

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0071.01 Jacob Baus x2173

SENATE BILL 21-167

SENATE SPONSORSHIP

Holbert and Bridges,

HOUSE SPONSORSHIP

Gray and Larson,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF CHILD CARE CENTERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill eliminates duplicate facility inspections for a child care center that provides child care exclusively to school-age children on the property of a school district, charter school, or institute charter school if a satisfactory inspection was completed within the preceding 12 months.

The bill requires the state board of human services (state board) to prescribe rules that eliminate duplicate or conflicting requirements relating to health and safety requirements and inspections for programs that operate on school property.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

The state board shall prescribe rules applicable to a child care center to require the department of human services to accept as satisfactory a signed affidavit affirming compliance with record keeping and document retention requirements.

The bill provides for staffing flexibility during emergency situations, so long as certain minimum staffing requirements are satisfied.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1213.3,
3 **amend** (1) as follows:

4 **24-33.5-1213.3. Building and structure fire code maintenance**
5 **- rules.** (1) (a) This section ~~shall apply~~ APPLIES to building and structure
6 maintenance for fire safety. The fire department providing fire protection
7 service for the buildings and structures of a school district or of a local
8 college district or for a charter school may inspect the buildings and
9 structures when deemed necessary to ensure that they are maintained in
10 accordance with the fire code adopted by the director of the division. If
11 the local fire department does not perform the inspections authorized by
12 this section, the division ~~shall have~~ HAS the authority and duty to conduct
13 the inspections.

14 (b) AN INSPECTION CONDUCTED PURSUANT TO THIS SECTION
15 WITHIN THE PRECEDING TWELVE MONTHS SATISFIES THE INSPECTION
16 REQUIREMENT OF A CHILD CARE CENTER THAT PROVIDES CHILD CARE
17 EXCLUSIVELY TO SCHOOL-AGE CHILDREN AND OPERATES ON THE
18 PROPERTY OF A SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
19 CHARTER SCHOOL. THE FIRE DEPARTMENT OR DIVISION THAT CONDUCTS
20 THE INSPECTION PURSUANT TO THIS SECTION SHALL PROVIDE A COPY OF
21 THE INSPECTION REPORT TO A CHILD CARE CENTER OFFICIAL.

22 **SECTION 2.** In Colorado Revised Statutes, 26-6-104, **amend** (4)

1 as follows:

2 **26-6-104. Licenses - out-of-state notices and consent -**
3 **demonstration pilot program - definition - rules.** (4) (a) The
4 department shall not issue a license for a child care center, residential
5 child care facility, or secure residential treatment center until the facilities
6 to be operated or maintained by the applicant or licensee are approved by
7 the department of public health and environment as conforming to the
8 sanitary standards prescribed by the department ~~under~~ PURSUANT TO
9 section 25-1.5-101 (1)(h) ~~C.R.S.~~, and unless the facilities conform to fire
10 prevention and protection requirements of local fire departments in the
11 locality of the facility or, in lieu thereof, of the division of labor standards
12 and statistics.

13 (b) A CHILD CARE CENTER THAT PROVIDES CHILD CARE
14 EXCLUSIVELY TO SCHOOL-AGE CHILDREN AND OPERATES ON THE
15 PROPERTY OF A SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
16 CHARTER SCHOOL MAY SATISFY ANY FIRE INSPECTION REQUIREMENT
17 REQUIRED BY LAW BY PROVIDING A COPY OF A SATISFACTORY FIRE
18 INSPECTION REPORT OF THE PROPERTY OF A SCHOOL DISTRICT, CHARTER
19 SCHOOL, OR INSTITUTE CHARTER SCHOOL WHERE THE CHILD CARE IS
20 PROVIDED IF THE FIRE INSPECTION REPORT WAS COMPLETED WITHIN THE
21 PRECEDING TWELVE MONTHS. THE DEPARTMENT SHALL NOT REQUIRE A
22 DUPLICATE FIRE INSPECTION IF A SATISFACTORY FIRE INSPECTION REPORT
23 OF THE PROPERTY WAS COMPLETED WITHIN THE PRECEDING TWELVE
24 MONTHS.

25 **SECTION 3.** In Colorado Revised Statutes, 26-6-106, **amend**
26 (2)(e); and **add** (2.3) as follows:

27 **26-6-106. Standards for facilities and agencies - rules -**

1 **definition.** (2) Standards prescribed by such rules are restricted to:

2 (e) (I) The appropriateness, safety, cleanliness, and general
3 adequacy of the premises, including maintenance of adequate fire
4 protection and prevention and health standards in conformance with state
5 laws and municipal ordinances, to provide for the physical comfort, care,
6 well-being, and safety of THE children served.

7 (II) A CHILD CARE CENTER THAT PROVIDES CHILD CARE
8 EXCLUSIVELY TO SCHOOL-AGE CHILDREN AND OPERATES ON THE
9 PROPERTY OF A SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
10 CHARTER SCHOOL MAY SATISFY ANY FIRE INSPECTION REQUIREMENT
11 REQUIRED BY LAW BY PROVIDING A COPY OF A SATISFACTORY FIRE
12 INSPECTION REPORT OF THE PROPERTY OF A SCHOOL DISTRICT, CHARTER
13 SCHOOL, OR INSTITUTE CHARTER SCHOOL WHERE THE CHILD CARE IS
14 PROVIDED IF THE FIRE INSPECTION REPORT WAS COMPLETED WITHIN THE
15 PRECEDING TWELVE MONTHS. THE DEPARTMENT SHALL NOT REQUIRE A
16 DUPLICATE FIRE INSPECTION IF A SATISFACTORY FIRE INSPECTION REPORT
17 OF THE PROPERTY WAS COMPLETED WITHIN THE PRECEDING TWELVE
18 MONTHS.

