

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0419.01 Clare Haffner x6137

HOUSE BILL 25-1202

HOUSE SPONSORSHIP

Paschal and Mabrey,

SENATE SPONSORSHIP

(None),

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO ADDRESS MOLD IN INDOOR
102 ENVIRONMENTS, AND, IN CONNECTION THEREWITH, ENACTING
103 THE "MOLD AWARENESS AND REGISTRATION ACT".

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>.)

Section 1 of the bill enacts the "Mold Awareness and Registration Act", which requires the department of public health and environment (department) to establish a public awareness campaign (campaign) to assist the public in understanding the health dangers of mold and the importance of removing mold from indoor environments.

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

The department is directed to establish the campaign, and the state board of health is directed to adopt rules governing the campaign. As part of the campaign, the department is required to:

- Inform the public on the health dangers of mold;
- Provide the public with contact information for organizations or government agencies that can provide further information relating to the health effects of mold, mold testing methods, or accredited industry standards for mold remediation; and
- Every 5 years, perform a review of the technology or treatment techniques for mold identification and remediation that protect public health and safety.

Section 1 also requires the executive director of the department to issue a registration to a person that provides mold remediation or assessment services in the state if the person applies for registration and provides evidence of an active third-party remediation or assessment certification, as well as evidence of financial responsibility. The executive director is required to maintain on the department's website a public database of all persons that have been issued a registration.

Sections 2 and 3 require a contract to sell residential real property to contain, and a landlord of residential real property to provide to prospective tenants, in writing:

- A warning statement about the health dangers of mold;
- Any knowledge the seller or landlord has of the residential real property's mold concentrations and history, including assessments performed, reports written, and mitigation or remediation conducted; and
- The most recent brochure published by the department that provides information about the health dangers of mold in indoor environments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 26 to article
3 4 of title 25 as follows:

4 **PART 26**

5 **MOLD AWARENESS AND REGISTRATION ACT**

6 **25-4-2601. Short title.** THE SHORT TITLE OF THIS PART 26 IS THE
7 "MOLD AWARENESS AND REGISTRATION ACT".

8 **25-4-2602. Legislative declaration.** (1) THE GENERAL ASSEMBLY

1 FINDS AND DECLARES THAT:

2 (a) THE WORLD HEALTH ORGANIZATION STATES THAT THOSE
3 LIVING IN DAMP AND MOLDY BUILDINGS FACE AN INCREASED RISK OF
4 RESPIRATORY HEALTH ISSUES, INCLUDING SEVERE HEALTH CONDITIONS
5 SUCH AS ASTHMA;

6 (b) EXCESSIVE INDOOR DAMPNES AND MOLD IN BUILDINGS IS A
7 WIDESPREAD PROBLEM THAT WARRANTS ACTION AT THE LOCAL, STATE,
8 AND NATIONAL LEVELS;

9 (c) BECAUSE OF THE POSSIBLE HEALTH EFFECTS OF EXPOSURE TO
10 MOLD IN BUILDINGS AND THE PREVALENCE OF COLORADO HOMES WITH
11 MOLD, IT IS IMPERATIVE THAT COLORADO RESIDENTS BE AWARE OF THE
12 DANGERS OF MOLD AND THE NEED FOR PROPER ASSESSMENT AND
13 REMEDIATION OF INDOOR ENVIRONMENTS AFFECTED BY MOLD; AND

14 (d) THERE IS A NEED TO ESTABLISH A PUBLIC AWARENESS
15 CAMPAIGN IN THE STATE TO EDUCATE THE PUBLIC ON THE HEALTH
16 DANGERS OF MOLD AND TO IDENTIFY PARTIES PERFORMING MOLD
17 REMEDIATION OR ASSESSMENT IN THE STATE.

