

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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 OR RADON INSPECTION
17 REQUIREMENT REQUIRED BY LAW BY PROVIDING A COPY OF A
18 SATISFACTORY FIRE OR RADON INSPECTION REPORT OF THE PROPERTY OF
19 A SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL
20 WHERE THE CHILD CARE IS PROVIDED IF THE FIRE OR RADON INSPECTION
21 REPORT WAS COMPLETED WITHIN THE PRECEDING TWELVE MONTHS. THE
22 DEPARTMENT SHALL NOT REQUIRE A DUPLICATE FIRE OR RADON
23 INSPECTION IF A SATISFACTORY FIRE OR RADON INSPECTION REPORT OF
24 THE PROPERTY WAS COMPLETED WITHIN THE PRECEDING TWELVE MONTHS.

25 **SECTION 3.** In Colorado Revised Statutes, 26-6-106, **amend**
26 (2)(e); and **add** (2.3), (2.6), ___ 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 OR RADON INSPECTION
11 REQUIREMENT REQUIRED BY LAW BY PROVIDING A COPY OF A
12 SATISFACTORY FIRE OR RADON INSPECTION REPORT OF THE PROPERTY OF
13 A SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL
14 WHERE THE CHILD CARE IS PROVIDED IF THE FIRE OR RADON INSPECTION
15 REPORT WAS COMPLETED WITHIN THE PRECEDING TWELVE MONTHS. THE
16 DEPARTMENT SHALL NOT REQUIRE A DUPLICATE FIRE OR RADON
17 INSPECTION IF A SATISFACTORY FIRE OR RADON INSPECTION REPORT OF
18 THE PROPERTY WAS COMPLETED WITHIN THE PRECEDING TWELVE MONTHS.

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

1 DEPARTMENT SHALL NOT REQUIRE A DUPLICATE INSPECTION IF A
2 SATISFACTORY INSPECTION REPORT WAS COMPLETED WITHIN THE
3 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) WHEN AN AGENCY OR ENTITY PERFORMS AN INSPECTION
12 REQUIRED BY LAW FOR A PROGRAM, THE AGENCY OR ENTITY SHALL
13 PROVIDE A COPY OF THE INSPECTION REPORT TO THE APPROPRIATE
14 OFFICIAL OF THE SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR
15 INSTITUTE CHARTER SCHOOL WHERE THE CHILD CARE CENTER OPERATES.

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

25 (2.6) IF ALL OF THE REQUIREMENTS IN SECTION 22-1-119.5 AND
26 ANY ADDITIONAL RULES OF THE STATE BOARD ARE MET, A CHILD
27 ENROLLED IN A LARGE CHILD CARE CENTER, AS DEFINED BY RULES

1 PROMULGATED BY THE STATE BOARD, MAY POSSESS AND
2 SELF-ADMINISTER MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR
3 ANAPHYLAXIS. THE STATE BOARD MAY ADOPT ADDITIONAL RULES
4 CONCERNING THE AUTHORITY TO POSSESS AND SELF-ADMINISTER
5 MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR ANAPHYLAXIS.

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

9 **26-6-106.2. Staffing during emergency circumstances -**
10 **definitions.** (1) DURING AN EMERGENCY CIRCUMSTANCE, A CHILD CARE
11 CENTER MAY PERMIT AN EMPLOYEE WHO HAS SUCCESSFULLY COMPLETED
12 CRIMINAL BACKGROUND CHECK REQUIREMENTS BUT IS NOT A QUALIFIED
13 CAREGIVER TO SUPERVISE CHILDREN FOR NOT MORE THAN TWO HOURS
14 WHILE THE CHILD CARE CENTER SECURES A QUALIFIED CAREGIVER.

15 (2) (a) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A
16 CHILD CARE CENTER THAT PROVIDES CHILD CARE EXCLUSIVELY TO
17 SCHOOL-AGE CHILDREN AND OPERATES ON THE PROPERTY OF A SCHOOL
18 DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL MAY PERMIT
19 AN EMPLOYEE WHO HAS SUCCESSFULLY COMPLETED CRIMINAL
20 BACKGROUND CHECK REQUIREMENTS BUT IS NOT A QUALIFIED CAREGIVER
21 TO SUPERVISE CHILDREN FOR NOT MORE THAN TWO HOURS, IF THE CHILD
22 CARE CENTER IS LOCATED IN A SCHOOL DISTRICT THAT IS NOT A RURAL
23 SCHOOL DISTRICT, OR FOR NOT MORE THAN FOUR HOURS, IF THE CHILD
24 CARE CENTER IS LOCATED IN A RURAL SCHOOL DISTRICT, WHILE THE CHILD
25 CARE CENTER SECURES A QUALIFIED CAREGIVER.

26 (b) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, THE
27 TWO-HOUR OR FOUR-HOUR TIME FRAMES DESCRIBED IN SUBSECTION (2)(a)

1 OF THIS SECTION MAY BE EXTENDED FOR AN AMOUNT OF TIME THAT IS
2 REASONABLY NECESSARY FOR THE CHILD CARE CENTER TO SECURE A
3 QUALIFIED CAREGIVER.

4 (3) (a) DURING AN EMERGENCY CIRCUMSTANCE, AT LEAST ONE
5 EMPLOYEE SHALL PROVIDE FOR THE IMMEDIATE SUPERVISION AND CARE
6 OF THE CHILDREN SERVED.

7 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION,
8 DURING AN EMERGENCY CIRCUMSTANCE, A CHILD CARE CENTER SHALL
9 MAINTAIN THE STAFF-TO-CHILD RATIO REQUIRED BY DEPARTMENT RULE
10 FOR AN INFANT PROGRAM OR A TODDLER PROGRAM.

11 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
12 REQUIRES:

13 (a) "EMERGENCY CIRCUMSTANCE" INCLUDES, BUT IS NOT LIMITED
14 TO, ILLNESS, DEATH, ACCIDENT, LAW ENFORCEMENT ACTION, ROAD
15 CLOSURE, HAZARDOUS WEATHER, EMERGENCY BODILY FUNCTION, CHILD
16 ELOPEMENT, OR PROVIDING EMERGENCY ATTENTION OR CARE TO A CHILD.

17 (b) "RURAL SCHOOL DISTRICT" HAS THE SAME MEANING AS SET
18 FORTH IN SECTION 22-7-1211 (4)(a).

19 **SECTION 5. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2022 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.