19 (III) THE DEPARTMENT SHALL REQUIRE AN ANNUAL INSPECTION OF
20 PLAYGROUND FACILITIES ON THE PROPERTY WHERE A CHILD CARE CENTER
21 OPERATES BY A NATIONAL PLAYGROUND SAFETY CERTIFICATION EXPERT.
22 FOR PURPOSES OF A PLAYGROUND FACILITY INSPECTION, THE DEPARTMENT
23 SHALL ACCEPT AS SATISFACTORY PROOF OF VALID CERTIFICATION OF THE
24 PLAYGROUND FACILITY, CERTIFICATION, OR A COPY OF CERTIFICATION,
25 FROM AN INDIVIDUAL WHO IS LICENSED OR CERTIFIED TO PERFORM
26 PLAYGROUND SAFETY INSPECTIONS THROUGH THE NATIONAL RECREATION
27 AND PARK ASSOCIATION, OR OTHER NATIONALLY RECOGNIZED

1 PLAYGROUND FACILITY SAFETY ORGANIZATION. THE DEPARTMENT SHALL
2 NOT REQUIRE A DUPLICATE INSPECTION IF A SATISFACTORY INSPECTION
3 REPORT WAS COMPLETED WITHIN THE PRECEDING TWELVE MONTHS.

4 (2.3) (a) FOR PURPOSES OF THIS SUBSECTION (2.3), "PROGRAM"
5 MEANS CHILD CARE OFFERED BY A CHILD CARE CENTER THAT HOLDS A
6 LICENSE PURSUANT TO THIS PART 1, PROVIDES CHILD CARE EXCLUSIVELY
7 TO SCHOOL-AGE CHILDREN, AND OPERATES ON THE PROPERTY OF A
8 SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER
9 SCHOOL, REFERRED TO IN THIS SUBSECTION (2.3) AS "SCHOOL PROPERTY".

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11 (b) THE STATE BOARD SHALL PRESCRIBE STANDARDS BY RULE FOR
12 PROGRAMS THAT OPERATE ON SCHOOL PROPERTY THAT WHEN AN AGENCY
13 OR ENTITY PERFORMS ANY INSPECTION REQUIRED BY LAW, THE AGENCY OR
14 ENTITY SHALL ALSO PROVIDE A COPY OF THE INSPECTION REPORT TO THE
15 APPROPRIATE OFFICIAL OF THE SCHOOL DISTRICT, DISTRICT CHARTER
16 SCHOOL, OR INSTITUTION CHARTER SCHOOL WHERE THE CHILD CARE
17 CENTER OPERATES.

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19 (c) IF ALL OF THE REQUIREMENTS IN SECTION 22-1-119.5 AND ANY
20 ADDITIONAL RULES OF THE STATE BOARD ARE MET, A SCHOOL-AGE CHILD
21 ENROLLED IN A PROGRAM ON SCHOOL PROPERTY MAY POSSESS AND
22 SELF-ADMINISTER MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR
23 ANAPHYLAXIS. THE STATE BOARD MAY ADOPT ADDITIONAL RULES FOR
24 PROGRAMS ON SCHOOL PROPERTY CONCERNING THE AUTHORITY TO
25 POSSESS AND SELF-ADMINISTER MEDICATION FOR ASTHMA, A FOOD
26 ALLERGY, OR ANAPHYLAXIS.

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1 **SECTION 4.** In Colorado Revised Statutes, **add** 26-6-106.2 as
2 follows:

3 **26-6-106.2. Staffing during emergency situations - rules -**

4 **definition.** (1) DURING AN EMERGENCY SITUATION, A CHILD CARE
5 CENTER MAY PERMIT AN EMPLOYEE WHO DOES NOT MEET CAREGIVER
6 QUALIFICATIONS TO SUPERVISE CHILDREN FOR AN EXPEDIENT TIME WHILE
7 A QUALIFIED CAREGIVER IS SECURED. THE AMOUNT OF TIME MUST BE NO
8 LONGER THAN IS REASONABLY NECESSARY FOR THE CHILD CARE CENTER
9 TO SECURE A QUALIFIED SUBSTITUTE CAREGIVER.

10 (2) DURING AN EMERGENCY SITUATION, AT LEAST ONE EMPLOYEE
11 MUST PROVIDE FOR THE IMMEDIATE SUPERVISION AND CARE OF THE
12 CHILDREN SERVED.

13 (3) AS USED IN THIS SECTION, "EMERGENCY SITUATION" MEANS:

14 (a) LAW ENFORCEMENT ACTION, INCLUDING TRAFFIC AND ROAD
15 CLOSURE;

16 (b) ILLNESS;

17 (c) ACCIDENT;

18 (d) WEATHER THAT CREATES A REASONABLE AND UNFORESEEN
19 ROAD HAZARD;

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21 (e) DEATH;

22 (f) EMERGENCY BODILY FUNCTION; OR

23 (g) PROVIDING SPECIAL ATTENTION OR CARE TO A PARTICULAR
24 CHILD.

25 (4) THE DEPARTMENT MAY PROMULGATE RULES AS NECESSARY TO
26 IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

27 **SECTION 5. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2022 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.