

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Valdez

1 Strike the Business Affairs and Labor Committee Report, dated February  
2 9, 2023, and substitute:

3 "Amend printed bill, page 2, strike lines 5 through 9 and substitute:

4 "(7) (a) IT IS UNLAWFUL FOR AN EMPLOYER ENGAGED IN A  
5 BUSINESS TO TAKE ADVERSE ACTION AGAINST AN EMPLOYEE WHO  
6 ACCEPTS A CASH GRATUITY OFFERED BY A PATRON OF THE BUSINESS.

7 (b) NOTHING IN THIS SUBSECTION (7) PROHIBITS AN EMPLOYER  
8 FROM REQUIRING EMPLOYEES WHO ACCEPT A CASH GRATUITY OFFERED BY  
9 A PATRON OF THE BUSINESS TO SHARE OR ALLOCATE THE GRATUITY ON A  
10 PREESTABLISHED BASIS AMONG THE EMPLOYEES.

11 (c) THIS SUBSECTION (7) DOES NOT APPLY TO:

12 (I) AN EMPLOYER THAT IS REGULATED BY THE DIVISION OF  
13 GAMING, CREATED IN SECTION 44-30-201, IN THE DEPARTMENT OF  
14 REVENUE;

15 (II) AN EMPLOYEE WHO IS LICENSED, CERTIFIED, OR REGISTERED  
16 PURSUANT TO TITLE 12 AND WHO IS REQUIRED TO MAINTAIN SUCH  
17 LICENSURE, CERTIFICATION, OR REGISTRATION AS A CONDITION OF  
18 EMPLOYMENT WITH THE EMPLOYEE'S EMPLOYER;

19 (III) AN EMPLOYEE WORKING IN A HEALTH-CARE FACILITY  
20 REGULATED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

21 (IV) AN EMPLOYEE WORKING FOR THE PROGRAM OF  
22 ALL-INCLUSIVE CARE FOR THE ELDERLY, CREATED IN SECTION 25.5-5-412;  
23 OR

24 (V) AN EMPLOYEE PROVIDING HOUSING AND SERVICES TO ADULTS  
25 SIXTY YEARS OF AGE OR OLDER.

26 (d) AS USED IN THIS SUBSECTION (7), "ADVERSE ACTION" HAS THE  
27 MEANING SET FORTH IN SECTION 8-2-126 (2)(a).".

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