

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0118.01 Kristen Forrestal x4217

HOUSE BILL 19-1060

HOUSE SPONSORSHIP

McKean, Arndt, Hooton

SENATE SPONSORSHIP

Zenzinger, Moreno, Tate

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CONFORMING AMENDMENTS NECESSITATED BY THE
102 TRANSFER OF CERTAIN SAFETY AUTHORITIES FROM THE
103 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO THE
104 DEPARTMENT OF PUBLIC SAFETY PURSUANT TO HOUSE BILL
105 **12-1268.**

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/>.)

Statutory Revision Committee. In 2012, the general assembly transferred functions related to safety regulations for health facilities from

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 department of public health and environment (CDPHE) to the department of public safety. The bill repeals statutory provisions that:

- ! Require CDPHE to adopt rules relating to fire safety of health facilities; and
- ! Allow CDPHE to establish a life safety code for health facilities.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of this act is to repeal obsolete statutory
4 provisions relating to the Colorado department of public health and
5 environment. The general assembly further declares that repealing these
6 statutory provisions does not alter the scope or applicability of the
7 remaining statutes.

8 **SECTION 2.** In Colorado Revised Statutes, 25-1-108, **amend**
9 (1)(c)(II); and **repeal** (1)(c)(III) and (1)(c)(IV) as follows:

10 **25-1-108. Powers and duties of state board of health.** (1) In
11 addition to all other powers and duties conferred and imposed upon the
12 state board of health by the provisions of this part 1, the board has the
13 following specific powers and duties:

14 (c) (II) To adopt rules ~~and regulations~~ and standards concerning
15 building regulations ~~and fire safety~~ for skilled and intermediate health
16 care facilities. The enforcement of these rules ~~and regulations~~ may be
17 waived by the board for periods of time as recommended by the
18 department if the rigid application ~~thereof~~ OF THE RULES would result in
19 demonstrated financial hardship to a skilled or intermediate facility, but
20 only if the waiver will not adversely affect the health and safety of
21 patients.

22 (III) ~~All rules, regulations, and standards adopted prior to~~

1 February 21, 1947, by the board concerning building regulations or fire
2 safety for nursing homes which are more strict than those provided by the
3 highest standards as set forth in this paragraph (c) are nullified by this
4 section, but nothing contained in this paragraph (c) shall be construed to
5 prevent the department from adopting and enforcing, with respect to
6 projects for which federal assistance has been obtained or shall be
7 requested, such higher standards as may be required by applicable federal
8 laws or regulations of federal agencies responsible for the administration
9 of such federal laws.

10 (IV) For the purpose of this part 1, all rules, regulations, and
11 standards adopted prior to February 21, 1947, by the board or any board,
12 office, or bureau whose duties are by virtue of this section transferred to
13 the board or the department, in effect immediately prior to February 21,
14 1947, and not inconsistent with the authority of the board as provided in
15 this part 1 shall remain in full force and effect until superseded by rules,
16 regulations, or standards duly adopted pursuant to this paragraph (c) by
17 the board in conformance with this part 1, to the same effect as though
18 such rules, regulations, and standards were adopted subsequent to the
19 passage of this part 1 in full conformance therewith.

20 **SECTION 3.** In Colorado Revised Statutes, 25-1.5-103, **amend**
21 (3.5) as follows:

22 **25-1.5-103. Health facilities - powers and duties of department**
23 **- limitations on rules promulgated by department - definitions.**

24 (3.5) (a) (F) The department of public health and environment may
25 establish life safety code and physical plant requirements for an
26 occupancy that is contiguous with an acute treatment unit if the
27 occupancy is operated by the acute treatment unit licensee and the

1 services provided by the occupancy are outpatient services certified in
2 accordance with article 65 of title 27 C.R.S., to determine appropriate
3 placement or detoxification services licensed by the department of human
4 services. The services provided by the occupancy shall MUST benefit
5 acute treatment unit clients, although the occupancy may also provide
6 such services to other populations. It shall be at the discretion of The
7 acute treatment unit licensee to MAY either construct the necessary fire
8 safety separations between the occupancy and the acute treatment unit or
9 to assume fiscal and administrative responsibility for assuring that the
10 occupancy meets the life safety code requirements as specified and
11 verified by the department of public health and environment SAFETY.

12 ~~(H) The state board of health may promulgate rules authorizing~~
13 ~~the department of public health and environment to assess a penalty of up~~
14 ~~to one hundred dollars per day if the department finds that an occupancy~~
15 ~~does not comply with life safety code requirements. The department shall~~
16 ~~only assess the penalty after the acute treatment unit licensee has had an~~
17 ~~opportunity to correct the noncompliance.~~

18 ~~(HH) Nothing in this subsection (3.5) shall be construed to extend~~
19 ~~the life safety code authority of the department of public health and~~
20 ~~environment to an occupancy that is not subject to licensure by the~~
21 ~~department and that has the appropriate fire safety separations between~~
22 ~~the occupancy and the acute treatment unit.~~

23 ~~(b) A licensee that is subject to life safety code oversight of one~~
24 ~~or more occupancies pursuant to paragraph (a) of this subsection (3.5)~~
25 ~~shall pay a fee or fees in accordance with rules promulgated by the state~~
26 ~~board of health.~~

27 ~~(c) Any moneys collected pursuant to this subsection (3.5) shall~~

1 ~~be transmitted to the state treasurer, who shall credit the same to the~~
2 ~~health facilities general licensure cash fund created in section 25-3-103.1.~~

3 **SECTION 4. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.