

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

**REENGROSSED**

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

LLS NO. 21-0071.01 Jacob Baus x2173

**SENATE BILL 21-167**

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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.*

SENATE  
3rd Reading Unamended  
April 6, 2021

SENATE  
Amended 2nd Reading  
April 5, 2021

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, 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.