)*

Under the federal "Family and Medical Leave Act" (FMLA), an employee is entitled to 12 workweeks of leave during a 12-month period

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

to care for a spouse, child, or parent of the employee who has a serious health condition. In the case of a parent using FMLA leave to care for a child, the FMLA permits the leave only for the parent of a child who is under 18 years of age or is incapable of self-care because of a mental or physical disability. Current Colorado law is silent with regard to required family and medical leave, so Colorado employees are entitled to leave as specified in the FMLA.

The bill expands the group of family members for whom employees in Colorado may take FMLA leave when the family member has a serious health condition to include a person to whom the employee is related by blood, adoption, legal custody, marriage, or civil union or with whom the employee resides and is in a committed relationship. As a result, an employee is permitted to use FMLA leave for a child, regardless of the age or dependency of the child, as well as for a sibling, partner in a civil union, grandparent, grandchild, or in-law.

An employee who is denied leave to care for a person in the expanded group of family members has the right to recover damages or equitable relief, as is currently the case for persons denied leave to care for a family member for whom leave is permitted under the FMLA.

---

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 13.3 of title 8 as follows:

4 **PART 2**

5 **FAMILY AND MEDICAL LEAVE ELIGIBILITY**

6 **8-13.3-201. Short title.** THIS PART 2 SHALL BE KNOWN AND MAY  
7 BE CITED AS THE "FAMILY CARE ACT".

8 **8-13.3-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "CIVIL UNION" HAS THE SAME MEANING AS SET FORTH IN  
11 SECTION 14-15-103 (1), C.R.S.

12 (2) "EMPLOYEE" MEANS A PERSON EMPLOYED BY AN EMPLOYER.

13 (3) "EMPLOYER" HAS THE SAME MEANING AS SET FORTH IN THE  
14 FMLA.

1 (4) "FMLA" MEANS THE FEDERAL "FAMILY AND MEDICAL LEAVE  
2 ACT OF 1993", PUB.L. 103-3, AS AMENDED, 29 U.S.C. SEC. 2601, ET SEQ.

3 (5) "FMLA LEAVE" MEANS LEAVE FROM WORK AND ALL BENEFITS  
4 AUTHORIZED BY THE FMLA.

5 **8-13.3-203. Family and medical leave - state requirements.**

6 (1) IN ADDITION TO THE LEAVE TO WHICH AN EMPLOYEE IS ENTITLED  
7 UNDER THE FMLA, AN EMPLOYEE IN THIS STATE IS ENTITLED TO FMLA  
8 LEAVE TO CARE FOR A PERSON WHO HAS A SERIOUS HEALTH CONDITION, AS  
9 THAT TERM IS DEFINED IN THE FMLA, IF THE PERSON:

10 (a) IS RELATED TO THE EMPLOYEE BY BLOOD, ADOPTION, LEGAL  
11 CUSTODY, MARRIAGE, OR CIVIL UNION; OR

12 (b) RESIDES WITH AND IS IN A COMMITTED RELATIONSHIP WITH THE  
13 EMPLOYEE.

14 **8-13.3-204. Enforcement.** IF AN EMPLOYER DENIES AN EMPLOYEE  
15 IN THIS STATE FMLA LEAVE TO CARE FOR A PERSON DESCRIBED IN  
16 SECTION 8-13.3-203 WHO IS NOT A PERSON FOR WHOM THE EMPLOYEE  
17 WOULD BE ENTITLED TO LEAVE UNDER THE FMLA, OR INTERFERES WITH  
18 AN EMPLOYEE'S EXERCISE OF OR ATTEMPT TO EXERCISE HIS OR HER RIGHT  
19 TO FMLA LEAVE FOR PERSONS DESCRIBED IN SECTION 8-13.3-203, THE  
20 EMPLOYER IS SUBJECT TO DAMAGES AND EQUITABLE RELIEF AS SPECIFIED  
21 IN THE FMLA. AN AGGRIEVED EMPLOYEE MAY BRING AN ACTION IN STATE  
22 COURT AGAINST THE EMPLOYER TO RECOVER DAMAGES OR EQUITABLE  
23 RELIEF.

24 **SECTION 2. Act subject to petition - effective date.** This act  
25 takes effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly (August  
27 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the  
2 state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part will not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2014 and, in such case, will take effect on the date of the  
6 official declaration of the vote thereon by the governor.