

**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.]*

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**Chapter One General Provisions**

**Purpose**

1-101 Authority. These rules and regulations are promulgated pursuant to sections 25-1.5-101(1)(a) and (h), 25-1.5-102(1)(a) and (d), 25-1-108(1)(c)(l) and 25-5-508, C.R.S.

1-102 Purpose. The purpose of the rules and regulations is to provide 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.

1-103 Application . These rules and regulations shall apply to all child care facilities as defined in Sections 26-6-102(1.5), (2.5)(A), (5), (5.1), (8), (9), (10)(A), C.R.S..

(a) 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.

(b) Any child care facility operator shall have the right to seek a variance to any section of these rules and regulations which, in his/her 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 and the reason for the request.

1-104 Plan Review. 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. Plans shall be reviewed by the Department within two ( 2 ) weeks of receipt. 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.

**Definitions**

1-201 Definitions. The following definitions shall apply in the interpretations and the enforcement of these regulations unless the context clearly states otherwise.

- (1) Advanced Food Preparation shall mean cooking or assembling of potentially hazardous food either in its finished state or partially finished state, more than 4 hours in advance of serving. This practice requires temperature control to limit the growth of pathogenic organisms.
- (2) Approved shall mean 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.
- (3) Bacteria shall mean organisms with a cell wall that can survive inside and outside of the body.
- (4) Body Fluids shall include urine, feces, saliva, blood, nasal discharge, eye discharge and injury or tissue discharge.
- (5) Child Care Facility shall mean any facility defined as such in sections 26-6-102(1.5), (2.5)(a), (5), (5.1), (8), (9), (10)(a), C.R.S..
- (6) Clean shall mean to be free of dust and debris or to remove dirt and debris by vacuuming or scrubbing and washing with soap and water.
- (7) Common Towel shall mean a non-disposable towel that is used by more than one individual or is used more than one time by the same individual.
- (8) Communicable Disease shall mean 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).
- (9) Contamination shall mean 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.
- (10) Critical Violations shall mean provisions of these rules and regulations that, if deemed in noncompliance, are more likely than other violations to contribute to illness or environmental hazards that may contribute to a disease outbreak. Critical violations include inappropriate diapering procedures, lack of handwashing, ineffective sanitization and disinfection, ill personnel preparing food or caring for children, unsafe water supply or sewage disposal, vermin infestation, food temperature abuse and uncontrolled toxics.
- (11) Department shall mean Colorado Department of Public Health and Environment or its authorized agents or employees.
- (12) Disinfect shall mean 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 household bleach and water.
- (13) Easily Cleanable shall mean 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.
- (14) Employee shall mean any person working or volunteering to perform duties in a child care facility.

- (15) Extensive Remodeling shall mean 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.
- (16) Furnishings shall mean equipment such as high chairs, cribs, beds, crawling mats, chairs, sofas, eating tables, art/water/play tables, walkers, infant swings, bouncy seats, desks, workstations, dressers, interior play areas (jungle gyms), and toy chests.
- (17) Gloves shall mean those, which are non-porous, disposable and single use.
- (18) Grease Cooking shall mean the heating of raw animal products on food processing equipment such as grills, broilers, skillets, woks, kettles or open rotisseries; or foods cooked in fats or oils utilized as a heat transfer media such as deep fryers where grease laden vapors are produced.
- (19) High Hazard Body Fluids shall mean those body fluids, such as blood, feces, urine, vomit, sputum, and mucus that present an increased risk for illness transmission.
- (20) Hygiene shall mean protective measures, including practices of cleanliness, taken by individuals to promote health and limit the spread of infectious diseases.
- (21) Imminent Health Hazard shall mean 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.
- (22) Immunizations shall mean vaccinations that are given to children and adults to help them develop protection against infectious disease.
- (23) Individualized Health Care Plan shall mean written instructions for children with special health care needs, completed and signed by the health care provider and parent or guardian.
- (24) Infant shall mean a child between birth and the age of eighteen months.
- (25) Infection shall mean a condition caused by the multiplication of an infectious agent in the body.
- (26) Infectious shall mean capable of causing an infection.
- (27) Infestation shall mean the presence of unwanted pests such as insects, rodents, birds or parasites.
- (28) Inspection shall mean an on-site 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 rules and regulations.
- (29) Kindergarten shall mean a program for children the year before they enter the first grade.

- (30) New Child Care Facility shall mean a facility, which is newly constructed or an existing structure that is converted for use as a child care facility as defined in Section 1-201(5).
- (31) Nurse Consultant shall mean a current Colorado licensed registered nurse with knowledge and experience in maternal and child health. The nurse consultant provides guidance and assistance to child care staff on health aspects of the facility.
- (32) Parasite shall mean an organism that lives on or in another living organism (e.g., giardia, ticks, lice, and mites).
- (33) Poisonous or Toxic Materials shall mean substances capable of causing injury, illness or death when ingested, inhaled or absorbed.
- (34) Potable shall mean suitable for drinking.
- (35) Potentially Hazardous Food shall mean any food in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms or the growth and toxin formation of *Clostridium botulinum* with a water activity value of 0.86 or greater, or a pH level of 4.7 or greater.
- (36) Preschool shall mean a part-day child care program for 5 or more children between the ages of 2 ½ and 7 years.
- (37) Psittacine Birds , also called “hookbills” because the upper beak is turned downward, shall mean 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.
- (38) Ready-To-Eat Food shall mean food that is edible without further washing, cooking, or additional preparation and that is reasonably expected to be consumed in that form.
- (39) Refuse shall mean any garbage, trash, or other forms of solid waste.
- (40) Residential Camp shall mean a facility operating for three or more consecutive 24-hour days for the care of 5 or more children. The campers must have completed kindergarten or fall between the age range of 6 to 18 years old. A residential camp may have a "primitive camp" which is a portion of the permanent camp premises or another site at which the basic needs for camp operation such as places of abode, water supply systems, and permanent toilet and/or cooking facilities are not usually provided.
- (41) Residential Child Care Facility shall mean a facility that provides 24-hour residential group care and treatment for 5 or more children between the ages of 3 and 18 years old and for those persons up to 21 years old who are placed by court order prior to their eighteenth birthday. A residential child care facility includes "shelter care facilities" and "crisis care facilities".
- (42) