

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Division of Environmental Health and Sustainability

HEALTH AND SANITATION OF CHILD CARE FACILITIES IN THE STATE OF COLORADO

6 CCR 1010-7

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Adopted by the Board of Health on February 19, 2025

7.1 Authority

These regulations are promulgated pursuant to Sections 25-1.5-101(1)(a), (h), (k), and (l), 25- 1.5-102(1)(a) and (d), and 25-1-108(1)(c)(l), C.R.S.

7.2 Scope and Purpose

- A. This regulation shall govern minimum health and sanitation requirements for the operation and maintenance of child care facilities in order to protect the health of children and staff in these facilities.
- B. This regulation does not apply to:
 - 1. Family child care homes as defined in Section 26.5-5-303(7), C.R.S.;
 - 2. Foster care homes, kinship foster care homes, medical foster care, therapeutic foster care, and treatment foster care as defined in Section 26-6-903(10), (16), (20), (35), and (36) C.R.S.; and,
 - 3. Neighborhood youth organizations as defined in Section 26.5-5-303(17), C.R.S.

7.3 Applicability

- A. These regulations shall apply to all child care facilities as defined in Sections 26-6-903 (8)(a)(l), (13), (29), (31), (32), (34), C.R.S, and, 26.5-5-303 (3), (5), (10), (22), C.R.S. and definition 7.4(A)(4) of this regulation.
 - 1. Child care facilities in operation prior to the effective date of these regulations, which would require capital expenditures to fully meet all design, construction and equipment requirements of the regulations, shall be deemed acceptable if in good repair and capable of being maintained in a sanitary condition and pose no hazard to the health of the facility occupants.
 - 2. Any child care facility operator shall have the right to seek a variance to any section of these regulations, except those requirements from the Colorado Revised Statutes or a referenced regulation or code, which, in their opinion, presents an undue hardship on the person, facility, or the community so long as minimum health and sanitation requirements are met. All variance requests shall be submitted to the Colorado Department of Public Health and Environment in writing, stating the section for which the variance is being requested, documentation of the hardship and any explanation for the request.

- B. The Department may require detailed plans and specifications of a child care facility proposed to be newly constructed, and/or the affected areas of any existing child care facility proposed to be extensively remodeled. Each child care provider, person intending to become a child care provider or designee shall be responsible for submitting the requested plans and specifications. Approval of requested plans and specifications is necessary before construction begins. Any revision of plans shall be submitted to the Department for review and modification or approval. Plans shall include: a plan view scale drawing of the facility; the location of all equipment, plumbing fixtures and connections, ventilation systems, and other pertinent information.

7.4 Definitions

- A. The following definitions shall apply in the interpretations and the enforcement of these regulations unless the context clearly states otherwise:
1. Approved means acceptable to the Colorado Department of Public Health and Environment or its authorized agents or employees based upon determination of conformance with these and other appropriate standards and good public health practice.
 2. Asbestos Containing Material means material containing more than 1% asbestos. Building materials of any age may contain asbestos.
 3. Bacteria means organisms with a cell wall that can survive inside and outside of the body.
 4. Child Care Facility means, for the purposes of this regulation, any facility defined as such in Sections 26-6-903 (8)(a)(I), (13), (29), (31), (32), (34), C.R.S., and 26.5-5-303 (3), (5), (10), (22), C.R.S., and,
 - a. “Child care center” means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children, unless otherwise specified in this subsection (a), who are 18 years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. This term includes, but is not limited to, facilities commonly known as child care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, and summer camps, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades.
 - b. “Children's resident camp” means a facility operating for three or more consecutive 24-hour days during one or more seasons of the year that offers group living experiences or seasonal outdoor adventure day camp programs for five or more children. The purpose of the facility is to offer an outdoor experience for youth development through multiple educational and recreational activities in an outdoor, nature-based environment. The recreational experiences may occur at the permanent camp premises or on trips off the premises.
 - c. “Day treatment center” means a facility that provides less than 24-hour care for groups of five or more children who are:
 - (1) Three years of age or older, but less than 21 years of age; and,

- (2) Provides a structured program of various types of psycho-social and behavioral treatment to prevent or reduce the need for placement of the child out of the home or community.
- d. "Guest child care facility" means a facility operated by a ski area, as that term is defined in Section 33-44-103(6), C.R.S., where children are cared for:
 - (1) While parents or persons in charge of such child are patronizing the ski area;
 - (2) Fewer than 10 total hours per day;
 - (3) Fewer than 10 consecutive days per year; and,
 - (4) Fewer than 45 days in a calendar year, with 30 or fewer of such 45 days occurring in either the winter or summer months.
- e. "Homeless youth shelter" means a facility that, in addition to other services it may provide, provides services and mass temporary shelter for a period of three days or more to youths who are at least 11 years of age, or older, and who otherwise are homeless youth as that term is defined in Section 26-5.7-102(2), C.R.S.
- f. "Mobile Outdoor Preschool" means a program with a mobile classroom that uses no permanent building on a regular basis, for children three to seven years of age, with no more than eight children at any given time. Each classroom period must not exceed five hours.
- g. "Public services short-term child care facility" means a facility that is operated by or for a county department of social services or a court and that provides care for a child:
 - (1) While the child's parent or the person in charge of the child is conducting business with the county department of social services or participating in court proceedings;
 - (2) Fewer than 10 total hours per day;
 - (3) Fewer than 15 consecutive days per year; and,
 - (4) Fewer than 45 days in a calendar year.
- h. "Residential child care facility" means a facility licensed by the Colorado Department of Human Services to provide 24-hour group care and treatment for five or more children operated under private, public, or nonprofit sponsorship. "Residential child care facility" includes community-based residential child care facilities; qualified residential treatment programs, as defined in section 26-5.4-102 (2); shelter facilities; and psychiatric residential treatment facilities as defined in 25.5-4-103 (19.5).

- i. “Respite Child Care Center” means a facility for the purpose of providing temporary 24-hour group care for three or more children or youth who are placed in certified foster care homes or approved noncertified kinship care homes, and children or youth with open cases through a regional accountable entity. A respite child care center is not a treatment facility, but rather its primary purpose is providing recreational activities, peer engagement, and skill development to the children and youth in its care. A respite child care center serves children and youth from five years of age to 21 years of age. A respite child care center may offer care for only part of the day. Respite child care means an alternative form of care to enable caregivers to be temporarily relieved of caregiving duties.
- j. “Secure residential treatment center” means a facility operated under private ownership that is licensed by the Colorado Department of Human Services to provide twenty-four-hour group care and treatment in a secure setting for five or more children or persons up to the age of 21 years over whom the juvenile court retains jurisdiction pursuant to Section 19-2.5-103 (6), C.R.S., who are committed by a court pursuant to an adjudication of delinquency or pursuant to a determination of guilt of a delinquent act or having been convicted as an adult and sentenced for an act that would be a crime if committed in Colorado, or in the committing jurisdiction, to be placed in a secure facility.
- k. “Specialized group facility” means a facility sponsored and supervised by a county department or a licensed child placement agency for the purpose of providing 24-hour care for three or more children, but fewer than 12 children, whose special needs can best be met through the medium of a small group. A child who is admitted to a specialized group facility must be:
 - (1) At least seven years of age or older but less than 18 years of age; or,
 - (2) Less than 21 years of age and who are placed by court order or voluntary placement; or
 - (3) Accompanied by a parent or legal guardian if less than seven years of age.
- 5. Child Care Health Consultant means a medical professional who assists the program in meeting and exceeding basic health and safety standards. A child care health consultant must meet one of the following qualifications: a Licensed Registered Nurse with knowledge and experience in maternal and child health; a Pediatric Nurse Practitioner; a Family Nurse Practitioner; or, a Physician with knowledge and experience in pediatrics or maternal and child health.
- 6. Child Occupied Facility means a building or portion of a building that:
 - a. Was constructed prior to 1978;
 - b. Is visited regularly by the same child who is under seven years of age;
 - c. Is visited by the same child on two or more days within any week, with each such visit totaling three or more hours; and
 - d. Is visited by the same child a total of at least 60 hours in one year.
 - e. A child occupied facility includes, but is not limited to, day-care centers, preschools, or kindergarten classrooms constructed prior to 1978.

7. Clean means to be free of dust and debris or to remove dirt and debris by vacuuming or scrubbing and washing with soap and water.
8. Common Towel means a non-disposable towel that is used by more than one individual or is used more than one time by the same individual.
9. Communicable Disease means a disease caused by a microorganism (bacterium, virus, fungus, or parasite) that can be transmitted from person to person via an infected body fluid or respiratory spray, with or without an intermediary agent (e.g., louse, mosquito) or environmental object (e.g., table surface).
10. Contamination means the presence of infectious microorganisms or chemicals at levels toxic to human health in or on the body, environmental surfaces, articles of clothing, and/or in food or water.
11. Critical Violation means any violation of the provisions of these regulations which is more likely than other violations to contribute to illness.
12. Department means Colorado Department of Public Health and Environment or its authorized agents or employees.
13. Disinfect means to eliminate most or all pathogenic microorganisms, with the exception of bacterial spores by using effective bactericidal heat or concentration of chemicals which are registered with the U.S. Environmental Protection Agency. This is generally accomplished in a child care setting by the use of liquid chemical solutions such as a mixture of bleach (a solution containing sodium hypochlorite) and water.
14. Drinking Water means water that meets criteria as specified in 5 CCR 1002-11, *Colorado Primary Drinking Water Regulations*. Drinking water is traditionally known as "potable water". Drinking water includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "reclaimed water," "wastewater," and "nondrinking water".
15. Easily Cleanable means materials or surfaces that are smooth, durable, non-absorbent, such that the soil, filth, and/or unseen contamination can be effectively removed by normal cleaning methods.
16. Extensive Remodeling means any remodeling that normally would require a building permit from local government or that affects the building or area of operation of the child care facility, or a change in operation that requires a license change by the Department Of Human Services. Routine maintenance, repairs, cosmetic changes, or license changes that increase allowable capacity of the current license shall not be defined as extensive remodeling, unless a change in capacity requires an increase in the number of fixtures. Structural modifications required due to extensive remodeling shall pertain directly to the portions of the facility or building being remodeled.
17. Food Preparation Sink means a sink designated for food preparation activities including preparing bottles, washing produce, thawing foods, and rapid cooling of foods. Food preparation sinks are not handwashing sinks unless a multi-use sink operational plan is approved by the Department.
18. Furnishings means equipment such as high chairs, cribs, beds, crawling mats, chairs, sofas, eating tables, art/water/play tables, other equipment, desks, workstations, dressers, interior play areas (jungle gyms), and toy chests.