18 **25-4-2603. Definitions.** AS USED IN THIS PART 26, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "ANSI/IICRC S520 STANDARD" MEANS THE AMERICAN
21 NATIONAL STANDARDS INSTITUTE/INSTITUTE OF INSPECTION, CLEANING
22 AND RESTORATION CERTIFICATION S520 STANDARD FOR PROFESSIONAL
23 MOLD REMEDIATION.

24 (2) "BOARD" MEANS THE STATE BOARD OF HEALTH CREATED IN
25 SECTION 25-1-103.

26 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
27 AND ENVIRONMENT CREATED IN SECTION 25-1-102.

1 (4) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
2 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

3 (5) (a) "MOLD" MEANS MICROSCOPIC ORGANISMS OR FUNGI THAT
4 CAN GROW IN DAMP CONDITIONS IN THE INTERIOR OF A BUILDING.

5 (b) "MOLD" INCLUDES CLADOSPORIUM, PENICILLIUM, ALTERNARIA,
6 ASPERGILLUS, FUSARIUM, TRICHODERMA, MEMNONIELLA, MUCOR,
7 CHAETOMIUM, AND STACHYBOTRYS CHARTARUM.

8 (6) (a) "MOLD ASSESSMENT" MEANS:

9 (I) THE INSPECTION, INVESTIGATION, OR SURVEY OF A DWELLING
10 OR OTHER STRUCTURE TO PROVIDE INFORMATION TO THE OWNER OR
11 OCCUPANT OF THE DWELLING OR OTHER STRUCTURE REGARDING THE
12 PRESENCE, IDENTIFICATION, OR EVALUATION OF MOLD AND WATER
13 DAMAGE;

14 (II) THE DEVELOPMENT OF A MOLD REMEDIATION PROTOCOL;

15 (III) AIR QUALITY TESTING TO DETECT THE PRESENCE OF MOLD; OR

16 (IV) THE COLLECTION OF A MOLD SAMPLE FOR ANALYSIS.

17 (b) "MOLD ASSESSMENT" DOES NOT INCLUDE AN INSPECTION, AN
18 INVESTIGATION, OR A SURVEY OF A DWELLING OR OTHER STRUCTURE
19 CONDUCTED BY A MOLD REMEDIATOR PERFORMING A PRELIMINARY
20 DETERMINATION.

21 (7) "MOLD REMEDIATION" MEANS THE TIMELY AND GOOD FAITH
22 EFFORT TO REMOVE MOLD OR MOLD-CONTAINMENT MATTER FROM A
23 RESIDENTIAL PREMISES OR DWELLING UNIT AND TO MITIGATE ANY
24 NEGATIVE EFFECT OF THE PRESENCE OF MOLD.

25 (8) "PRELIMINARY DETERMINATION" MEANS AN INITIAL
26 INSPECTION OF A DWELLING OR OTHER STRUCTURE, WHICH INSPECTION
27 IDENTIFIES AREAS OF MOISTURE INTRUSION AND ACTUAL OR POTENTIAL

1 MOLD GROWTH AND THE NEED FOR ASSISTANCE FROM OTHER SPECIALIZED
2 EXPERTS.

3 (9) "THIRD-PARTY ASSESSMENT CERTIFICATION" MEANS A MOLD
4 ASSESSMENT CERTIFICATION OFFERED BY THE AMERICAN COUNCIL OF
5 ACCREDITED CERTIFICATION, OR ITS SUCCESSOR ORGANIZATION, OR ANY
6 OTHER NATIONAL NONPROFIT ORGANIZATION THAT THE DEPARTMENT
7 APPROVES.

8 (10) "THIRD-PARTY REMEDIATION CERTIFICATION" MEANS A MOLD
9 REMEDIATION CERTIFICATION OFFERED BY THE INSTITUTE OF INSPECTION,
10 CLEANING AND RESTORATION CERTIFICATION OR ITS SUCCESSOR
11 ORGANIZATION, THE NATIONAL ORGANIZATION OF REMEDIATORS AND
12 MICROBIAL INSPECTORS OR ITS SUCCESSOR ORGANIZATION, OR ANY OTHER
13 NATIONAL NONPROFIT ORGANIZATION THAT THE DEPARTMENT APPROVES.

