

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 01-0798.01 Christy Chase

**SENATE BILL 01-154**

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**SENATE SPONSORSHIP**

**Linkhart,** and Tate

**HOUSE SPONSORSHIP**

**Veiga,**

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**Senate Committees**

Business, Labor, and Finance  
Appropriations

**House Committees**

State, Veterans, & Military Affairs  
Appropriations

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**A BILL FOR AN ACT**

101     **CONCERNING THE EXPANSION OF EMPLOYMENT NONDISCRIMINATION**  
102             **PROTECTIONS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Adds sexual orientation and gender identity to the list of characteristics for which a person may not be discriminated against under state laws applying to:

- Employers' practices involving hiring, discharging, promoting, or demoting employees, the harassment of employees, and the compensation of employees;
- Employment agency practices involving listings, referrals, or complying with an employer's direct or indirect request

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.*

SENATE  
3rd Reading Unamended  
April 18, 2001

SENATE  
Amended 2nd Reading  
April 17, 2001

- to discriminate;
- Labor organization practices involving the exclusion, expulsion, or other discrimination in membership;
  - Employer, employment agency, or labor organization practices involving the use of a discriminatory publication, application, or inquiry; and
  - Apprenticeship training programs or other occupational instruction programs.

Excludes religious organizations from the definition of "employer" for purposes of complying with state employment nondiscrimination laws.  
Defines terms.

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

2 **SECTION 1.** 24-34-401, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to  
4 read:

5 **24-34-401. Definitions.** As used in this part 4, unless the context  
6 otherwise requires:

7 (4.5) "GENDER IDENTITY" MEANS:

8 (a) HAVING A CHANGED GENDER AS A RESULT OF A SEX CHANGE  
9 SURGERY; OR

10 (b) MANIFESTING, FOR REASONS OTHER THAN DRESS, AN IDENTITY  
11 NOT TRADITIONALLY ASSOCIATED WITH ONE'S BIOLOGICAL MALENESS OR  
12 FEMALENESS.

13 (7.5) "SEXUAL ORIENTATION" MEANS A PERSON'S ACTUAL OR  
14 PERCEIVED ORIENTATION TOWARD HETEROSEXUALITY, HOMOSEXUALITY,  
15 OR BISEXUALITY.

16 **SECTION 2.** 24-34-402 (1) (a), (1) (b), (1) (c), (1) (d), and (1)  
17 (f), Colorado Revised Statutes, are amended, and the said 24-34-402 is  
18 further amended BY THE ADDITION OF A NEW SUBSECTION, to  
19 read:

1           **24-34-402. Discriminatory or unfair employment practices.**

2           (1) It shall be a discriminatory or unfair employment practice:

3           (a) For an employer to refuse to hire, to discharge, to promote or  
4 demote, to harass during the course of employment, or to discriminate in  
5 matters of compensation against any person otherwise qualified because  
6 of disability, race, creed, color, sex, SEXUAL ORIENTATION, GENDER  
7 IDENTITY, age, national origin, RELIGION, or ancestry OR BECAUSE THE  
8 PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC CRESENT,  
9 OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK AREA; but,

10 with regard to a disability, it is not a discriminatory or an unfair  
11 employment practice for an employer to act as provided in this paragraph

12 (a) if there is no reasonable accommodation that the employer can make  
13 with regard to the disability, the disability actually disqualifies the person  
14 from the job, and the disability has a significant impact on the job. For  
15 purposes of this paragraph (a), "harass" means to create a hostile work  
16 environment based upon an individual's race, national origin, sex, SEXUAL  
17 ORIENTATION, GENDER IDENTITY, disability, age, or religion OR BECAUSE  
18 THE INDIVIDUAL CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC  
19 CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE INDIVIDUAL'S DESK OR  
20 WORK AREA. Notwithstanding the provisions of this paragraph (a),

21 harassment is not an illegal act unless a complaint is filed with the  
22 appropriate authority at the complainant's workplace and such authority  
23 fails to initiate a reasonable investigation of a complaint and take prompt  
24 remedial action if appropriate.

25           (b) For an employment agency to refuse to list and properly  
26 classify for employment or to refer an individual for employment in a  
27 known available job for which such individual is otherwise qualified

1 because of disability, race, creed, color, sex, SEXUAL ORIENTATION,  
2 GENDERIDENTITY, age, national origin, RELIGION, or ancestry OR BECAUSE  
3 THE PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC  
4 CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK  
5 AREA or for an employment agency to comply with a request from an  
6 employer for referral of applicants for employment if the request indicates  
7 either directly or indirectly that the employer discriminates in employment  
8 on account of disability, race, creed, color, sex, SEXUAL ORIENTATION,  
9 GENDERIDENTITY, age, national origin, RELIGION, or ancestry OR BECAUSE  
10 THE PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC  
11 CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK  
12 AREA; but, with regard to a disability, it is not a discriminatory or an  
13 unfair employment practice for an employment agency to refuse to list and  
14 properly classify for employment or to refuse to refer an individual for  
15 employment in a known available job for which such individual is  
16 otherwise qualified if there is no reasonable accommodation that the  
17 employer can make with regard to the disability, the disability actually  
18 disqualifies the applicant from the job, and the disability has a significant  
19 impact on the job;