19. Gloves means those that are non-porous, disposable, and single-use.
20. High Hazard Body Fluid means urine, feces, vomitus, blood, and other body fluids with blood present.
21. Highly Susceptible Population means persons who are more likely than other people in the general population to experience foodborne disease because they are immunocompromised, children under five years of age, or older adults; and they obtain food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.
22. Hygiene means protective measures, including practices of cleanliness, taken by individuals to promote health and limit the spread of infectious diseases.
23. Imminent Health Hazard means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent illness or injury based on the nature, severity, and duration of the anticipated illness or injury.
24. Infant means a child between birth and the age of 18 months and is cared for in an infant program.
25. Infection means a condition caused by the multiplication of an infectious agent in the body.
26. Infectious means capable of causing an infection.
27. Infestation means the presence of unwanted pests such as insects, rodents, bats, birds, or parasites at levels considered to pose either an economic or health threat.
28. Inspection means an evaluation by the Department of the child care facility during its normal hours of operation, with program staff in attendance, to determine conformance with these regulations.
29. Kindergarten means a program for children the year before they enter the first grade.
30. Lead-based Paint, as defined in Section 25-7-1102, C.R.S., means any paint containing more than six one-hundredths of one per cent by wet weight of lead metal, more than five-tenths of one percent by dry weight of lead metal, or more than one milligram per square centimeter of lead metal.
31. Low Hazard Body Fluid means body fluids without blood such as saliva, nasal discharge, eye discharge, sweat, tears, and human milk.
32. New Child Care Facility means a facility, which is newly constructed or an existing structure that is converted for use as a child care facility as defined in Section 7.4(A)(6) that begins operation after the effective date of these rules.
33. Outbreak means an increase in disease symptoms or illness regardless of a clinical diagnosis or laboratory testing in staff/children at more than expected levels. As few as two individuals (children or staff) in the same group with similar symptoms may constitute an outbreak.

- 34. Parasite means an organism that lives on or in another living organism (e.g., giardia, ticks, lice, and mites).
- 35. Poisonous or Toxic Materials means substances capable of causing injury, illness or, death when ingested, inhaled or absorbed.
- 36. Preschool means a child care program for five or more children between the ages of two and one half and seven years.
- 37. Privy means a toilet without running water.
- 38. Psittacine Birds, also called "Hookbills" because the upper beak is turned downward, means all birds commonly known as Parrots, Amazons, Mexican Double-Heads, African Greys, Cockatoos, Macaws, Parakeets, Lovebirds, Lories, Lorikeets, and other birds of the order Psittaciforme.
- 39. Ready-To-Eat Food means food that is edible without further washing, cooking, or additional preparation and that is reasonably expected to be consumed in that form.
- 40. Refuse means any garbage, trash, or other forms of solid waste.
- 41. Sanitization means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals, registered with the U.S. Environmental Protection Agency, for sufficient time to reduce the bacterial count, including pathogens, to a safe level.
- 42. School-Age Child means a child five years of age and older, unless otherwise approved by the licensing agency, attending a program licensed for school age children.
- 43. Single-Service Articles means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers designed and constructed for one-time, one-person use after which they are intended for discard.
- 44. Staff Member or staff means any person working or volunteering to perform duties in a child care facility, including caregivers.
- 45. Time/Temperature Control for Safety Food (TCS) (formally "potentially hazardous food") means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation. Potentially hazardous foods (time/temperature control for safety food) includes a food of animal origin that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.
- 46. Toddler means a child between the ages of 12 months and 36 months and is cared for in a toddler program.
- 47. Virus means a microscopic organism smaller than a bacterium that may cause disease. Viruses can grow or reproduce only in living cells.
- 48. Wading Pool means any artificial pool of water equal to or less than 18 inches in depth and intended for wading purposes.

7.5 Incorporation by Reference

These regulations incorporate by reference (as indicated within) materials originally published elsewhere. Such incorporation does not include later amendments to or editions of the referenced material. Pursuant to Section 24-4-103 (12.5)(a), C.R.S., the Department maintains certified copies of the complete text of any material incorporated by reference for public inspection during regular business hours and shall provide certified copies of the incorporated material at cost upon request. Information regarding how to obtain or examine the incorporated material is available from the Division Director, Division of Environmental Health & Sustainability, Colorado Department of Public Health & Environment, 4300 Cherry Creek Drive South, Denver, CO 80246-1530.

7.6 Premises

7.6.1 Grounds

- A. The grounds and premise shall be well drained and free of refuse, litter, animal droppings, insect and rodent harborages, weed overgrowth, open or accessible wells, grease interceptor, cisterns, cesspools, septic tanks, and unused equipment. This provision shall not be construed to limit outdoor educational or recreational programs.
 - 1. The ground surface (i.e., sand, soil, wood chips, and other resilient surfaces) in play areas shall not contain hazardous levels of any toxic chemical or substances.
 - 2. Outdoor play equipment accessible to children shall not be coated or treated with, nor shall it contain, toxic materials in hazardous amounts.
 - 3. Items capable of collecting water present in outdoor play areas shall be self-draining or emptied at the end of each day to prevent a breeding ground for mosquitos and other pests unless otherwise approved by the Department.
- B. Sand boxes shall be maintained in a sanitary condition and comply with the following requirements:
 - 1. Sandboxes shall be covered with a completely removable lid or other covering at the end of each day;
 - 2. Sandboxes shall be kept free from cat and other animal excrement, litter, and debris;
 - 3. Sand shall be replaced as often as necessary to keep the sand visibly clean and free of extraneous materials; and,
 - 4. These requirements only apply to designated sand boxes and do not include sand used as a resilient material or other ground covering.

7.6.2 Solid Waste

- A. Interior refuse, recycling, and compost containers shall be easily cleanable and shall be emptied whenever full or at least at the end of each operating day.
- B. Exterior refuse, recycling and compost containers shall be easily cleanable, covered, insect and rodent resistant, and well maintained. Garbage storage areas shall be clean, well maintained and inaccessible to children. Refuse shall be removed on a regular basis in a manner, which would prevent creation of a nuisance or unsanitary condition.
- C. Stored refuse shall be inaccessible to insects, rodents and other pests.

7.6.3 Pools, Hot Tubs, and Natural Swim Areas

- A. Swimming pools, therapy pools, permanent wading pools, hot tubs, and swim areas shall be constructed, operated, and maintained in accordance with the Colorado Department of Public Health and Environment *Swimming Pool and Mineral Bath Regulations*, 5 CCR 1003-5, and Title 15, United States Code (USC), Section 8001, *et seq.* When local health or building departments have adopted codes equivalent to or more stringent than the above, those codes shall apply.
- B. Use of hot tubs, therapy pools, swimming pools and portable or permanent wading pools by children who are not toilet trained shall be prohibited.
 - 1. Portable wading pools shall be emptied and disinfected after use by each group of children, emptied and disinfected at the end of each day, and placed in storage when not in use.
 - 2. A portable wading pool contaminated by any human or animal feces, urine, vomitus, blood, or chemicals shall be emptied, cleaned and disinfected.
- C. All swimming and recreational water-based activities shall be prohibited if a suspected outbreak of gastrointestinal illness is occurring at the facility. These activities shall not resume until the Department provides approval.

7.7 Facility

7.7.1 Building

- A. The building or buildings wherein a child care facility is operated shall be maintained in good repair and shall not pose a health hazard to children enrolled. Buildings shall be maintained in a clean and sanitary condition and be free of insects, rodents, and their harborages.
 - 1. Disturbances to painted finishes shall not present hazards associated with lead.
 - 2. Painted finishes shall be free from peeling or chipping paint. If repairs are necessary to address peeling or chipping paint, and the child care facility was built prior to 1978, repairs shall be done in a manner that prevents hazards associated with lead.
 - 3. Construction, remodeling, or alterations of child care facilities shall be done in a manner that does not create a health hazard, including but not limited to those hazards related to disturbances of asbestos-containing materials or lead-based paint.
 - 4. Room finishes, cabinets, shelves, and counters shall be easily cleanable, maintained in good repair, and kept clean.
 - 5. Hand contact and splash areas of doors, walls, cabinets, and shelves shall be smooth, non-absorbent, and easily cleanable.
 - 6. Floors shall be smooth, dry, cleanable, and free of cracks, splinters, and utility outlets.
 - 7. Carpeting in approved areas shall be tightly woven and in good repair.
 - 8. Carpeting shall not be permitted in kitchens, restrooms, utility rooms, mechanical rooms, under and around sinks and diaper changing areas or in laundry areas.

