Colorado CARE Act — Legislative Fact Sheet

v5.7 | October 2026 | Draft for policymaker conversations

> **Phase 2 of a two-phase plan.** The 2027 request is the **FLEX Act** (v1.6), a right to request workplace flexibility. The CARE Act is the destination. The FLEX Act's 2030 report to the legislature (§ 8-13.3-612(1)) would recommend whether caregiver status should become a protected class.

Colorado Caregiver Accommodations and Rights Enhancement Act

Family caregivers hold up Colorado's home-based care. The law doesn't protect their jobs.

910,000	**$40,712**	**$443M**	**0**
Colorado family caregivers of adults (AARP, *Valuing the Invaluable 2026*)	More per person per year for nursing facility care than home care, among 647 members who moved home (HCPF 2023; not a statewide average)	Projected Medicaid overspend, FY 2026-27 (OSPB, Sept. 17, 2026)	U.S. states that require employers to accommodate family caregivers, as far as we have found

What it would do

- Add caregiver status as a protected class under CADA, C.R.S. § 24-34-402
- Create C.R.S. § 24-34-402.5, a standalone accommodation framework
- Interactive process: written acknowledgment within 5 business days; written decision within 21 calendar days
- Standard: "bona fide operational necessity," not the ADA's "significant difficulty or expense"
- Prohibit creative dismissal, with a 180-day rebuttable presumption after a request, denial or revocation
- Mandatory attorney fees in Tier 3 and the private right of action
- Firewall clause § 402.5(10), modeled on the POWR Act (SB23-172)

What it would not require

- No paid leave
- No automatic approval of requests
- No elimination of essential functions
- No exemption from performance standards

The fiscal context

- OSPB told the Medicaid Commission the overspend is driven by utilization, not enrollment: $158M actual in FY 2025-26; $443M projected in FY 2026-27; about $918M in FY 2027-28.
- HCPF's 2023 transition report: about $8,030 per month in a nursing facility vs. $4,637 at home.
- Legislative Council Staff: federal changes would cut provider fee revenue by $575M and federal funds by $0.9–2.5B over five years.
- **What hasn't been measured:** whether keeping caregivers employed keeps care at home. Colorado's Medicaid and health survey data do not track caregivers' working conditions. The FLEX Act's records and reporting would begin to.
- **Cost to the state:** enforcement through the Civil Rights Division. The cost would be estimated by Legislative Council Staff.

Where other places stand

- More than 250 states, cities and counties prohibit caregiver or family-responsibilities discrimination (Center for WorkLife Law, 2023). Colorado has no state law.
- No U.S. state requires employers to accommodate family caregivers, as far as we have found. Seattle does locally for some industries. New York has had a bill

pending since 2015.

Legal review and status

- Disability Law Colorado (Aug. 6, 2026): Sections 1(7) and 9(5), no technical barriers identified
- Livelihood Law LLC (Aug. 17, 2026): Section 9(5), no FAMLI or FMLA preemption risk
- Status: draft for sponsor conversations; not introduced. Phase 2 after the FLEX Act.

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Sources: - AARP Public Policy Institute, *Valuing the Invaluable 2026* (Mar. 2026), Colorado estimate. - HCPF, *Support for Transitions from Institutional Settings* (Nov. 1, 2023), p. 5: 647 members, SFY 2021-23; annual figure derived. - OSPB, *Medicaid Budget*, presentation to the Commission on Medicaid (Sept. 17, 2026), slides 2–3. - Legislative Council Staff, *Medicaid Impacts from the One Big Beautiful Bill Act* (Sept. 17, 2025), p. 4. - Center for WorkLife Law, *Laws Protecting Family Caregivers at Work* (Apr. 2023). - A Better Balance, fair scheduling fact sheet (updated Apr. 2025). - NY S7515 (2025–26).