20 (c) For a labor organization to exclude any individual otherwise  
21 qualified from full membership rights in such labor organization, or to  
22 expel any such individual from membership in such labor organization, or  
23 to otherwise discriminate against any of its members in the full enjoyment  
24 of work opportunity because of disability, race, creed, color, sex, SEXUAL  
25 ORIENTATION, GENDER IDENTITY, age, national origin, RELIGION, or  
26 ancestry OR BECAUSE THE PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF  
27 DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S

1     DESK OR WORK AREA:

2           (d) For any employer, employment agency, or labor organization  
3     to print or circulate or cause to be printed or circulated any statement,  
4     advertisement, or publication, or to use any form of application for  
5     employment or membership, or to make any inquiry in connection with  
6     prospective employment or membership ~~which~~ THAT expresses, either  
7     directly or indirectly, any limitation, specification, or discrimination as to  
8     disability, race, creed, color, sex, SEXUAL ORIENTATION, GENDER  
9     IDENTITY, age, national origin, RELIGION, or ancestry OR BECAUSE THE  
10    PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC CRESENT,  
11    OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK AREA or  
12    intent to make any such limitation, specification, or discrimination, unless  
13    based upon a bona fide occupational qualification or required by and  
14    given to an agency of government for security reasons;

15           (f) For any employer, labor organization, joint apprenticeship  
16    committee, or vocational school providing, coordinating, or controlling  
17    apprenticeship programs or providing, coordinating, or controlling  
18    on-the-job training programs or other instruction, training, or retraining  
19    programs:

20           (I) To deny to or withhold from any qualified person because of  
21    disability, race, creed, color, sex, SEXUAL ORIENTATION, GENDER  
22    IDENTITY, age, national origin, RELIGION, or ancestry OR BECAUSE THE  
23    PERSON CHOOSES TO DISPLAY A BIBLE, STAR OF DAVID, ISLAMIC CRESENT,  
24    OR OTHER RELIGIOUS SYMBOL ON THE PERSON'S DESK OR WORK AREA the  
25    right to be admitted to or participate in an apprenticeship training  
26    program, an on-the-job training program, or any other occupational  
27    instruction, training, or retraining program; but, with regard to a disability,

1 it is not a discriminatory or an unfair employment practice to deny or  
2 withhold the right to be admitted to or participate in any such program if  
3 there is no reasonable accommodation that can be made with regard to the  
4 disability, the disability actually disqualifies the applicant from the  
5 program, and the disability has a significant impact on participation in the  
6 program;

7 (II) To discriminate against any qualified person in pursuit of such  
8 programs or to discriminate against such a person in the terms, conditions,  
9 or privileges of such programs because of disability, race, creed, color,  
10 sex, SEXUAL ORIENTATION, GENDER IDENTITY, age, national origin,  
11 RELIGION, or ancestry OR BECAUSE THE PERSON CHOOSES TO DISPLAY A  
12 BIBLE, STAR OF DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL  
13 ON THE PERSON'S DESK OR WORK AREA;

14 (III) To print or circulate or cause to be printed or circulated any  
15 statement, advertisement, or publication, or to use any form of application  
16 for such programs, or to make any inquiry in connection with such  
17 programs ~~which~~ THAT expresses, directly or indirectly, any limitation,  
18 specification, or discrimination as to disability, race, creed, color, sex,  
19 SEXUAL ORIENTATION, GENDER IDENTITY, age, national origin, RELIGION,  
20 or ancestry OR BECAUSE THE PERSON CHOOSES TO DISPLAY A BIBLE, STAR  
21 OF DAVID, ISLAMIC CRESENT, OR OTHER RELIGIOUS SYMBOL ON THE  
22 PERSON'S DESK OR WORK AREA; or any intent to make any such limitation,  
23 specification, or discrimination, unless based on a bona fide occupational  
24 qualification;

25 (5) FOR PURPOSES OF THIS SECTION, "EMPLOYER" DOES NOT  
26 INCLUDE ANY RELIGIOUS ORGANIZATION OR ASSOCIATION, EXCEPT SUCH  
27 ORGANIZATION OR ASSOCIATION THAT IS SUPPORTED IN WHOLE OR IN PART

1 BY MONEY RAISED BY TAXATION OR PUBLIC BORROWING.

2 **SECTION 3. Effective date - applicability.** (1) This act shall  
3 take effect July 1, 2002, unless a referendum petition is filed during the  
4 ninety-day period after final adjournment of the general assembly that is  
5 allowed for submitting a referendum petition pursuant to article V, section  
6 1 (3) of the state constitution. If such a referendum petition is filed  
7 against this act or an item, section, or part of this act within such period,  
8 then the act, item, section, or part shall take effect on the specified date  
9 only if approved by the people.

10 (2) The provisions of this act shall apply to employment practices  
11 engaged in on or after the applicable effective date of this act.