9. Except as specified in Section 7.7.1(A)(8), wall carpeting used for acoustical or educational purposes may be permissible in classrooms, provided it is tightly woven, in good repair, and is able to be easily cleaned, and disinfected, or removed and replaced.
 10. Floor wall junctures in all areas not carpeted shall be tightly coved with approved concave coving.
- B. All openings to the outside shall be effectively protected against the entrance of insects and rodents by means of closed, tight fitting doors, screening of openable windows, and/or other effective means.
- C. Ventilation, mechanical or natural, shall be maintained to minimize health hazards including excessive drafts, odors, extreme temperatures, humidity and temperature fluctuations.
1. Heating facilities shall maintain a draft-free temperature of at least 68°F at floor level in occupied infant and toddler rooms. The temperature shall be monitored with a mercury-free thermometer placed at floor level.
- D. The source of noxious odors shall be removed to the extent possible by removing the source of the noxious odor or by dissipating odors through cleaning and ventilation. The use of the following shall be prohibited throughout the child care facility:
1. Incense;
 2. Moth crystals or moth balls;
 3. Toilet/urinal deodorizer blocks;
 4. Chemical air fresheners; and,
 5. Scent enhanced products (e.g., candles, essential oils, and spray and plug-in air fresheners, etc.).
- E. All areas of the facility shall be adequately lighted.
1. A minimum of 30 foot candles (323 lux) of light shall be provided upon work and play surfaces.
 2. A minimum of 20 foot candles (215 lux) of light shall be provided in restrooms.
 3. A minimum of 10 foot candles (108 lux) of light shall be provided in hallways, stairways, and the remainder of the facility.

7.7.2 Detached Structures and Modular Classrooms

- A. Detached structures and modular classrooms not provided with plumbing shall meet all of the following stipulations:
1. Only school-age children are cared for within the structure;
 2. Restrooms shall be within 200 feet of the structures or modular classrooms and accessible during all hours of operation.

7.8 Sanitary Facilities and Controls

7.8.1 Water Supply

- A. An adequate supply of drinking water for the needs of the child care facility shall be provided in the building housing the establishment and shall be from a source constructed and operated in compliance with 5 CCR 1002-11, *Colorado Primary Drinking Water Regulations* and regulations adopted pursuant to Section 25-1.5-203, C.R.S.; or,
1. If the child care facility does not meet the definition of a public water system pursuant to 5 CCR 1002-11, *Colorado Primary Drinking Water Regulations*, the child care facility shall provide:
 - a. Adequate treatment on a continuous basis. Manual or pellet feed systems are not permitted;
 - b. Bacteriological samples at a minimum of once per quarter or at a frequency determined by the Department;
 - c. An N, N diethyl-p-phenylenediamine (DPD) colorimetric drinking water test kit capable of testing free chlorine at an accuracy of 0.1 milligrams per liter (mg/Liter);
 - d. Free chlorine shall range from 0.2 to 4 mg/Liter (0.2 to 1.2 mg/Liter recommended) at any fixture; and,
 - e. The previous twelve months of water sample reports shall be retained on file at the child care facility and shall be available for review by the Department when requested; and the child care facility shall immediately report positive bacteriological results to Department.
 2. Child care facilities with water supplies determined to be surface water or under the influence of surface water shall be required to filter their water to 1µm (micron) absolute using National Sanitation Foundation approved equipment and maintain a residual disinfectant concentration pursuant to Section 7.8.1(A)(1)(d) to ensure inactivation and/or removal of *Giardia* and other parasitic cysts and viruses.
 3. Water under pressure of at least 15 pounds per square inch (psi) (1.05 kilograms per square centimeter) at the required temperature shall be provided to all fixtures and equipment that use water.
- B. Bottled and packaged drinking water shall be obtained from a source that is approved by the Department and shall be handled and stored in a way that protects the water from contamination.
- C. Drinking water shall be readily accessible to children whenever the facility is operating including offsite activities and when away from a basecamp.
1. Drinking fountains shall be equipped with angled jets and orifice guards located above the rim of the fountain. The pressure shall be regulated so that the water stream does not come in contact with the orifice guard or splash onto the floor.
 2. Drinking fountains on designated restroom handwashing sinks shall be prohibited. Drinking fountains on sinks used for toxic art or science materials shall be prohibited.

3. Separate angle jet drinking fountain, when installed shall be at an appropriate height for use by the children in the facility or be equipped with a step platform to make the sink available to children. If a platform is used, it shall be stable and easily cleanable.
 4. Individual single-service drinking cups shall be dispensed by the staff or through an approved cup dispenser. Children may not share single-service drinking cups.
 5. Individual water bottles, bulk multiuse thermoses, and other bulk water containers provided by the child care facility shall be in good repair and kept clean. Containers shall be washed, rinsed, and sanitized daily after use. Containers shall be stored clean and dry, and in a manner that protects them from contamination.
- D. Surface water utilized during backcountry excursions shall be treated and safe for drinking.
1. Water shall be boiled for a minimum of one minute at elevations below 6,500 feet and for three minutes at elevations above 6,500 feet; or,
 2. First, water filter kits shall be utilized to filter water to 1µm (micron) absolute to control parasites. Second, the water shall be chemically disinfected using chlorine, iodine, or other approved means such as Ultra Violet light to control bacteria and viruses.
- E. Hot water shall be provided at all times during operation of a building-based facility. The water heating system shall be of adequate size to supply 85°F to restroom, diaper changing, custodial and classroom sinks, 110°F water to warewashing sinks, 120°F water to commercial low temperature dish machines, and:
1. Each handwashing and classroom sink shall be provided with hot and cold water through a mixing valve or combination faucet. Hot water at sinks accessible to children shall be at least 85°F and shall not exceed a temperature of 120°F.
 2. Hot water delivered to bathing facilities shall be at least 85°F and shall not exceed a temperature of 120°F.

7.8.2 Sewage

All sewage, including liquid waste, shall be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law.

7.8.3 Plumbing

- A. All plumbing fixtures shall be sized, installed and maintained in accordance with applicable state and local plumbing codes, ordinances, regulations and standards.
1. There shall be no cross connections between the drinking water supply and any non-drinking water supply, or any source of contamination.
 2. Plumbing shall be designed and constructed according to the building department having jurisdiction over the child care facility.
- B. The drinking water system shall be installed and maintained to preclude the possibility of backflow or back siphonage.
1. Where chemical dispensing towers without integral air gaps or breaks to prevent back siphonage are installed, an approved backflow prevention device shall be installed between the chemical tower and the water supply line.

- C. The piping of any non-drinking water system such as air conditioning and fire protection systems shall be labeled and identified so as to be readily distinguished from piping that carries drinking water.

7.8.4 Toilet Facilities

- A. Only flush toilet facilities shall be installed and used in the establishment. They shall be accessible to children and shall be properly maintained in a clean and sanitary condition. Non-flushing toilets (i.e., potty chairs and composting toilets) are prohibited.
- B. Toilet room walls shall be constructed of easily cleanable, non-absorbent materials. Floors shall have an impervious surface. Floor wall junctures shall be tightly coved with approved concave coving.
- C. Toilet fixtures shall be of an easily cleanable design. Fixtures shall be of appropriate size and height for the children in the facility or be equipped with a step platform to make the fixture available to children. If a platform is used, it shall be stable and easily cleanable.
- D. The use of privies and portable chemical toilets in child care facilities is prohibited, except that the use of privies and portable chemical toilets located in remote wilderness areas may be allowed only after obtaining the approval of the Department and meeting applicable standards and local ordinances. These remote wilderness programs shall have adequate toilet facilities available for use.
 - 1. Privies and portable chemical toilets shall be separated from sleeping, activity, food preparation and storage rooms by a minimum of fifty (50) feet. Privies shall be properly screened and provided with self-closing doors to prevent the entry of flies. Handwashing facilities approved by the Department shall be provided where privies and portable chemical toilets are located.
- E. During backcountry excursions where toilet facilities are not accessible, human waste shall be handled and disposed of in a manner that does not create a hazard and is approved by the Department and/or the governmental agency that oversees the usage of the land in which backcountry excursions take place.
 - 1. Waste shall be collected and packed out for proper disposal in an approved sewage system. Waste shall be collected in durable waste bags or waste tubes designed for such collection, and shall be transported in hard sided, air tight secondary containers; or,
 - 2. Where allowed, human waste shall be deposited in cat holes dug 6-8 inches deep and 4-6 inches wide in organic soil so as to facilitate decomposition and sited a minimum of 200 feet away from water, trails, and campsites. Cat holes shall be filled in and covered after use. Toilet paper and feminine hygiene products shall be collected and packed out with other trash.
- F. An adequate supply of toilet paper shall be available from a dispenser located adjacent to each toilet.
- G. Toilet seat inserts, when used, shall be constructed of durable, easily cleanable materials, maintained in a clean and sanitary manner and disinfected after each use as described in Section 7.10.6.
- H. All toilet, bath, and shower rooms in facilities shall have adequate mechanical ventilation to the outside. Exhaust ventilation must be operational during the hours the child care facility operates.