14 **25-4-2604. Powers and duties of department - public**
15 **awareness campaign - rules.** (1) THE DEPARTMENT SHALL, IN
16 CONSULTATION WITH APPROPRIATE AGENCIES AND ORGANIZATIONS,
17 ESTABLISH A PUBLIC AWARENESS CAMPAIGN TO ASSIST THE PUBLIC IN
18 UNDERSTANDING THE HEALTH DANGERS OF MOLD AND THE IMPORTANCE
19 OF REMOVING MOLD FROM INDOOR ENVIRONMENTS. AS PART OF THE
20 CAMPAIGN AND IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD
21 UNDER THIS PART 26, THE DEPARTMENT SHALL:

22 (a) PROVIDE THE PUBLIC INFORMATION, VIA BROCHURES AND
23 THROUGH INFORMATION POSTED ON THE DEPARTMENT'S WEBSITE, ON THE
24 HEALTH DANGERS OF MOLD, INCLUDING THE POTENTIAL TOXIC
25 COMPOUNDS THAT MOLD CAN EMIT AND PRODUCE;

26 (b) PROVIDE, ON THE DEPARTMENT'S WEBSITE, REFERENCE TO AND
27 CONTACT INFORMATION FOR ORGANIZATIONS OR GOVERNMENT AGENCIES

1 THAT CAN PROVIDE THE PUBLIC WITH INFORMATION PERTAINING TO THE
2 HEALTH EFFECTS OF MOLD, MOLD TESTING METHODS, OR ACCREDITED
3 INDUSTRY STANDARDS FOR THE REMEDIATION OF MOLD; AND

4 (c) EVERY FIVE YEARS, PERFORM A REVIEW OF THE TECHNOLOGY
5 AND TREATMENT TECHNIQUES FOR MOLD IDENTIFICATION AND
6 REMEDIATION THAT PROTECT THE PUBLIC HEALTH AND SAFETY AND, AS
7 PART OF ITS REVIEW, INCLUDE AN EXAMINATION OF ANY NEW SCIENTIFIC
8 EVIDENCE INDICATING THAT MOLD MAY PRESENT A GREATER HEALTH RISK
9 TO THE PUBLIC THAN PREVIOUSLY DETERMINED.

10 (2) ON OR BEFORE JANUARY 1, 2026, THE BOARD SHALL,
11 PURSUANT TO ARTICLE 4 OF TITLE 24, ADOPT RULES AS NECESSARY FOR
12 THE IMPLEMENTATION OF THIS PART 26.

13 **25-4-2605. Issuance of registration - database.** (1) IN
14 ACCORDANCE WITH RULES ADOPTED BY THE BOARD UNDER THIS PART 26,
15 THE EXECUTIVE DIRECTOR SHALL ISSUE AN INITIAL OR A RENEWED
16 REGISTRATION TO A PERSON THAT PROVIDES MOLD REMEDIATION
17 SERVICES OR MOLD ASSESSMENT SERVICES IN THE STATE IF THE PERSON
18 FURNISHES EVIDENCE SATISFACTORY TO THE EXECUTIVE DIRECTOR THAT
19 THE PERSON HOLDS AN ACTIVE THIRD-PARTY REMEDIATION OR
20 ASSESSMENT CERTIFICATION, AS APPLICABLE, AND PROVIDES EVIDENCE OF
21 FINANCIAL RESPONSIBILITY.

22 (2) THE EXECUTIVE DIRECTOR SHALL MAINTAIN A DATABASE OF
23 ALL REGISTRANTS, WHICH DATABASE MUST BE ACCESSIBLE TO THE PUBLIC
24 VIA THE DEPARTMENT'S WEBSITE.

