

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 20-1347

BY REPRESENTATIVE(S) Young and Jaquez Lewis, Bird, Buckner, Buentello, Caraveo, Duran, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jackson, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Sirota, Titone, Valdez D., Becker;

also SENATOR(S) Danielson and Hansen, Bridges, Cooke, Coram, Crowder, Donovan, Fenberg, Fields, Gardner, Ginal, Gonzales, Hisey, Lee, Lundeen, Marble, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Sonnenberg, Story, Tate, Todd, Winter, Woodward, Zenzinger, Garcia.

CONCERNING THE CHILD CARE LICENSURE EXEMPTION FOR FAMILY CHILD CARE HOMES.

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

SECTION 1. In Colorado Revised Statutes, 26-6-102, **add** (14.5), (22.5), and (35.5) as follows:

26-6-102. Definitions. As used in this article 6, unless the context otherwise requires:

(14.5) "GOVERNING BODY" MEANS THE INDIVIDUAL, PARTNERSHIP,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

CORPORATION, OR ASSOCIATION IN WHICH THE ULTIMATE AUTHORITY AND LEGAL RESPONSIBILITY IS VESTED FOR THE ADMINISTRATION AND OPERATION OF A CHILD CARE FACILITY.

(22.5) "LICENSEE" MEANS THE ENTITY OR INDIVIDUAL TO WHICH A LICENSE IS ISSUED AND THAT HAS THE LEGAL CAPACITY TO ENTER INTO AN AGREEMENT OR CONTRACT, ASSUME OBLIGATIONS, INCUR AND PAY DEBTS, SUE AND BE SUED IN ITS OWN RIGHT, AND BE HELD RESPONSIBLE FOR ITS ACTIONS. A LICENSEE MAY BE A GOVERNING BODY.

(35.5) "SIBLING" MEANS ONE OR MORE INDIVIDUALS HAVING ONE OR BOTH PARENTS IN COMMON.

SECTION 2. In Colorado Revised Statutes, 26-6-103, **amend** (1)(i) and (3); and **add** (5) and (6) as follows:

26-6-103. Application of part - study - definitions - repeal.
(1) This part 1 does not apply to:

(i) (I) An individual who provides less than twenty-four-hour child care in a place of residence when one of the following conditions is met:

(⊕) (A) The children being cared for are related, as defined in ~~sections 26-6-102 (31) and 26-6-102 (32)~~ SECTION 26-6-102 (31) AND (32), to the caregiver, are children who are related to each other AS SIBLINGS, AS DEFINED IN SECTION 26-6-102 (35.5), from a single family that is unrelated to the caregiver, or a combination of such children; or

(B) There are no more than four children being cared for, with no more than two children under two years of age from multiple families, regardless of the children's relation to the caregiver.

(I.5) AN INDIVIDUAL PROVIDING CHILD CARE IN A PLACE OF RESIDENCE AUTHORIZED PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION SHALL NOTIFY THE PARENTS OF THE CHILDREN IN THE INDIVIDUAL'S CARE THAT THE INDIVIDUAL IS OPERATING UNDER A LEGAL LICENSE EXEMPTION AND THAT THE STATE HAS NOT VERIFIED THE HEALTH AND SAFETY OF THE CARE SETTING OR PERFORMED BACKGROUND CHECKS ON THE INDIVIDUAL OR ANYONE ELSE RESIDING IN THE RESIDENCE.

(I.7) ON OR BEFORE JULY 1, 2021, AND EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT THE NUMBER OF COMPLAINTS FILED AGAINST CHILD CARE PROVIDERS WHO ARE CLAIMING AN EXEMPTION FROM LICENSING PURSUANT TO SUBSECTION (1)(i)(I)(B) OF THIS SECTION.

(II) This subsection (1)(i) is repealed, effective ~~September 1, 2020~~ SEPTEMBER 1, 2026.

(3) A ~~facility~~ LICENSEE OR GOVERNING BODY that has received a ~~negative licensing action as defined in section 26-6-102(25)~~ FINAL AGENCY ACTION RESULTING IN THE SUSPENSION OR REVOCATION OF A LICENSE ISSUED PURSUANT TO THIS PART 1 is prohibited from operating pursuant to subsection (1) of this section, EXCEPT WHEN THE CHILDREN BEING CARED FOR ARE RELATED, AS DEFINED IN SECTION 26-6-102 (31) AND (32), TO THE CAREGIVER.

(5) THE DEPARTMENT SHALL PROVIDE EDUCATION AND INFORMATION IN AN ACCESSIBLE MANNER ON THE STATE LICENSING WEBSITE FOR CHILD CARE PROVIDERS WHO ARE EXEMPT PURSUANT TO THIS SECTION BUT ARE INTERESTED IN BECOMING A LICENSED CHILD CARE PROVIDER.

(6) ON OR BEFORE JULY 1, 2021, AND EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT THE NUMBER OF CEASE-AND-DESIST ORDERS ISSUED TO CHILD CARE PROVIDERS WHO ARE OPERATING OUTSIDE THE EXEMPTIONS DESCRIBED IN THIS SECTION.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO