

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1058.01 Jane Ritter x4342

HOUSE BILL 20-1347

HOUSE SPONSORSHIP

Young,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

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

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 clarifies language and requirements related to the child care license exemption for family child care homes and extends the licensure exemption from September 1, 2020, to September 1, 2026.

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

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.

1 **SECTION 1.** In Colorado Revised Statutes, 26-6-102, **add** (14.5),
2 (22.5), and (35.5) as follows:

3 **26-6-102. Definitions.** As used in this article 6, unless the context
4 otherwise requires:

5 (14.5) "GOVERNING BODY" MEANS THE INDIVIDUAL, PARTNERSHIP,
6 CORPORATION, OR ASSOCIATION IN WHICH THE ULTIMATE AUTHORITY AND
7 LEGAL RESPONSIBILITY IS VESTED FOR THE ADMINISTRATION AND
8 OPERATION OF A CHILD CARE FACILITY.

9 (22.5) "LICENSEE" MEANS THE ENTITY OR INDIVIDUAL TO WHICH
10 A LICENSE IS ISSUED AND THAT HAS THE LEGAL CAPACITY TO ENTER INTO
11 AN AGREEMENT OR CONTRACT, ASSUME OBLIGATIONS, INCUR AND PAY
12 DEBTS, SUE AND BE SUED IN ITS OWN RIGHT, AND BE HELD RESPONSIBLE
13 FOR ITS ACTIONS. A LICENSEE MAY BE A GOVERNING BODY.

14 (35.5) "SIBLING" MEANS ONE OR MORE INDIVIDUALS HAVING ONE
15 OR BOTH PARENTS IN COMMON.

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

18 **26-6-103. Application of part - study - definitions - repeal.**

19 (1) This part 1 does not apply to:

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

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

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

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

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

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

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

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

1 PROVIDER.

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

6 **SECTION 3. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety.