



Colorado Caregiver Accommodations and Rights Enhancement Act (CARE Act)

v5.5 | Proposed 2027 Legislative Session | DRAFT — Sponsor Conversations Only

910K Colorado caregivers 22% of all adults	\$33,614 Annual cost gap SNF vs. HCBS (HCPF)	Ncrit=33 Arrangement failures erase \$1.1M savings	\$0 General fund Zero appropriation	7th State to act IL DE MN AK ME NY
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WHAT IT DOES	THE FISCAL CASE	LEGAL STATUS
Adds caregiver status as standalone protected class under CADA § 24-34-402 Creates § 24-34-402.5 — standalone accommodation framework with its own definitions Prohibits creative dismissal — 180-day rebuttable presumption on separation Interactive process: written ack within 5 days, determination within 21 days Bona fide operational necessity standard — not ADA 'significant difficulty or expense' Mandatory attorney fees in Tier 3 and private right of action Firewall clause § 402.5(10) — modeled on POWR Act § 24-34-402.3(5)	\$103,287/yr SNF placement vs. \$69,673/yr HCBS = \$33,614 gap (HCPF data) 33 arrangement failures erase entire \$1.1M hour-cap savings projection Projected \$9–18M annual Medicaid savings from prevented placements Employer savings: 50–200% of salary per retained caregiver employee H.R. 1 compounds risk: 80-hr work mandate + semi-annual renewals + no grace period Zero general fund appropriation — absorbed in existing CCRD capacity 60–70% of complaints resolve through Tier 1 education before investigation	Disability Justice (Jack Johnson, Aug 6): Sections 1(7) and 9(5) — no technical barriers Livelihood Law (Rachel Ellis, Aug 17): Section 9(5) — no FAMI/FMLA preemption FAMI citations corrected: § 8-13.3-522 (opt-out), § 8-13.3-514 (self-election) COPRRR written comment submitted Aug 7 — in formal sunset record 6 states enacted: IL 2025 HB 2161, DE, MN, AK, ME, NY + 200 jurisdictions Senate sponsor deadline: September 30, 2026 House sponsor deadline: October 31, 2026

WHAT IT DOES NOT REQUIRE

No guaranteed paid leave • No automatic accommodation approval

No new positions or elimination of essential functions

No exemption from performance standards • No general fund appropriation

KEY DEFINITIONS — v5.5

Caregiver status: includes uncredentialed caregivers, no prior disclosure required

Creative dismissal: facially neutral actions cumulatively forcing resignation

Interactive process: 10-day initiation, 21-day written determination required

Mark Fukae | Founder, CASI | Director of Advocacy, PWC

Registered Colorado Volunteer Lobbyist
mark_fukae@casiadvocacy.org | (303) 817-6995
casiadvocacy.org | casiadvocacy.org/research