

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0712.01 Michael Dohr x4347

HOUSE BILL 24-1080

HOUSE SPONSORSHIP

Parenti,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS FOR YOUTH SPORTS PERSONNEL THAT**
102 **IMPROVE THE SAFETY OF THE PARTICIPANTS.**

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 that a director, coach, assistant coach, or athletic program personnel contracted by a private sports organization or program is a mandatory reporter.

An organization that operates a youth athletic activity (youth sports organization) is required to have each paid coach of the youth athletic activity have a current CPR education certification. A "youth sports

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.*

organization" means a private for-profit or not-for-profit organization that provides sports activities designed for the participation of youth 18 years of age or younger. "Youth sports organization" does not include K-12 schools or institutions of higher education.

All youth sports organization employees and volunteers who work directly with youth members, and any employee or volunteer who accompanies the youth sports organization on any trip that includes one or more overnight stays, must obtain a criminal history record check. A volunteer who is not acting in the capacity of a coach or manager, who only occasionally assists with the team, and who has an immediate family member participating in the youth sports organization is not required to obtain a criminal history record check. The bill creates a cause of action for failing to conduct a background check.

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

2

3 **SECTION 1.** In Colorado Revised Statutes, **add** article 59 to title
4 25 as follows:

5

ARTICLE 59

6

Required CPR and First Aid Guidelines

7

25-59-101. Definitions. AS USED IN THIS ARTICLE 59, UNLESS THE

8

CONTEXT OTHERWISE REQUIRES:

9

(1) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC

10

ACTIVITY IN WHICH THE MAJORITY OF THE PARTICIPANTS ARE UNDER

11

EIGHTEEN YEARS OF AGE AND ARE ENGAGING IN AN ORGANIZED ATHLETIC

12

GAME, COMPETITION, OR TRAINING PROGRAM. "YOUTH ATHLETIC

13

ACTIVITY" DOES NOT INCLUDE AN ATHLETIC ACTIVITY THAT IS INCIDENTAL

14

TO A NONATHLETIC PROGRAM OR A LESSON.

15

(2) "YOUTH SPORTS ORGANIZATION" HAS THE SAME MEANING AS

16

IN SECTION 26.5-5-304.5 (4).

17

25-59-102. Organized youth athletic activities - CPR and first

18

aid guidelines required. (1) (a) EXCEPT AS PROVIDED FOR IN

1 SUBSECTION (1)(b) OF THIS SECTION, EACH YOUTH SPORTS ORGANIZATION
2 SHALL ENSURE THAT AT LEAST ONE ADULT WHO POSSESSES A CURRENT
3 FIRST AID AND CPR/AED CERTIFICATION IS PRESENT AT EACH YOUTH
4 ATHLETIC ACTIVITY.

5 (b) IF A YOUTH SPORTS ORGANIZATION CONDUCTS A YOUTH
6 ATHLETIC ACTIVITY AT A FACILITY THAT HAS STAFF ON SITE DURING THE
7 YOUTH ATHLETIC ACTIVITY WHO ARE FIRST AID AND CPR/AED CERTIFIED
8 SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY.

9 (c) A YOUTH ATHLETIC ACTIVITY THAT IS CONDUCTED ENTIRELY
10 BY VOLUNTEERS FOR TRAINING PURPOSES ONLY ARE EXEMPT FROM THIS
11 SECTION, BUT THE VOLUNTEERS ARE STRONGLY ENCOURAGED TO POSSESS
12 A CURRENT FIRST AID AND CPR/AED CERTIFICATION.

13 (2) (a) THE CPR AND FIRST AID EDUCATION COURSE REQUIRED BY
14 SUBSECTION (1) OF THIS SECTION MUST INCLUDE THE FOLLOWING:

- 15 (I) IDENTIFYING SIGNS OF AND TREATING:
 - 16 (A) HEAT- AND COLD-RELATED CONDITIONS;
 - 17 (B) EXTERNAL BLEEDING;
 - 18 (C) MUSCULAR AND SKELETAL INJURIES; AND
 - 19 (D) HEAD, NECK, AND SPINAL INJURIES; AND
- 20 (II) CARDIOPULMONARY RESUSCITATION/AUTOMATIC EXTERNAL
21 DEFIBRILLATOR TRAINING.

22 (b) EACH YOUTH SPORTS ORGANIZATION AND EACH ATHLETIC
23 LEAGUE MAY DESIGNATE SPECIFIC EDUCATION COURSES AS SUFFICIENT TO
24 MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

25 (3) NOTHING IN THIS ARTICLE 59 ABROGATES OR LIMITS THE
26 PROTECTIONS APPLICABLE TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES
27 PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT",

1 ARTICLE 10 OF TITLE 24; VOLUNTEERS AND BOARD MEMBERS PURSUANT
2 TO SECTIONS 13-21-115.7 AND 13-21-116; OR SKI AREA OPERATORS
3 PURSUANT TO SECTIONS 33-44-112 AND 33-44-113.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 26.5-5-304.5 as
5 follows:

6 **26.5-5-304.5. Application of part - youth sports organizations**
7 **- background checks required - definitions.** (1) NOTWITHSTANDING
8 ANY PROVISION OF THIS PART 3 TO THE CONTRARY, A YOUTH SPORTS
9 ORGANIZATION THAT IS NOT LICENSED PURSUANT TO THIS PART 3 ON THE
10 EFFECTIVE DATE OF THIS SECTION IS SUBJECT ONLY TO THE REQUIREMENTS
11 OF THIS SECTION AND IS OTHERWISE EXEMPT FROM THE REQUIREMENTS OF
12 THIS PART 3.

13 (2) (a) A YOUTH SPORTS ORGANIZATION OPERATING IN THE STATE
14 OF COLORADO SHALL REQUIRE ALL EMPLOYEES AND VOLUNTEERS WHO
15 WORK DIRECTLY, OR WILL WORK DIRECTLY, WITH YOUTH MEMBERS, AND
16 ANY EMPLOYEE OR VOLUNTEER WHO ACCOMPANIES THE YOUTH SPORTS
17 ORGANIZATION ON ANY TRIP THAT INCLUDES ONE OR MORE OVERNIGHT
18 STAYS, TO OBTAIN, PRIOR TO STARTING THE WORK OR TAKING THE TRIP,
19 AND EVERY THREE YEARS THEREAFTER, A CRIMINAL HISTORY RECORD
20 CHECK BY A PRIVATE ENTITY REGULATED AS A CONSUMER REPORTING
21 AGENCY PURSUANT TO 15 U.S.C. SEC. 1681, ET SEQ., THAT DISCLOSES, AT
22 A MINIMUM, SEXUAL OFFENDERS AND FELONY CONVICTIONS AND
23 INCLUDES A SOCIAL SECURITY NUMBER TRACE AND A SEARCH OF THE
24 COLORADO JUDICIAL PUBLIC RECORDS ACCESS SYSTEM. IF AN EMPLOYEE
25 OR VOLUNTEER HAS LIVED OUTSIDE OF THE UNITED STATES FOR MORE
26 THAN ONE HUNDRED EIGHTY DAYS IN PAST TEN YEARS OR ONE HUNDRED
27 EIGHTY DAYS SINCE THE EMPLOYEE'S OR VOLUNTEER'S LAST BACKGROUND

1 CHECK WAS CONDUCTED, THE EMPLOYEE OR VOLUNTEER SHALL ALSO
2 OBTAIN AN INTERNATIONAL CRIMINAL HISTORY RECORD CHECK THAT AT
3 A MINIMUM DISCLOSES SEXUAL OFFENDERS AND FELONY CONVICTIONS.
4 THE CRIMINAL HISTORY RECORD CHECK MUST ASCERTAIN WHETHER THE
5 PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD
6 ABUSE AS SPECIFIED IN SECTION 18-6-401, A FELONY OFFENSE INVOLVING
7 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), OR
8 A COMPARABLE OFFENSE COMMITTED IN ANY OTHER STATE.

9 (b) A YOUTH SPORTS ORGANIZATION SHALL NOT HIRE A PERSON AS
10 AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER IF A CRIMINAL
11 HISTORY RECORD CHECK OF THE PERSON PERFORMED PURSUANT TO
12 SUBSECTION (2)(a) OF THIS SECTION SHOWS THAT THE PERSON HAS BEEN
13 CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401,
14 A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED
15 IN SECTION 16-22-102 (9), OR ANY COMPARABLE OFFENSE COMMITTED IN
16 ANOTHER STATE.

17 (3) (a) A PERSON, INCLUDING AN EMPLOYEE OR VOLUNTEER WHO
18 TAKES PART IN THE ACTIVITIES OF A YOUTH SPORTS ORGANIZATION BUT
19 WHO IS NOT REQUIRED TO OBTAIN A CRIMINAL HISTORY RECORD CHECK
20 PURSUANT TO SUBSECTION (2) OF THIS SECTION MUST AT ALL TIMES BE
21 SUPERVISED BY AN EMPLOYEE OR VOLUNTEER WHO HAS BEEN HIRED OR
22 APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK
23 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

24 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A YOUTH
25 SPORTS ORGANIZATION IS NOT REQUIRED TO PERFORM A CRIMINAL
26 HISTORY RECORD CHECK ON A VOLUNTEER WHO IS NOT ACTING IN THE
27 CAPACITY OF A COACH OR MANAGER, ONLY OCCASIONALLY ASSISTS WITH

1 THE TEAM. A VOLUNTEER DESCRIBED BY THIS SUBSECTION (3)(b) MUST
2 BE SUPERVISED AT ALL TIMES BY AN EMPLOYEE OR VOLUNTEER WHO HAS
3 BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD
4 CHECK PURSUANT TO SUBSECTION (2) OF THIS SECTION.

5 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "EMPLOYEE" MEANS A PAID EMPLOYEE OF A YOUTH SPORTS
8 ORGANIZATION WHO IS EIGHTEEN YEARS OF AGE OR OLDER.

9 (b) "VOLUNTEER" MEANS A PERSON WHO VOLUNTEERS TO ASSIST
10 A YOUTH SPORTS ORGANIZATION.

11 (c) (I) "YOUTH SPORTS ORGANIZATION" MEANS A PUBLIC
12 ORGANIZATION OR PRIVATE FOR-PROFIT OR NOT-FOR-PROFIT
13 ORGANIZATION THAT, AS PART OF ITS CORE FUNCTION, PROVIDES PERSONS
14 WHO ARE UNDER EIGHTEEN YEARS OF AGE THE OPPORTUNITY TO
15 PARTICIPATE IN SCHEDULED COMPETITIVE OR RECREATIONAL SPORTING
16 ACTIVITIES, WHETHER INDIVIDUALLY OR AS A TEAM.

17 (II) "YOUTH SPORTS ORGANIZATION" DOES NOT INCLUDE:

18 (A) A NEIGHBORHOOD YOUTH ORGANIZATION AS DEFINED IN
19 SECTION 26.5-5-303;

20 (B) A PUBLIC OR PRIVATE SCHOOL SERVING ANY OF GRADES
21 KINDERGARTEN THROUGH TWELVE;

22 (C) A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION; OR

23 (D) AN ORGANIZATION THAT MERELY PROVIDES THE OPPORTUNITY
24 TO PARTICIPATE IN AN UNSUPERVISED, UNSCHEDULED COMPETITIVE OR
25 RECREATIONAL SPORTING EVENT ON A WALK-IN BASIS.

26 **SECTION 3.** In Colorado Revised Statutes, **add** 13-80-103.4 as
27 follows:

1 **13-80-103.4. Limitation of actions - failure to perform a**
2 **background check by a youth sports organization - injury to a child**

3 **- definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
4 OTHERWISE REQUIRES:

5 (a) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

6 (b) "SEXUAL OFFENSE AGAINST A CHILD" INCLUDES ALL OFFENSES
7 LISTED IN SECTION 18-3-411 (1).

8 (c) "YOUTH SPORTS REQUIRED BACKGROUND CHECK" MEANS
9 COMPLYING WITH SECTION 26.5-5-304.5.

10 (2) NOTWITHSTANDING ANY OTHER STATUTE OF LIMITATIONS
11 SPECIFIED IN THIS ARTICLE 80 OR ANY OTHER PROVISION OF LAW, A CIVIL
12 ACTION, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, AGAINST A
13 YOUTH SPORTS ORGANIZATION FOR FAILURE TO PERFORM A YOUTH SPORTS
14 REQUIRED BACKGROUND CHECK MAY BE BROUGHT AT ANY TIME.

15 (3) IN BRINGING A CIVIL ACTION FOR FAILURE TO PERFORM A
16 YOUTH SPORTS REQUIRED BACKGROUND CHECK PURSUANT TO THIS
17 SECTION, A PLAINTIFF SHALL MAKE A PRIMA FACIE SHOWING OF THE
18 FOLLOWING FACTS AND CIRCUMSTANCES:

19 (a) THE YOUTH SPORTS ORGANIZATION, IN HIRING AN INDIVIDUAL
20 TO WORK WITH CHILDREN OR IN A SETTING WITH CHILDREN, DID NOT
21 PERFORM AN YOUTH SPORTS REQUIRED BACKGROUND CHECK OF THE
22 INDIVIDUAL, AND THE FAILURE TO CONDUCT THE REQUIRED BACKGROUND
23 CHECK WAS THE RESULT OF THE YOUTH SPORTS ORGANIZATION'S
24 DELIBERATE INDIFFERENCE OR RECKLESS DISREGARD OF ITS OBLIGATION
25 TO CONDUCT THE BACKGROUND CHECK AS PROVIDED BY LAW; ORDINARY
26 NEGLIGENCE OR UNINTENTIONAL OVERSIGHT IS NOT SUFFICIENT;

27 (b) THE INDIVIDUAL, AT THE TIME OF HIRING, WAS NOT ELIGIBLE

1 TO BE HIRED PURSUANT TO SECTION 26.5-5-304.5 (2)(b); AND

2 (c) THE INDIVIDUAL COMMITTED ONE OF THE FOLLOWING
3 OFFENSES AGAINST A CHILD WITH WHOM THE INDIVIDUAL CAME IN
4 CONTACT IN THE COURSE OF THE INDIVIDUAL'S EMPLOYMENT WITH THE
5 YOUTH SPORTS ORGANIZATION:

6 (I) SEXUAL ASSAULT AS DESCRIBED IN SECTION 18-3-402;

7 (II) SEXUAL OFFENSE AGAINST A CHILD; OR

8 (III) CHILD ABUSE AS DESCRIBED IN SECTION 18-6-401.

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10 **SECTION 4. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2024 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.