

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

REVISED

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

LLS NO. 21-1012.01 Jane Ritter x4342

SENATE BILL 21-269

SENATE SPONSORSHIP

Winter and Smallwood, Buckner, Danielson, Fields, Ginal, Gonzales, Hansen, Jaquez
Lewis, Kirkmeyer, Kolker, Lee, Pettersen, Priola, Rankin, Rodriguez, Woodward, Zenzinger

HOUSE SPONSORSHIP

Michaelson Jenet and Van Beber,

Senate Committees

Health & Human Services
Appropriations

House Committees

Appropriations

A BILL FOR AN ACT

101 **CONCERNING LICENSING RESPITE CHILD CARE CENTERS, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 defines "respite child care centers" and includes them in the overall definition of "child care center" for licensing purposes.

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.

HOUSE
2nd Reading Unamended
June 3, 2021

SENATE
3rd Reading Unamended
May 27, 2021

SENATE
Amended 2nd Reading
May 26, 2021

1 **SECTION 1.** In Colorado Revised Statutes, 26-6-102, **amend** (5);
2 and **add** (33.5) as follows:

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

5 (5) (a) "Child care center" means a facility, by whatever name
6 known, that is maintained for the whole or part of a day for the care of
7 five or more children, UNLESS OTHERWISE SPECIFIED IN THIS SUBSECTION
8 (5)(a), who are eighteen years of age or younger and who are not related
9 to the owner, operator, or manager thereof, whether the facility is
10 operated with or without compensation for such care and with or without
11 stated educational purposes. The term includes, but is not limited to,
12 facilities commonly known as day care centers, school-age child care
13 centers, before- and after-school programs, nursery schools,
14 kindergartens, preschools, day camps, summer camps, and centers for
15 developmentally disabled children and those facilities that give
16 twenty-four-hour care for children, and includes those facilities for
17 children under ~~the age of~~ six years OF AGE with stated educational
18 purposes operated in conjunction with a public, private, or parochial
19 college or a private or parochial school; except that the term ~~shall~~ DOES
20 not apply to any kindergarten maintained in connection with a public,
21 private, or parochial elementary school system of at least six grades or
22 operated as a component of a school district's preschool program operated
23 pursuant to article 28 of title 22. ~~C.R.S.~~ THE TERM ALSO INCLUDES
24 RESPITE CHILD CARE CENTERS THAT PROVIDE CARE FOR THREE OR MORE
25 CHILDREN OR YOUTH, AS DEFINED IN SUBSECTION (33.5) OF THIS SECTION.

26 (b) The term ~~shall~~ DOES not include any facility licensed as a
27 family child care home, a foster care home, or a specialized group facility

1 that is licensed to provide care for three or more children pursuant to
2 subsection (36) of this section but that is providing care for three or fewer
3 children who are determined to have a developmental disability by a
4 community-centered board or who are diagnosed with a serious emotional
5 disturbance.

6 (33.5) "RESPITE CHILD CARE CENTER" MEANS A FACILITY FOR THE
7 PURPOSE OF PROVIDING TEMPORARY TWENTY-FOUR-HOUR GROUP CARE
8 FOR THREE OR MORE CHILDREN OR YOUTH WHO ARE PLACED IN CERTIFIED
9 FOSTER CARE HOMES OR APPROVED NONCERTIFIED KINSHIP CARE HOMES,
10 AND CHILDREN OR YOUTH WITH OPEN CASES THROUGH A REGIONAL
11 ACCOUNTABLE ENTITY. A RESPITE CHILD CARE CENTER IS NOT A
12 TREATMENT FACILITY, BUT RATHER ITS PRIMARY PURPOSE IS PROVIDING
13 RECREATIONAL ACTIVITIES, PEER ENGAGEMENT, AND SKILL DEVELOPMENT
14 TO THE CHILDREN AND YOUTH IN ITS CARE. A RESPITE CHILD CARE CENTER
15 SERVES CHILDREN AND YOUTH FROM FIVE YEARS OF AGE TO TWENTY-ONE
16 YEARS OF AGE. A RESPITE CHILD CARE CENTER MAY OFFER CARE FOR ONLY
17 PART OF A DAY. FOR PURPOSES OF THIS SUBSECTION (33.5), "RESPITE
18 CHILD CARE" MEANS AN ALTERNATE FORM OF CARE TO ENABLE
19 CAREGIVERS TO BE TEMPORARILY RELIEVED OF CAREGIVING
20 RESPONSIBILITIES.

21 **SECTION 2. Appropriation. (1) For the 2021-22 state fiscal**
22 **year, \$14,092 is appropriated to the department of human services for use**
23 **by the office of information technology services. This appropriation is**
24 **from the general fund. To implement this act, the office may use this**
25 **appropriation for Colorado trails.**

26 **(2) For the 2021-22 state fiscal year, the general assembly**
27 **anticipates that the department of human services will receive \$7,260 in**

1 federal funds for the office of information technology to implement this
2 act. The appropriation in subsection (1) of this section is based on the
3 assumption that the department will receive this amount of federal funds,
4 which is subject to the "(I)" notation as defined in the annual general
5 appropriation act for the same fiscal year.

6 **SECTION 3. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2022 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.