7.8.5 Handwashing/Bathing Facilities

- A. Handwashing and bathing facilities shall be permanently installed, functioning properly, and maintained in a clean, sanitary condition.
1. Handwashing facilities shall be located in or immediately adjacent to toilet rooms, diaper changing areas, within food preparation areas, and other areas where activities require frequent handwashing.
 2. Handwashing sinks used in conjunction with toileting or diaper changing shall only be used for handwashing.
 3. A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.
 4. In all facilities providing care to infants, toddlers, or preschoolers, a handwashing sink shall be accessible allowing the caregiver to supervise the children during handwashing activities. Children's handwashing sinks shall be at an appropriate height for the children in the facility or be equipped with a step platform to make the sink available to children. If a platform is used, it shall be stable and easily cleanable.
 5. Bathtubs or showers, when used, shall be located within the facility or within a building approved by the Department.
 6. Soap and single-service towels or clean cloth towels laundered after each use shall be provided at each handwashing sink, at a height for those children in the facility utilizing the handwashing sinks and supplies. Mechanical air drying devices may be used in lieu of disposable or cloth towels.
 7. Except as allowed in Section 7.8.5(A)(6), if cloth towels are used to dry hands they shall be immediately placed in a container and laundered after each use.
 8. The use of common towels or washcloths is prohibited.
 9. An adequate supply of bath towels and washcloths shall be available for each child who uses a shower or bath. Bath towels and washcloths shall be laundered at least once a week and shall not be shared or intermingled among children.
 10. Adequate space or accommodations such as a bench, hooks, storage shelves, or dressing counter shall be provided in bathing areas for the storage of clean towels and clothing while children bathe.
- B. Bathing facility walls and ceilings shall be constructed of easily cleanable, non-absorbent materials. Floors shall have an impervious surface. Floor wall junctures shall be tightly coved with approved concave coving.

7.8.6 Custodial Areas

- A. Laundry facilities, where provided, shall be maintained clean and in good repair. Except when life skills training is provided, laundry facilities shall be inaccessible to children.
1. In buildings where laundry facilities are provided, properly vented gas or electric dryers shall be installed.

2. Soiled linens and clothing shall be stored in non-absorbent or washable laundry bags or baskets until removed for laundering, shall be stored separate from clean linens and clothing, and shall be inaccessible to children. This provision does not prohibit life skills training in facilities providing more than 24-hour care.
 3. Laundry facilities shall be physically separated from food preparation, food storage, and restroom areas.
 4. Laundry shall be washed using the highest water temperature and dried using the highest heat setting. A laundry sanitizer shall be used when items are contaminated with high hazard body fluids.
 5. Soiled linens, slipcovers, and clothing contaminated with high hazard body fluid shall be stored and laundered separately.
 6. Clean linens and clothing shall be stored in a clean place and protected from contamination until used.
 7. When items are laundered offsite, it shall be in compliance with Section 7.8.6(A)(4) and returned to the facility in a clean container.
- B. At least one service sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools, and for the disposal of mop water and similar liquid waste.
- C. Adequate space shall be provided for custodial and maintenance supplies and equipment. Storage areas shall be kept clean, sanitary, and inaccessible to children.

7.9 Interior Design

7.9.1 Personal Belongings

- A. Separate identified storage areas shall be provided for each child's personal effects, clothing, and bed linens.
1. Individual cubicles, lockers, coat hooks, drawers, or closet space shall be provided for storage of coats, hats, and other personal articles.
 2. Staff members' personal effects and clothing shall be stored separately and be inaccessible to children.

7.9.2 Play Equipment

- A. Toys and art supplies shall be made of safe, non-toxic, durable, and cleanable materials.
1. Soft, cloth toys shall be machine washable.
 2. Instructional supplies, toys, clean linens, clean clothing, and other play equipment shall not be stored in restrooms unless stored in a closed secondary non-absorbent container or closed cabinet.
- B. Potentially toxic materials shall be used only as required by Section 7.14.3(A).

7.9.3 Napping, Sleeping Areas and Equipment

- A. All sleeping and napping supplies such as cots, beds, cribs, mats, linens, and pillows shall be maintained in a sanitary manner.
1. Mats and cots shall be constructed of impervious, easily cleanable materials and maintained in good repair.
 2. Mattresses not constructed of impervious materials shall be covered with an impervious (water proof) easily cleanable cover.
 3. Individual cribs, mats, cots, linens and pillows shall be marked with identifying information unless cleaned and sanitized or laundered between users.
 4. Linens shall be laundered at a minimum of once per week or anytime the surface becomes visibly soiled in accordance with Section 7.8.6(A). When linens are left on mats or cots, they shall be stored so that there is no contact between individual mats, cots, or bedding.
 5. Mattresses or mattress covers, mats, and cots shall be thoroughly cleaned and sanitized prior to use by another child and whenever soiled, as required in Section 7.10.5.
 6. Mattresses or mattress covers, mats, and cots shall be thoroughly cleaned and disinfected when contaminated with high hazard body fluids, as required in Section 7.10.6.
 7. Pillows, mats, and cots shall not be stored in restrooms.

7.9.4 Toys, Furnishings and Equipment

- A. Toys, furniture, indoor play equipment and other furnishings shall be maintained clean and in good repair.
1. Dress-up clothing, hats, and all other headwear shall be washable and shall be maintained in a clean condition.
 2. Sensory tables and other play tables shall be maintained in a clean and sanitary manner.
 - a. Sensory tables, when filled with water, or wet materials, shall be emptied, cleaned, and sanitized after use by each group of children and at least emptied, cleaned, and sanitized daily.
 - b. Sensory tables when filled with dry materials shall be cleaned and sanitized at least weekly.
 - c. If food items (i.e. beans, pasta, rice, or materials made with food) are used in sensory tables, the materials may be used for a maximum of one week and then the materials shall be discarded.
 - d. Any item such as, but not limited to, sand, cardboard, paper, or similar shall be discarded whenever it is visibly soiled, contaminated with either high or low hazard body fluids, or in poor repair.
 - e. Toys shall be cleaned and sanitized as required by Section 7.9.4(A)(5-7) or laundered as required by Section 7.9.4(A)(8).

- f. The use of sensory tables is prohibited if a suspected or confirmed outbreak is occurring at the facility. These activities shall not resume until the Department provides approval or upon outbreak closure.
- 3. Equipment, furnishings, toys, and play materials for infants and toddlers shall have smooth, nonporous surfaces or washable fabric surfaces that are easily cleanable.
 - a. Coverings shall be laundered any time the surface becomes visibly soiled. In use cloth toys such as stuffed animals, dolls, and hand puppets shall be laundered at a minimum of once per week, pursuant to Section 7.8.6(A), and immediately removed for laundering after being mouthed or any time they become visibly soiled. Laundering of coverings shall be in accordance with Section 7.8.6(A).
 - b. Surfaces contaminated with high hazard body fluids shall be cleaned and disinfected, pursuant to Section 7.10.6, and when provided, coverings shall be removed for laundering.
- 4. Children that are toilet trained may have furnishings without impervious covers similar to a domestic setting as long as they are maintained clean and in good repair.
 - a. Absorbent toys and surfaces shall be cleaned, laundered, or removed from use at a frequency to prevent the accumulation of visible soil.
 - b. In the event of contamination with high hazard body fluid the furnishing shall be immediately cleaned and disinfected in accordance with Section 7.10.6, or shall be removed from use.
- 5. Toys used by preschool and older children shall be washed, rinsed, and sanitized in accordance with Section 7.10.5 at least once per week and whenever visibly soiled.
- 6. Toys used by infants and toddlers shall be washed, rinsed, and sanitized in accordance with Section 7.10.5 at least daily and whenever visibly soiled.
- 7. Toys that are placed in children's mouths or are otherwise contaminated by low hazard body fluids shall be washed, rinsed, and sanitized in accordance with Section 7.10.5 prior to use by another child.
- 8. Soft toys used by all age groups shall be washed in accordance with Section 7.8.6(A) weekly or whenever visibly soiled or placed in a child's mouth.

7.9.5 III / Injured Child Area

- A. Each facility shall include an area designated for the care of any ill or injured child who is being cared for by a designated staff member or is awaiting the arrival of a parent or guardian.
 - 1. Resident camps and 24-hour child care facilities require a designated area for the care of ill or injured children.
 - 2. In all other child care facilities, the designated area may be located within a classroom or area normally used for child care. At least three feet of separation is recommended from all other children to help minimize exposure of staff and children not previously in close contact with the child.
 - 3. The area shall be well ventilated and heated.

4. The area shall have available a bed, cot, or mat and a sheet and blanket. In resident camps and 24-hour facilities there shall be one bed, cot, or mat for every 50 children the facility is licensed for.
5. Children in the area shall have access to toilet and lavatory facilities where health and sanitation measures can be carried out without interruption by other children and staff activities.
6. The area shall be located so as to allow staff supervision of the ill or injured child at all times.
7. All equipment, bedding, and toys utilized by the child with symptoms of illness shall be cleaned and sanitized or disinfected as required in Sections 7.8.6, 7.10.5, and 7.10.6, prior to use of another child.

7.10 Disease Prevention

7.10.1 Personal Health

- A. Staff shall be in good health and be free from communicable disease while caring for children, preparing food or employed in any capacity where there is a likelihood of transmitting disease to others at the facility.
- B. Unless otherwise exempt, child care facilities shall comply with 6 CCR 1009-2, *Rules Pertaining to the Infant Immunization Program and the Immunization of Students Attending School*.
- C. Disease outbreaks shall immediately be reported to the Department and shall not be delayed due to lack of diagnostic testing. Cases and outbreaks of reportable communicable disease shall be reported to the Department in the time frame stipulated by 6 CCR 1009-1, *Epidemic and Communicable Disease Control*.
 1. Child care facilities shall manage and control disease transmission through consultation with their child care health consultant and the Department.
 2. A written policy shall be implemented for staff and children regarding symptoms of illness and conditions that require exclusion from the child care facility.
 3. Each child shall be observed for common signs of illness at arrival and throughout the day. A child who is ill upon arrival at the facility shall not be admitted pursuant to the exclusion or illness policy, pursuant to Section 7.10.1(C)(3).
 4. A thermometer capable of measuring human temperatures shall be available. Glass and mercury thermometers are prohibited. The thermometer shall be protected with a single-use cover or sanitized pursuant to Section 7.10.5 after each use.
 5. A child who becomes ill or develops symptoms that require exclusion after arrival, shall be separated from other children until the parent or guardian can pick up the child.
 6. In resident camps and 24-hour child care facilities, when an ill child is unable to be picked up by a parent or guardian within a reasonable time or when a child lives at the facility, the child must be isolated pursuant to the exclusion or illness policy, Section 7.10.1(C)(3).
 7. Child care staff shall wear gloves when in contact with blood, feces, and other high hazard body fluids.