25 **25-4-2606. Standard of care for mold remediation.** MOLD
26 REMEDIATION SHALL BE CONDUCTED IN ACCORDANCE WITH THE FOURTH
27 EDITION OF THE ANSI/IICRC S520 STANDARD, OR A SUCCESSOR

1 PUBLICATION. A VIOLATION OF THIS SECTION IS ENFORCEABLE ONLY
2 THROUGH A PRIVATE RIGHT OF ACTION; EXCEPT THAT THE ATTORNEY
3 GENERAL MAY, PURSUANT TO SECTION 38-12-512, INITIATE AN
4 ENFORCEMENT ACTION IF THE ATTORNEY GENERAL HAS CAUSE TO BELIEVE
5 THAT A PERSON, BY VIOLATING THIS SECTION, ENGAGED IN OR IS
6 ENGAGING IN A VIOLATION OF THE WARRANTY OF HABITABILITY AS
7 DESCRIBED IN SECTION 38-12-503.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 38-35.7-113 as
9 follows:

10 **38-35.7-113. Disclosure - mold - definitions.** (1) A BUYER OF
11 RESIDENTIAL REAL PROPERTY HAS THE RIGHT TO BE INFORMED OF
12 WHETHER THE PROPERTY HAS BEEN ASSESSED FOR MOLD.

13 (2) (a) A CONTRACT OF SALE FOR RESIDENTIAL REAL PROPERTY
14 MUST CONTAIN THE FOLLOWING DISCLOSURE IN BOLD-FACED TYPE IN
15 SUBSTANTIALLY THE SAME FORM AS IS SPECIFIED AS FOLLOWS:

16 **ACCORDING TO THE COLORADO DEPARTMENT OF PUBLIC**
17 **HEALTH AND ENVIRONMENT, EXPOSURE TO A LARGE**
18 **NUMBER OF MOLD SPORES MAY CAUSE SYMPTOMS SUCH**
19 **AS WATERY EYES, RUNNY NOSE, SNEEZING, ITCHING,**
20 **COUGHING, WHEEZING, DIFFICULTY BREATHING,**
21 **HEADACHE, AND FATIGUE. REPEATED EXPOSURE TO**
22 **MOLD CAN INCREASE A PERSON'S SENSITIVITY, CAUSING**
23 **MORE SEVERE REACTIONS. SOURCES OF MOISTURE MAY**
24 **INCLUDE: FLOODING, DAMP BASEMENT OR CRAWL SPACE,**
25 **LEAKY ROOF, LEAKY PLUMBING, HUMIDIFIERS, POORLY**
26 **VENTILATED AREAS, OR A CLOTHES DRYER THAT IS**
27 **VENTED INDOORS. FOR MORE INFORMATION, PLEASE**

1 **VISIT THE WEBSITE OF THE COLORADO DEPARTMENT OF**
2 **PUBLIC HEALTH AND ENVIRONMENT.**

3 (b) A CONTRACT OF SALE FOR RESIDENTIAL REAL PROPERTY OR
4 SELLER'S PROPERTY DISCLOSURE FOR RESIDENTIAL REAL PROPERTY MUST
5 CONTAIN THE FOLLOWING DISCLOSURES:

6 (I) ANY KNOWLEDGE THE SELLER HAS OF THE PRESENCE OF MOLD
7 IN THE RESIDENTIAL REAL PROPERTY, INCLUDING THE FOLLOWING
8 INFORMATION:

9 (A) WHETHER A MOLD ASSESSMENT HAS BEEN CONDUCTED ON THE
10 RESIDENTIAL REAL PROPERTY;

11 (B) THE MOST RECENT RECORDS AND REPORTS PERTAINING TO
12 MOLD CONCENTRATIONS WITHIN THE RESIDENTIAL REAL PROPERTY, IF
13 ANY; AND

14 (C) A DESCRIPTION OF ANY MOLD CONCENTRATIONS DETECTED OR
15 MITIGATION OR REMEDIATION PERFORMED; AND

16 (II) AN ELECTRONIC OR PAPER COPY OF THE MOST RECENT
17 BROCHURE PUBLISHED BY THE DEPARTMENT OF PUBLIC HEALTH AND
18 ENVIRONMENT IN ACCORDANCE WITH SECTION 25-4-2604 (1)(a) THAT
19 PROVIDES INFORMATION ABOUT THE HEALTH EFFECTS OF MOLD IN INDOOR
20 ENVIRONMENTS.

