

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 21-0071.01 Jacob Baus x2173

**SENATE BILL 21-167**

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**Senate Committees**

Education

**House Committees**

Public & Behavioral Health & Human Services

HOUSE  
3rd Reading Unamended  
April 26, 2021

HOUSE  
Amended 2nd Reading  
April 23, 2021

SENATE  
3rd Reading Unamended  
April 6, 2021

SENATE  
Amended 2nd Reading  
April 5, 2021

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**A BILL FOR AN ACT**

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

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**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.

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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, ~~DISTRICT~~ CHARTER SCHOOL, OR  
19      INSTITUTE CHARTER SCHOOL. THE FIRE DEPARTMENT OR DIVISION THAT  
20      CONDUCTS THE INSPECTION PURSUANT TO THIS SECTION SHALL PROVIDE  
21      A COPY OF 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, ~~DISTRICT~~ CHARTER SCHOOL, OR  
16 INSTITUTE CHARTER SCHOOL MAY SATISFY ANY FIRE OR RADON  
17 INSPECTION 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, ~~DISTRICT~~ CHARTER SCHOOL, OR INSTITUTE CHARTER  
20 SCHOOL WHERE THE CHILD CARE IS PROVIDED IF THE FIRE OR RADON  
21 INSPECTION REPORT WAS COMPLETED WITHIN THE PRECEDING TWELVE  
22 MONTHS. THE DEPARTMENT SHALL NOT REQUIRE A DUPLICATE FIRE OR  
23 RADON INSPECTION IF A SATISFACTORY FIRE OR RADON INSPECTION  
24 REPORT OF THE PROPERTY WAS COMPLETED WITHIN THE PRECEDING  
25 TWELVE MONTHS.

26 **SECTION 3.** In Colorado Revised Statutes, 26-6-106, **amend**  
27 (2)(e); and **add** (2.3) and (2.6) as follows:

1                   **26-6-106. Standards for facilities and agencies - rules -**

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

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

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

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

1       RECREATION AND PARK ASSOCIATION, OR OTHER NATIONALLY  
2       RECOGNIZED PLAYGROUND FACILITY SAFETY ORGANIZATION. THE  
3       DEPARTMENT SHALL NOT REQUIRE A DUPLICATE INSPECTION IF A  
4       SATISFACTORY INSPECTION REPORT WAS COMPLETED WITHIN THE  
5       PRECEDING TWELVE MONTHS.

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

12       =

13       (b) WHEN AN AGENCY OR ENTITY PERFORMS AN INSPECTION  
14       REQUIRED BY LAW FOR A PROGRAM, THE AGENCY OR ENTITY SHALL  
15       PROVIDE A COPY OF THE INSPECTION REPORT TO THE APPROPRIATE  
16       OFFICIAL OF THE SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR  
17       INSTITUTE CHARTER SCHOOL WHERE THE CHILD CARE CENTER OPERATES.

18       =

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.

27       (2.6) IF ALL OF THE REQUIREMENTS IN SECTION 22-1-119.5 AND

1       ANY ADDITIONAL RULES OF THE STATE BOARD ARE MET, A CHILD  
2       ENROLLED IN A LARGE CHILD CARE CENTER, AS DEFINED BY RULE  
3       PROMULGATED BY THE STATE BOARD, MAY POSSESS AND  
4       SELF-ADMINISTER MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR  
5       ANAPHYLAXIS. THE STATE BOARD MAY ADOPT ADDITIONAL RULES  
6       CONCERNING THE AUTHORITY TO POSSESS AND SELF-ADMINISTER  
7       MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR ANAPHYLAXIS.

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

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

17       (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A  
18       LARGE CHILD CARE CENTER, AS DEFINED BY RULE PROMULGATED BY THE  
19       STATE BOARD, OR A CHILD CARE CENTER THAT OPERATES ON THE  
20       PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR  
21       INSTITUTE CHARTER SCHOOL, MAY PERMIT AN EMPLOYEE OF THE CHILD  
22       CARE CENTER OR AN EMPLOYEE OF THE SCHOOL DISTRICT, DISTRICT  
23       CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL WHO HAS  
24       SUCCESSFULLY COMPLETED CRIMINAL BACKGROUND CHECK  
25       REQUIREMENTS BUT IS NOT A QUALIFIED CAREGIVER TO SUPERVISE  
26       CHILDREN FOR AN AMOUNT OF TIME THAT IS REASONABLY NECESSARY TO  
27       ADDRESS AN EMERGENCY CIRCUMSTANCE.

4 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
5 REQUIRES, "EMERGENCY CIRCUMSTANCE" INCLUDES, BUT IS NOT LIMITED  
6 TO, ILLNESS, DEATH, ACCIDENT, LAW ENFORCEMENT ACTION, ROAD  
7 CLOSURE, HAZARDOUS WEATHER, EMERGENCY BODILY FUNCTION, CHILD  
8 ELOPEMENT, OR PROVIDING EMERGENCY ATTENTION OR CARE TO A CHILD.