8. Child care facilities shall have written procedures for staff to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the child care facility. The procedures shall address the specific actions staff must take to minimize the spread of contamination and the exposure of staff, children, food, food contact surfaces, and other surfaces to vomitus or fecal matter.
9. Logs shall be kept to record symptoms of illnesses occurring among children attending the child care facility. Logs shall be maintained at the facility for two months and provided to the Department upon request. The logs shall include, at minimum, the following information:
 - a. Child's name or other identifying information;
 - b. Child's assigned classroom or group;
 - c. Date and time of symptoms of illness;
 - d. Symptoms;
 - e. Actions taken; and,
 - f. Date and time child was returned to group setting.

7.10.2 Demonstration of Knowledge

- A. Upon request, the person or persons performing a specific task shall demonstrate to the regulatory authority knowledge of communicable disease prevention as it relates to the specific task. This will be determined by staff's ability to show knowledge of the following:
 1. When, where, and how handwashing is required;
 2. When to prohibit staff members from caring for children;
 3. When to prohibit handling and preparation of food;
 4. Proper diapering procedure;
 5. Proper sanitization and disinfection of surfaces and toys; and,
 6. When to exclude or isolate children with symptoms of communicable illness.

7.10.3 Handwashing and Hygienic Practices

- A. Staff members and children shall wash their hands using the following procedures:
 1. Moisten hands with warm running water;
 2. Apply soap;
 3. Rub hands vigorously until a soapy lather appears;
 4. Continue washing for at least 20 seconds outside of the water, rubbing areas between fingers, around nail beds, under fingernails, under jewelry and the backs of hands;
 5. Rinse hands under warm running water until they are free of soap and dirt; and,

6. Dry hands with a disposable towel, a clean cloth towel laundered after use, or a mechanical drying device.
- B. Staff members and children toddler-aged and older shall wash their hands at the following times:
1. Upon arrival for the day and after breaks;
 2. When caregivers move from caring for one group/classroom of children to another;
 3. Before and after:
 - a. Preparing food or beverages;
 - b. Eating, handling food, or feeding a child;
 - c. Giving medication, applying a medical ointment or cream or administering first aid; and,
 - d. Setup or use of a sensory table.
 4. After:
 - a. Using the toilet or assisting a child with toileting;
 - b. Diapering each child;
 - c. Handling body fluids;
 - d. Handling animals or cleaning up animal waste;
 - e. Coming in from outdoors;
 - f. Cleaning or handling garbage; and,
 - g. At any other time that hands become soiled.
- C. Infants shall have their hands washed with:
1. Soap and running water; or,
 2. A clean cloth that contains soap and is laundered after each use; or,
 3. The use of soap and warm water solution dispensed from a clean spray bottle, followed by a rinse before drying with a clean cloth or disposable towel:
 - a. Before and after meals and snacks;
 - b. After:
 - (1) Having their diaper changed;
 - (2) Coming in from outdoors; and,
 - (3) Whenever their hands become soiled.

- D. The use of hand sanitizers or wipes in lieu of handwashing is not approved for use within the facility. Hand sanitizers or wipes containing at least 60% ethyl or isopropyl alcohol may be used for staff and children three years of age and older and only at times and in areas where handwashing facilities are not available, such as while out of doors in remote locations. Hand sanitizers and wipes shall be stored out of reach of children.
- E. Staff shall supervise children's handwashing to assure adequacy of the procedure.
- F. All staff members shall practice good personal hygiene in order to reduce the potential for disease transmission.
- G. All staff members shall wear clean outer garments. Staff members involved in both child care and food preparation shall wear a clean smock whenever they are involved with kitchen food preparation.
- H. Personal articles, such as combs, toothbrushes, razors, pacifiers, washcloths, water bottles, etc., shall be individually identified and shall be stored in a sanitary manner so as not to contaminate or come into contact with the personal hygiene articles of another child. Personal articles shall not be shared between children.
- I. Towels used for recreational water activities shall be individually identified, stored in a sanitary manner, laundered at least weekly, and not to be shared or intermingled among children.

7.10.4 Medications and First Aid

- A. Medication shall be inaccessible to children and shall be stored in the original container in a controlled area separated from food, cleaning compounds and other toxic substances. If refrigeration is required, the medication shall be stored:
 - 1. In a separate refrigerator maintained for that purpose only;
 - 2. In an impervious secondary container in a designated area of a food storage refrigerator, separated from food and inaccessible to children;
 - 3. Using equipment and methods approved by the Department when mechanical refrigeration is not available.
- B. Medications acquired by the facility or abandoned by parents or guardians shall be disposed of in accordance with 6 CCR 1007-2, Part 1, *Regulations Pertaining to Solid Waste Sites and Facilities* and 6 CCR 1007-3, Parts 260-268, and Parts 99 and 100.
- C. Medical oxygen shall not be used by children or staff in areas with open flames. Signage shall be posted in the child care facility that oxygen is in use.
- D. Basic first aid medical supplies, including gauze pads, rolled gauze, adhesive tape, cold pack, plastic bags, disposable gloves, bandages, mechanism for cleaning hands in a remote location, and scissors, shall be provided and kept in clean storage, conveniently located and available to staff for emergency use and inaccessible to children.
 - 1. For non-life threatening emergencies, the poison control center shall be consulted for guidance about any exposure to toxic substances or any potential poisoning emergency.
 - 2. First aid supplies and equipment with an expiration date shall be discarded and replaced once that date has passed.

7.10.5 Sanitizers

- A. Acceptance of sanitizers shall be determined by the following requirements:
1. The chemical shall have a U.S. Environmental Protection Agency registration number and designation as a food contact surface sanitizer, be registered with the Colorado Department of Agriculture, and used in accordance with labeled instructions and 40 CFR 180.940, including:
 - a. Concentration;
 - b. Contact time;
 - c. Method of application;
 - d. Surfaces; and,
 - e. Does not require a final rinse step.
 2. Bleach used shall be free of compounds to enhance the scent, viscosity, or other compounds that may adversely affect its use as a sanitizer.
- B. Sanitizers are to be used on surfaces that commonly come into contact with food, hands, the mouth, eyes, nose, and exposed skin of children and staff. These surfaces include, but are not limited to, kitchen surfaces, infant food preparation areas, pacifiers, drinking fountains, table tops, keyboards, toys, sleeping mats, cribs, high chairs, head phones, tumbling mats, and furniture.
1. Sanitizers are not to be used in place of soaps, detergents or other cleaning compounds that are intended and utilized to remove soil from surfaces, unless specifically formulated as a cleaner sanitizer.
 2. Sanitizing solutions shall be available to caregivers and staff during all hours of operation.
 3. The frequency of sanitizer use for food contact surfaces shall be in accordance with the requirements of Section 7.11.
- C. Sanitizers shall be mixed and used according to the label instructions, including concentration and contact time.
1. Bleach shall be prepared and used at concentrations between 50 – 200 ppm chlorine when used as a sanitizer.
 2. Test kits shall be provided and used to verify the required concentration for sanitizers requiring mixing. Solutions shall be tested upon mixing and daily if kept longer than 24 hours.
 3. Test kits are not required for sanitizers obtained as ready-to-use (i.e., not requiring mixing) solutions provided they are used in accordance with the manufacturer's labeled instructions.
- D. Bulk and working containers of sanitizers shall be stored inaccessible to children. Working containers of sanitizers shall be easily accessible for use by caregivers.
1. Working containers of sanitizers shall be labeled as to their content and their intended use (i.e., sanitizer/toys and tables).

- E. Nothing in this Section shall prohibit the use of a dish washing machine, pursuant to Section 7.11.2(A)(5), clothes washing machine, or clothes dryer, pursuant to Section 7.8.6(A), for sanitization of toys or other classroom materials.
- F. Common touch surfaces may be disinfected per Section 7.10.6 rather than sanitized at the discretion of the staff in children's resident camps and 24-hour facilities serving school age children provided manufacturer instructions are followed.

7.10.6 Disinfectants

- A. Acceptance of disinfectants shall be determined by the following requirements:
 - 1. The chemical shall have a U.S. Environmental Protection Agency registration number and designation as a hospital grade disinfectant effective against norovirus or an equivalent surrogate, and be registered with the Colorado Department of Agriculture. The chemical shall be used in accordance with the labeled instructions, including:
 - a. Concentration;
 - b. Contact time;
 - c. Method of application; and,
 - d. Surfaces.
- B. Disinfectants are to be used on surfaces that are commonly contaminated with high hazard body fluids, such as but not limited to toilet seat inserts, diaper changing areas and tables, diaper pails and surfaces that have been in contact with high hazard body fluids.
 - 1. Disinfectants are not to be used in place of soaps, detergents or other cleaning compounds that are intended and utilized to remove soil from surfaces, unless specifically formulated as a cleaner disinfectant.
 - 2. Toys, food contact surfaces, or body contact surfaces that become contaminated with high hazard body fluids shall be disinfected and then rinsed, unless otherwise instructed by the manufacturer's labeled instructions, before returned to use.
 - 3. Carpeting, rugs, mops, soft toys, and upholstery that have been contaminated by high hazard body fluids shall be cleaned by removing all visible debris with absorbent materials and laundered per Section 7.8.6(A)(4), treated through the use of a chemical designated for this purpose, or steam.
 - 4. A disinfectant shall be available during all hours of operation in facilities where children are in diapers or require bladder or bowel hygiene assistance. In all other facilities, a disinfectant shall be available as needed.
- C. The frequency of disinfectant use shall be in accordance with the requirements of Section 7.12.4 or immediately upon clean up of or contact with high hazard body fluids.
- D. Disinfectants, including bleach, must be mixed and used according to the manufacturer's labeled instructions, including concentration and contact time.
 - 1. Bleach used shall be free of compounds to enhance the scent, viscosity, or other compounds that may adversely affect its use as a disinfectant.