21 (3) AS USED IN THIS SECTION:

22 (a) "MOLD ASSESSMENT" MEANS AIR QUALITY TESTING THAT IS
23 CONDUCTED AS PART OF AN INSPECTION, INVESTIGATION, OR SURVEY OF
24 A DWELLING OR OTHER STRUCTURE TO PROVIDE INFORMATION TO THE
25 OWNER OR OCCUPANT OF THE DWELLING OR OTHER STRUCTURE
26 REGARDING THE PRESENCE, IDENTIFICATION, OR EVALUATION OF MOLD
27 AND WATER DAMAGE.

1 (b) "RESIDENTIAL REAL PROPERTY" MEANS:

2 (I) A SINGLE-FAMILY HOME, MANUFACTURED HOME, MOBILE
3 HOME, CONDOMINIUM, APARTMENT, TOWNHOME, OR DUPLEX; OR

4 (II) A HOME SOLD BY THE OWNER, A FINANCIAL INSTITUTION, OR
5 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
6 DEVELOPMENT.

7 **SECTION 3.** In Colorado Revised Statutes, **add** 38-12-804 as
8 follows:

9 **38-12-804. Disclosure - mold - definitions.** (1) A TENANT THAT
10 RENTS RESIDENTIAL REAL PROPERTY HAS THE RIGHT TO BE INFORMED OF
11 WHETHER THE PROPERTY HAS BEEN ASSESSED FOR MOLD.

12 (2) (a) BEFORE OBTAINING A TENANT'S SIGNATURE ON A LEASE
13 AGREEMENT FOR RESIDENTIAL REAL PROPERTY, THE LANDLORD SHALL
14 DISCLOSE AND PROVIDE IN WRITING TO THE TENANT THE FOLLOWING
15 INFORMATION:

16 (I) A WARNING STATEMENT IN BOLD-FACED TYPE IN
17 SUBSTANTIALLY THE SAME FORM AS IS SPECIFIED AS FOLLOWS:

18 **ACCORDING TO THE COLORADO DEPARTMENT OF PUBLIC**
19 **HEALTH AND ENVIRONMENT, EXPOSURE TO A LARGE**
20 **NUMBER OF MOLD SPORES MAY CAUSE SYMPTOMS SUCH**
21 **AS WATERY EYES, RUNNY NOSE, SNEEZING, ITCHING,**
22 **COUGHING, WHEEZING, DIFFICULTY BREATHING,**
23 **HEADACHE, AND FATIGUE. REPEATED EXPOSURE TO**
24 **MOLD CAN INCREASE A PERSON'S SENSITIVITY, CAUSING**
25 **MORE SEVERE REACTIONS. SOURCES OF MOISTURE MAY**
26 **INCLUDE: FLOODING, DAMP BASEMENT OR CRAWLSPACE,**
27 **LEAKY ROOF, LEAKY PLUMBING, HUMIDIFIERS, POORLY**

1 **VENTILATED AREAS, OR A CLOTHES DRYER THAT IS**
2 **VENTED INDOORS. FOR MORE INFORMATION, PLEASE**
3 **VISIT THE WEBSITE OF THE COLORADO DEPARTMENT OF**
4 **PUBLIC HEALTH AND ENVIRONMENT.**

5 (II) ANY KNOWLEDGE THE LANDLORD HAS OF THE PRESENCE OF
6 MOLD IN THE RESIDENTIAL REAL PROPERTY, INCLUDING THE FOLLOWING
7 INFORMATION:

8 (A) WHETHER A MOLD ASSESSMENT HAS BEEN CONDUCTED ON THE
9 RESIDENTIAL REAL PROPERTY;

10 (B) THE MOST RECENT RECORDS AND REPORTS PERTAINING TO
11 MOLD CONCENTRATIONS WITHIN THE RESIDENTIAL REAL PROPERTY, IF
12 ANY; AND

13 (C) A DESCRIPTION OF ANY MOLD CONCENTRATIONS DETECTED OR
14 MITIGATION OR REMEDIATION PERFORMED; AND

15 (III) AN ELECTRONIC OR PAPER COPY OF THE MOST RECENT
16 BROCHURE PUBLISHED BY THE DEPARTMENT OF PUBLIC HEALTH AND
17 ENVIRONMENT IN ACCORDANCE WITH SECTION 25-4-2604 (1)(a) THAT
18 PROVIDES INFORMATION ABOUT THE HEALTH EFFECTS OF MOLD IN INDOOR
19 ENVIRONMENTS.

20 (b) THE TENANT SHALL ACKNOWLEDGE RECEIPT OF THE
21 INFORMATION DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION BY
22 SIGNING THE DISCLOSURE.

23 (3) NOTHING IN THIS SECTION:

24 (a) ABSOLVES A LANDLORD FROM HAVING TO COMPLY WITH THE
25 LANDLORD'S OBLIGATIONS SET FORTH IN SECTION 38-12-503 REGARDING
26 THE WARRANTY OF HABITABILITY; OR

27 (b) PRECLUDES A TENANT FROM EXERCISING ONE OR MORE OF THE

1 REMEDIES AVAILABLE TO THE TENANT PURSUANT TO SECTION 38-12-507
2 IN RESPONSE TO A BREACH OF THE WARRANTY OF HABITABILITY AS SET
3 FORTH IN SECTION 38-12-503.

4 (4) AS USED IN THIS SECTION:

5 (a) "MOLD ASSESSMENT" MEANS AIR QUALITY TESTING THAT IS
6 CONDUCTED AS PART OF AN INSPECTION, INVESTIGATION, OR SURVEY OF
7 A DWELLING OR OTHER STRUCTURE TO PROVIDE INFORMATION TO THE
8 OWNER OR OCCUPANT OF THE DWELLING OR OTHER STRUCTURE
9 REGARDING THE PRESENCE, IDENTIFICATION, OR EVALUATION OF MOLD
10 AND WATER DAMAGE.

11 (b) "RESIDENTIAL REAL PROPERTY" MEANS:

12 (I) A SINGLE-FAMILY HOME, MANUFACTURED HOME, MOBILE
13 HOME, CONDOMINIUM, APARTMENT, TOWNHOME, OR DUPLEX; OR

14 (II) A HOME SOLD BY THE OWNER, A FINANCIAL INSTITUTION, OR
15 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
16 DEVELOPMENT.

17 **SECTION 4. Act subject to petition - effective date.** Sections
18 38-35.7-113 and 38-12-804, Colorado Revised Statutes, as enacted in
19 sections 2 and 3 of this act, respectively, take effect January 1, 2026, and
20 the remainder of this act takes effect at 12:01 a.m. on the day following
21 the expiration of the ninety-day period after final adjournment of the
22 general assembly; except that, if a referendum petition is filed pursuant to
23 section 1 (3) of article V of the state constitution against this act or an
24 item, section, or part of this act within the ninety-day period after final
25 adjournment of the general assembly, then the act, item, section, or part
26 will not take effect unless approved by the people at the general election
27 to be held in November 2026 and, in such case, will take effect on the

1 date of the official declaration of the vote thereon by the governor; except
2 that sections 38-35.7-113 and 38-12-804, Colorado Revised Statutes, as
3 enacted in sections 2 and 3 of this act, respectively, take effect January 1,
4 2026.