

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 7, 2021

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB21-201 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, line 2, strike "(6);" and substitute "(6)".

2 Page 2, strike lines 3 through 13.

3 Page 3, strike lines 1 through 27 and substitute "as follows:

4 **26-6-103. Application of part - study - definition.** (6) On or
5 before July 1, 2021, and every year ONGOING thereafter, the department
6 shall report ~~the number of cease-and-desist orders issued to child care~~
7 ~~providers who are operating outside the exemptions described in this~~
8 ~~section~~ ON THE PORTION OF ITS STATE CHILD CARE PROVIDER WEBSITE
9 THAT IS ACCESSIBLE TO FAMILIES, AND IN AN ACCESSIBLE AND PROMINENT
10 MANNER, THE NAME AND LOCATION OF ANY CHILD CARE PROVIDER WHO
11 IS OPERATING OUTSIDE THE EXEMPTIONS DESCRIBED IN THIS SECTION AND
12 TO WHOM ONE OR MORE CEASE-AND-DESIST ORDERS HAVE BEEN ISSUED.
13 IF MORE THAN ONE CEASE-AND-DESIST ORDER HAS BEEN ISSUED TO THE
14 SAME PROVIDER, THE WEBSITE MUST INCLUDE THE TOTAL NUMBER OF
15 SUCH ORDERS. THIS REQUIREMENT FOR WEBSITE POSTING FOR CHILD CARE
16 PROVIDERS WHO ARE OPERATING OUTSIDE THE EXEMPTIONS DESCRIBED IN
17 THIS SECTION MUST CONFORM WITH THE REQUIREMENTS FOR WEBSITE
18 POSTING SET FORTH IN THE FEDERAL "CHILD CARE AND DEVELOPMENT
19 BLOCK GRANT ACT OF 1990", 42 U.S.C. SEC. 9858c, FOR LICENSED CHILD
20 CARE PROVIDERS."

21 Renumber succeeding sections accordingly.

1 Strike page 4.

2 Page 5, strike lines 1 through 7 and substitute:

3 "SECTION 2. In Colorado Revised Statutes, **amend** 26-6-111 as
4 follows:

5 **26-6-111. Injunctive proceedings.** The department, in the name
6 of the people of the state of Colorado, through the attorney general of the
7 state, ~~may~~ MUST apply for an injunction in any court of competent
8 jurisdiction to enjoin any person from operating any facility without a
9 license that is required to be licensed under this part 1. ~~An injunction may~~
10 ~~also be requested by the appropriate county department through the~~
11 ~~county attorney or retained counsel.~~ IF THE PERSON DOES NOT HAVE A
12 VALID LICENSE PURSUANT TO THIS PART 1 OR DOES NOT MEET THE
13 LICENSING EXEMPTION CRITERIA SET FORTH IN SECTION 26-6-103, YET
14 PROVIDES CHILD CARE, AND HAS A PATTERN OF PROVIDING SUCH CHILD
15 CARE WITHOUT A VALID LICENSE AS REQUIRED BY THIS PART 1, AND
16 DESPITE HAVING RECEIVED NOTIFICATION FROM THE DEPARTMENT THAT
17 THE PERSON OR FACILITY IS IN VIOLATION OF THE LAW, THEN SUCH PERSON
18 IS PROVIDING UNLICENSED AND THEREFORE ILLEGAL CHILD CARE. AT THE
19 TIME THE DEPARTMENT APPLIES FOR AN INJUNCTION, THE DEPARTMENT
20 SHALL NOTIFY LAW ENFORCEMENT OF THE INJUNCTION PROCEEDINGS. If
21 it is established that the defendant has been or is so operating such facility
22 WITHOUT A VALID LICENSE, the court shall enter a decree enjoining ~~said~~
23 THE defendant from further operating ~~such~~ THE facility unless and until
24 ~~he~~ THE PERSON obtains a license therefor. In case of violation of any
25 injunction issued ~~under the provisions of~~ PURSUANT TO this section, the
26 court may summarily try and punish the offender for contempt of court.
27 Such injunctive proceedings ~~shall be~~ ARE in addition to and not in lieu of
28 the penalty provided in section 26-6-112."

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