2. The concentration of disinfectants mixed at the facility shall be verified at least weekly, or in cases where verification is not possible, the solution shall be kept for no longer than seven days, unless otherwise specified by the manufacturer.
 3. Test kits are not required for disinfectants obtained as ready-to-use (i.e., not requiring mixing) solutions provided they are used in accordance with the manufacturer's labeled instructions.
- E. Bulk and working containers of disinfectants shall be stored inaccessible to children. Working containers of disinfectants necessary for diaper changing and bladder and bowel hygiene shall be easily accessible for use by caregivers.
1. Working containers of disinfectants shall be labeled as to their content and their intended use (i.e., disinfectant/restrooms).

7.11 Food Service

Child care facilities providing meals or snacks that do not hold a retail food establishment license shall have adequate food service facilities to accommodate the safe preparation and service of foods currently being provided and shall meet the requirements of 6 CCR 1010-2, *Colorado Retail Food Establishment Regulations*, unless otherwise stated in Section 7.11:

7.11.1 Exceptions

- A. A certified food protection manager is not required provided that the facility does not hold a retail food establishment license.
- B. Sanitizing solutions shall meet the requirements specified in Section 7.10.5.
- C. Employee restrooms shall be determined by the licensing agencies, either the Department of Human Services or the Department of Early Childhood.
- D. Animals may be allowed on the premises as specified in Section 7.13.
- E. Children may use the same room for eating and sleeping.
- F. The written procedure for handling the clean up of a vomiting or diarrheal incident shall be in accordance with Section 7.10.1(C)(8).

7.11.2 Plumbing

- A. Minimum plumbing requirements for food service areas:
 1. Each sink shall be designated for one purpose unless otherwise approved by the Department through a written multi-use sink operational plan that is available on site for review.
 2. Facilities for handwashing shall be adequate for staff preparing food and for staff and children prior to eating snacks and meals.
 - a. At least one dedicated handwashing sink for food handlers is required in all food service areas where food handling occurs. This sink is to be used only for handwashing, unless a multi-use sink operational plan has been approved in accordance with Section 7.11.2(A)(1).

3. Facilities preparing meals or snacks shall have an approved method for food preparation, including washing produce. The following methods are acceptable:
 - a. A dedicated food preparation sink, indirectly plumbed to the sewer;
 - b. The dual use of one compartment of a two- or three- compartment sink that is also used for dishwashing is permitted provided:
 - (1) The compartment is washed, rinsed and sanitized prior to use for food preparation;
 - (2) Soiled dishes are not staged or washed at the same time food is being washed or prepared in the sink;
 - (3) The sink shall be indirectly plumbed to the sewer unless otherwise approved by the Department; and,
 - (4) An operational plan in accordance with Section 7.11.2(A)(1) approved by the Department demonstrates all of the above criteria is in place and is protective of public health.
4. Facilities serving only pre-packaged meals or snacks including commercially prewashed and pre-packaged produce are exempt from the requirements of Section 7.11.2(A)(3).
5. Facilities using multi-use tableware, serving utensils, or cookware shall have an approved method to wash dishes. In the absence of a commercial dishwashing machine, the following methods are acceptable:
 - a. Domestic dishwashing machine:
 - (1) Domestic dishwashing machines are approved provided manufacturer instructions are followed and meet one of the following conditions:
 - (a) The dishwashing machine is National Sanitation Foundation (NSF) certified; or,
 - (b) Equipped with and utilize a functioning heat sanitizing cycle; or,
 - (c) Equipped with and utilize a functioning heated dry option.
 - b. Manual Warewashing:
 - (1) In the absence of a dishwashing machine, a dedicated three-compartment sink shall be used for dishwashing provided it is indirectly plumbed to the sewer; or,
 - (2) In facilities where limited dishwashing is needed, a two compartment sink may be used for dishwashing provided it is indirectly plumbed to the sewer. Department approval is required to use a two compartment sink for dishwashing.
6. Where structural changes pose a true economic hardship or are too difficult to implement due to space constraints, conflicts with the plumbing code, or building ownership, direct plumbing to the sewer system may be approved by the Department provided public health is protected. Documentation of approval shall be maintained on site.

7.11.3 Ventilation

- A. Commercial ventilation shall be installed and used when required by the local building or fire codes.

7.11.4 Operational Requirements

- A. Time/temperature control for safety foods supplied by the facility for offsite activities, such as field trips, shall be maintained at required temperatures prior to leaving the facility pursuant to Section 7.11 and if temperatures are not maintained after leaving the facility the food shall be consumed within four hours.
1. Coolers can be used for storage and transport for offsite activities if they are easily cleanable, maintained in good repair, and kept clean.
- B. In child care facilities where individual meals are furnished by the parents or guardians, the food shall be restricted to their own child and the food shall be labeled with the child's name.
1. When parents or guardians furnish snacks for children other than their own child, the snack shall consist only of foods that are prepackaged and prepared from commercial sources. Such foods shall be non time/temperature control for safety food or shelf stable, and received sealed.
 2. Uncut produce may be provided if the facility has the capacity to wash and prepare it in accordance with 7.11.2(A)(3).
- C. In child care facilities without adequate refrigeration or hot holding equipment to maintain food temperatures:
1. Foods shall be obtained from approved licensed or commercial sources; and,
 2. Food service shall be limited only to non time/temperature control for safety food; or,
 3. Foods supplied by outside sources must be: received at the appropriate temperature, served within two hours, and remaining time/temperature control for safety foods shall be discarded.
- D. In child care facilities without adequate fixtures to wash, rinse, and sanitize dishes and utensils, single-service articles shall be used for dispensing, serving, and eating food.
- E. Family style meal service is permitted under the following conditions:
1. Children are supervised;
 2. Utensils are used to dispense food;
 3. Soiled tableware and serving dishes are not returned to the kitchen for refilling; and,
 4. Food that becomes contaminated is discarded.
- F. Raw, uncut produce, including those grown on site, shall be permitted provided gardens and greenhouses conform to U.S. Department of Agriculture Good Agricultural Practices.

G. Prohibited Activities:

1. Staff shall not be involved in the care of children and food preparation concurrently if there is a risk for contamination of food by body fluids.
2. Staff members assigned to a specific group of children and involved in changing diapers shall be prohibited from preparing meals and snacks for children not in their group.
3. Children shall not be involved in the preparation and handling of raw animal products.
4. Children shall not handle, with bare hands, ready-to-eat foods for children other than themselves.
5. This section does not prohibit teaching cooking projects if good hygienic practices are followed.
6. This section does not prohibit life skills training in facilities providing 24-hour care.

7.12 Infant and Toddler Programs and as Applicable to Older Children

7.12.1 Personal Items and Bedding

- A. Adequate supplies of diapers, clean clothing, and linens shall be available for the needs of each infant and toddler. Clothing and linens shall be changed when soiled with high hazard body fluids.
- B. Adequate storage space shall be provided for the personal items of each infant and toddler.
- C. Soiled cloths contaminated with high hazard body fluids shall be returned to the parent or guardian in a non-absorbent container or laundered as required in Section 7.8.6(A)(4).
- D. Cloth bibs used shall be washed between uses of different children or when soiled and stored as required in Section 7.8.6(A)(2).
- E. Bibs made from silicone or other non-cloth materials shall be washed, rinsed, and sanitized as required in Section 7.11.

7.12.2 Clothing for Infant Care

- A. Clothing worn by staff members to and from work shall be covered or replaced by clean non-irritating washable smocks or similar clothing. Staff shall change or replace their smocks when smocks become soiled.
- B. Shoes worn outside of an infant classroom shall be covered or removed when entering an infant classroom.

7.12.3 Infant Feeding

- A. Staff members shall wash their hands before preparing bottles and foods and just prior to feeding infants, as well as when required by Section 7.10.3
 1. Staff members with cuts or open wounds on their hands shall not be involved with infant feeding unless the wound is covered with an impermeable cover and a single-use glove is worn over the impermeable cover.

- B. A designated sink shall be used to fill, warm, and dump infant bottles. In the absence of a designated sink, a written multi-use sink operational plan may be approved by the Department pursuant to Section 7.11.2(A)(1).
1. If infant bottles are to be reused, they shall be washed, rinsed and sanitized in approved warewashing sinks after each use, as required by Section 7.11.2(A)(5) or returned to the parent or guardian at the end of the day for washing. Bottle sanitizing devices may be used provided manufacturer's instructions are followed.
 2. Frozen human milk or infant formula shall be thawed under cold running water, in a slow cooker/warming device, or in a refrigerator.
 3. Bottles of human milk or infant formula shall never be warmed in a microwave oven.
 4. The use of a slow cooker or other warming device to thaw and/or warm human milk or infant formula can be utilized, if:
 - a. The human milk or infant formula is thawed and warmed for immediate consumption; and,
 - b. The warming container is emptied, cleaned, sanitized, and refilled daily with fresh water.
 5. Accidental feeding of human milk to another mother's child shall be handled in accordance with Standard 4.3.1.4, *Feeding Human Milk to Another Mother's Child, Caring for Our Children*, 2020, hereby incorporated by reference.
 6. Beverages dispensed into a bottle by the facility staff shall be:
 - a. From an approved source;
 - b. Dispensed from the original container; and,
 - c. Dispensed into a clean and sanitized bottle.
- C. Human milk or prepared infant formula in bottles or other storage containers shall be:
1. Labeled with the infant's name;
 2. The date received; and,
 3. Stored at 41°F or below.
 4. Human milk or prepared infant formula that is unopened and not used the day it was prepared or received from the parent or guardian shall be returned to the parent or guardian at the end of the day. This shall not apply to frozen human milk.
 5. All human milk and infant formula shall only be used for the intended child. Bottles of human milk shall be differentiated by colored labels or another method approved by the Department.
- D. Freshly expressed human milk may be stored at room temperature for up to four hours or refrigerated.

1. Previously frozen human milk shall be used the same day it was thawed or returned to the parent or guardian at the end of the day.
 2. Human milk that has been warmed or leftover from a feeding (child did not finish the bottle) may be stored at room temperature for up to two hours. Any contents remaining after two hours shall be discarded.
- E. Infant formula shall be stored in its original container, be mixed in accordance with the manufacturer's labeled instructions. Expired formula shall not be used.
1. Prepared infant formula shall be stored and labeled as required by Section 7.12.3(C).
 2. Portions of prepared formula leftover from a feeding (child did not finish the bottle) may be stored at room temperature for up to one hour. Any contents remaining after one hour shall be discarded.
- F. Bottles shall never be returned to the refrigerator after being heated or after a feeding.
- G. Infant food provided by the parent or guardian shall be labeled with the infant's name and kept covered when not in use.
- H. The service of honey to infants is prohibited.
- I. Commercially processed baby food dispensed directly from the container to a child shall be limited to one infant, with unconsumed portions discarded at the end of each feeding.
1. Containers of baby food dispensed onto separate dishware and served individually from those dishes may be returned to the refrigerator for storage for the remainder of the day. Unconsumed portions from the dishware shall be discarded.
 2. No more than one infant shall be fed from the same container of food or the same utensil. Utensils, including dishware, shall be washed, rinsed, and sanitized between uses by an approved method as described in Section 7.11.1(A)(5).

7.12.4 Diapering and Toileting Assistance

- A. Diapers shall be checked for wetness or feces at least every two hours, or whenever the child indicates discomfort or exhibits behavior that suggests a soiled or wet diaper. The child shall be changed when found to be wet or soiled.
- B. A diaper changing station or changing area shall be provided and located separate from any food or bottle preparation, storage or serving area.
1. Equipment and surfaces shall be of sturdy construction with smooth, durable, non-absorbent, and easily cleanable surfaces.
 2. A handwashing sink shall meet the requirements of Section 7.8.5.
 3. Soiled diapers, wipes, and gloves shall be disposed of in a washable, covered container lined with a plastic bag, located adjacent to the changing table or changing area, and inaccessible to children.
 4. Items unrelated to diaper changing shall not be placed on changing tables or wall hung changing stations.

5. Changing tables, stations, or mats shall be kept clean and in good repair and shall be cleaned and disinfected after each use with a disposable towel as indicated in Section 7.10.6.
- C. The following procedure shall be conducted each time a diaper is changed:
1. All supplies needed for diaper changing shall be placed at the diaper changing area before the child is brought to the changing area.
 2. Individuals changing diapers shall place a new pair of gloves on hands prior to changing the child's diaper.
 3. The child shall be placed on a clean, disinfected, and dry changing table or mat. If the child is standing, the area must be a nonporous and an easily cleanable surface.
 4. The child shall be cleaned on the body wherever necessary.
 5. Soiled clothes shall be placed in a plastic bag for parents or guardians to take home. Soiled diapers shall be placed in a covered, impervious plastic lined receptacle.
 6. If topical ointments are applied, clean gloves shall be donned. Gloves shall be removed before handling clean clothing and diapers.
 7. An infant's hands shall be washed as outlined in Section 7.10.3(C). A toddler or older child's hands shall be washed as outlined in Section 7.10.3(A).
 8. The child then may be returned to a clean crib or to play.
 9. The staff member shall then clean to remove visible soils and disinfect the following:
 - a. The diapering area;
 - (1) For stand up diapering procedures, the floor/mat must be cleaned and disinfected if visibly soiled;
 - b. The equipment or supplies touched during diapering; and,
 - c. Any other surfaces or furnishings contaminated with urine or feces.
 10. The staff member shall then thoroughly wash their hands in accordance with Section 7.10.3(A).
- D. Soiled cloth diapers and clothing shall be immediately placed in a waterproof bag after being removed from the child and shall be stored in a covered diaper pail for return to the parents, guardians or diaper service or until laundered offsite. Soiled cloth diapers or clothing shall not be rinsed.

7.13 Care Of Animals

No more than three adult animals for every 25 children may be cared for at a child care facility unless the animals are utilized as part of a developed educational program or therapy program with a written plan that outlines the intended goal and need for the animals. Nothing in this section shall prohibit the properly located, stabled, and corralled livestock, such as horses associated with equestrian programs at children's camps or fish in bowls or aquariums.

7.13.1 Prohibited Animals

- A. The following animals are prohibited in child care facilities:
1. Psittacine birds, ferrets, and primates;
 2. Poisonous and venomous animals inclusive of spiders, insects, reptiles including snakes, and amphibians;
 3. Stray or wild animals; and,
 4. Aggressive animals.
- B. Live poultry including adult birds, chicks, and ducklings, reptiles, and amphibians shall be prohibited from:
1. The premises of facilities caring only for children under the age of five.
 2. Classrooms with children kindergarten age or younger or communal areas that these children use in facilities that also care for children over the age of five.
 - a. Because infections from these animals spread via fecal-oral transmission (hand to mouth behaviors), use of these animals in other classrooms where older children engage in frequent hand to mouth behaviors is prohibited.
- C. Animals other than non-aggressive fish are prohibited in infant programs.

7.13.2 Animal Bite Control

- A. All dogs and cats shall have current rabies vaccinations administered by a licensed veterinarian. Record of rabies vaccinations shall be available at the child care facility whenever the dog or cat is on site.
1. All animal bites involving species that are known reservoirs of rabies, including but not limited to dogs, bats, cats, ferrets, raccoons, skunks and foxes, shall be immediately reported to the Department in accordance with 6 CCR 1009-1, *Epidemic and Communicable Disease Control Regulations*.

7.13.3 Enclosures

- A. Enclosures for small animals, such as hamsters, gerbils, guinea pigs, rabbits and the like, shall be constructed to be non-absorbent and easily cleanable and shall be cleaned as needed so as not to create nuisance conditions. Animal waste, used bedding and other waste material shall be removed from the premise and not left to accumulate.
- B. Enclosures for larger animals and poultry shall be cleaned daily to remove animal waste, soiled bedding and other debris. Run off from enclosures, barns, corrals, and manure storage areas shall be managed in an approved manner so as not to pollute wells and waterways. Adequate fly and mosquito control measures shall be utilized as needed.
- C. All animal waste on outdoor play areas shall be promptly removed and placed in a closed disposal container.
- D. Animal enclosures and supplies may not be washed in food preparation or food storage areas.

7.13.4 Child Participation

- A. Children's contact with animals, enclosures and waste products shall be supervised. Children under the age of five years shall not be involved with the cleaning of animal enclosures or the removal and handling of animal waste products.
 - 1. Children and individuals involved with the care, feeding or handling of animals shall thoroughly wash their hands in accordance with 7.10.3(B)(4)(d) immediately after any contact with animals, animal enclosures, animal feed/treats, or animal waste products.

7.13.5 Designated Animal Areas

- A. Specific areas shall be designated for animals. Live animals shall be prohibited from the following areas:
 - 1. Food preparation, food storage, and dining areas; and,
 - 2. Areas where children routinely play (e.g., sandboxes, playgrounds).
- B. Animal feed and bedding shall be stored separate from human food, food supplies, and food preparation areas.
 - 1. Animal feed shall not be located in food preparation areas or on eating surfaces.
 - 2. Animal feed that requires refrigeration may be stored in an impervious secondary container to separate it from human food and make it inaccessible to children.
- C. Location and/or presence of animals shall be determined based on the protection of the health of children and caregivers with allergies.

7.14 Toxic Materials Management

7.14.1 Insect and Rodent Control

- A. Pests shall be managed with integrated strategies for long-term pest suppression, using the most cost-effective means with the least possible hazard to people, property, and the environment.
- B. The use of poisonous compounds to control weeds, rodents, insects, and other pests shall be implemented only after other means have been used for control, such as the elimination of harborages, removing access to food, and sealing of points of entry. These compounds shall be used according to labeled instructions.
- C. All food, food utensils, and equipment, bedding, toys, sleeping mats, and other equipment, materials and items that will come into contact with food or children shall be protected during the time pesticide application is conducted. Pesticides shall be applied in a manner as to prevent skin contact and other exposure to children or staff. Application of pesticides shall not be conducted when children are present.
- D. Only approved, U.S. Environmental Protection Agency registered insecticides, rodenticides, and herbicides may be used. Application must strictly follow all label instructions and must be authorized by the director. Rodenticides shall be dispensed in tamper proof boxes, shall have a distinctive color so as not to be mistaken for food, and shall be in cake or pellet form.
- E. Restricted pesticides shall be applied only by a certified pest control applicator or under the direct supervision of a certified pest control applicator.

7.14.2 Poisonous or Toxic Materials

- A. There shall be present in child care facilities only those poisonous or toxic materials necessary for general maintenance of the building, grounds, and equipment. These compounds shall be used according to labeled instructions.
- B. Pre-school age children shall be appropriately supervised around any poisonous plants either in the child care facility or outdoor areas. Toxic plants are prohibited in areas designated for infants and toddlers.
- C. Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification of contents. Poisonous or toxic materials shall not be transferred into food or drink containers.
- D. Poisonous or toxic materials shall not be stored or used in a way that could contaminate food, food utensils and equipment, bedding, sleeping mats, toys, and other equipment, materials and items that will come into contact with food or children.
 - 1. Cleaning materials, sanitizers, disinfectants, detergents, flammables, and other toxics shall be properly labeled, and stored inaccessible to children.
- E. Cleaning compounds used on food contact surfaces, toys and body contact surfaces shall be used in a way that does not leave a toxic residue on such surfaces. If used on these surfaces, they shall be rinsed, unless otherwise instructed by the manufacturer's labeled instructions before returned to use.
- F. Prior to beginning any renovation or demolition activity of a child care facility, all requirements pursuant to 5 CCR 1001-10, Colorado Air Quality Control Commission, Regulation Number 8 Part B, including inspection for asbestos containing materials by a Colorado certified asbestos building inspector and notification, must be met.
- G. For child-occupied child care facilities built before 1978, all painted surfaces of building components shall be considered lead-based paint unless a lead-based paint determination deems otherwise.
 - 1. Sections 7.14.2(G) does not apply if a lead-based paint determination shows that all painted surfaces of building components which will be disturbed during the renovation activities are not considered lead-based paint. A lead-based paint determination must be made either by a certified inspector or risk assessor pursuant to 5 CCR 1001-23, Colorado Air Quality Control Commission, Regulation Number 19 Part A, or by a certified renovator pursuant to the U.S. Environmental Protection Agency Lead Renovation, Repair and Painting Program regulations found at 40 CFR Part 745, Subpart E. The results of these determinations shall be on file at each child care facility and available for review.
 - 2. Renovation activities that will disturb painted surfaces either deemed to contain lead or not tested in child care facilities built before 1978 (including certain repairs and maintenance, and painting preparation activities) shall be conducted pursuant to the U.S. Environmental Protection Agency Lead Renovation, Repair and Painting Program regulations found at 40 CFR Part 745, Subpart E.

3. Renovation activities pursuant to 5 CCR 1001-23, Colorado Air Quality Control Commission, Regulation Number 19 Part B, that will disturb painted surfaces either deemed to contain lead or not tested in child-occupied facilities built before 1978 must conduct pre-renovation education and recordkeeping activities as required by Sections III and IV of the regulation.
- H. Child care facilities shall be tested for radon within six months of occupancy by an individual meeting the requirements outlined in 4 CCR 754-1, *Radon Professionals Rules and Regulations*. Radon tests completed prior to July 1, 2022 are acceptable.
 1. The Department shall be notified when child care facilities are remodeled in order to assess the need for any additional radon testing.
 2. Child care facilities operating in schools may test following the timelines in 6 CCR 1010-6, *Rules and Regulations Governing Schools in the State of Colorado*.
 3. The results of these tests shall be on file at each facility and available for review.
 4. This section shall not apply to non-building based programs such as mobile child care programs or children's resident camps.
- I. The use of urea formaldehyde foam insulation is prohibited.

7.14.3 Art and Science Materials

- A. Art and science materials shall be used in a way so as not to constitute a hazard to the children or staff. Children using potentially toxic materials shall be directly supervised by staff. (For example, shaving cream can be hazardous to asthmatic children.) Nontoxic, water-based materials should be used whenever possible.
- B. The use or storage of concentrated or strong acids and bases; carcinogenic materials; toxic organic solvents; materials that produce toxic dusts, and materials with heavy metals such as lead, mercury, or cadmium are prohibited.
- C. Bulk art and science materials shall be stored in original containers, clearly labeled, and stored in accordance with manufacturer's instructions. All art and science materials transferred into a secondary storage container shall be clearly labeled.
- D. If food items are used as art and science materials they shall be labeled for the intended use (e.g., "not for consumption" or equivalent language).

7.15 Mobile Part-Day Preschool Programs

Child care facilities operating as a mobile part-day preschool program are subject to all requirements in this regulation unless otherwise stated in Section 7.15.

- A. At least one handwashing sink shall be installed within the mobile vehicle and be provided with hot and cold water per Section 7.8.1(E)(1).
- B. Mobile preschools with toilets and/or sinks installed on the mobile vehicle shall meet the following requirements.
 1. The fresh water tank shall be sufficiently sized to meet the water demands of the entire day in operation.

2. The gray and/or black water tanks shall be sized to meet the waste demands of the entire day in operation.
3. Sewage and other liquid wastes shall be removed from the mobile vehicle at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.
4. All gray and black water shall be disposed of per Section 7.15(B)(3) when full and at least once weekly.
5. All tanks must have a device with sensors to monitor the fullness and these shall be monitored daily.
6. The fresh water tank shall be filled with a food grade hose and may not be used for drinking water. Hoses for fresh water shall be stored separately than hoses to dump and flush the tanks.
7. There shall be a distinct differentiation for all hoses uses to fill, dump, and flush the tanks.
8. Tanks shall be protected from freezing.
9. A written procedure is required for the dumping, monitoring, and maintenance of the black and/or gray water tanks.
 - a. The procedure shall include the location or name of the servicing area or sewage transport company;
 - b. Be located on the mobile vehicle; and,
 - c. The responsible staff shall be knowledgeable of the procedure.
- C. The use of a non-flushing toilet is prohibited.
- D. In the absence of a toilet on the mobile vehicle, a toilet meeting the requirements of Section 7.8.4(A) shall be located within 200 feet of where the vehicle is parked during hours of operation. An adjacent handwashing sink meeting the requirements in Sections 7.8.5 shall be accessible for uninterrupted use.
- E. Diaper changing activities shall meet the requirements in Section 7.12.4.
- F. Access to a service sink meeting the requirements in Section 7.8.6(B) shall be provided unless otherwise approved by the Department.

7.16 Compliance Procedures

- A. Prior to recommending approval of a license, the Department shall inspect the proposed child care facility to determine compliance with these regulations.
 1. The Department shall recommend approving a license if its inspection establishes that the proposed child care facility complies with the requirements of these regulations.
 2. Items deemed not in compliance with the requirements of these regulations shall be corrected prior to the Department recommending approval of the license. A written plan of correction or timetable for correction may be accepted as temporary compliance.

- B. The Department may, upon inspection, make a recommendation to the Department of Human Services to submit adverse action against a child care facility's license for any violation of these regulations or as otherwise provided by law.
 - 1. A copy of the non-compliance inspection report(s) of the child care facility shall be forwarded to the appropriate licensing agency, either the Department of Human Services or the Department of Early Childhood for review.
- C. Acting under Section 25-1.5-101(1)(a) and 25-1.5-102(1)(a), C.R.S., the Department shall have the power and duty to close a child care facility and forbid the gathering of people therein to protect the public health from the cause of epidemic and communicable diseases. Immediate closure shall be used only when the situation imperatively requires emergency action or the operator has been guilty of deliberate and willful violation that poses an imminent health hazard.
- D. When serious or repeated violations of these regulations have been found, the Department may abate the nuisance by seeking injunctive relief through judicial means, as provided under Sections 16-13-308, 16-13-309, and 25-1.5-102, *et seq.*, C.R.S.
- E. Guest Child Care and Public Services Short-term Child Care Facilities shall be inspected prior to its opening and annually per 26.5-5-307, C.R.S. An inspection of all other child care facilities shall be performed prior to its opening and at least once every two years thereafter or more often as determined by risk.
- F. The Department, after proper identification, shall be permitted to enter any child care facility, whether announced or unannounced prior to the visit, during business hours and at other times during which activity is evident to determine compliance with these regulations. The agents shall be permitted to examine documents or true copies of documents that pertain directly to the operation of the child care facility as it applies to compliance with these regulations.
- G. Whenever an inspection of a child care facility is made, the findings shall be recorded on an inspection report form. Inspection remarks shall describe any violations that exists.
 - 1. Once the inspection report form is finalized, a copy of the completed inspection report form shall be furnished to the facility.
 - 2. The completed inspection report form is a public document that shall be made available for public disclosure, according to law, to any person who requests it.
 - 3. The inspection report form shall specify a reasonable period of time for the correction of the violations found and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:
 - a. If an imminent health hazard exists, such as but not limited to an inability to maintain the integrity of time/temperature control for safety foods, sewage backup into the facility, lack of drinking water, or an interruption of water service to the facility for more than two hours, the facility shall immediately cease operations unless dismissal of the children would be detrimental to their well being or unless an alternative plan for operation has been approved by the Department. Operations shall not be resumed until authorized by the Department.
 - b. All critical violations are to be corrected as soon as possible, but in any event, by the date and time specified by the Department.

- c. All other violations shall be corrected by the date and time agreed to or specified by the Department but no later than 90 calendar days after the inspection.
 - d. The Department may approve a compliance schedule that extends beyond the time limits specified if a written schedule of compliance is submitted by the operator and no health hazard exists or will result from allowing an extended schedule for compliance.
- 4. The inspection report shall state that failure to comply with any time limits may result in the initiation of administrative or legal regulatory action and/or a recommendation of adverse action of licensure to the appropriate licensing agency, either the Department of Human Services or the Department of Early Childhood. An opportunity for appeal of the inspection findings and time limitation will be provided if a written request for an administrative hearing is filed with the Department within five days following the date of receipt of inspection. If the request for a hearing is received, a hearing shall be held no sooner than 20 days after the operator is notified of the hearing.
- 5. Whenever a child care facility is required, under the provisions of these regulations to cease operations, it shall not resume operations until a re-inspection determines that conditions responsible for the requirement to cease operations no longer exist. Opportunity for re inspection shall be offered within a reasonable time frame.

Editor's Notes

History

Entire rule eff. 01/14/2016.

Entire rule eff. 04/14/2025.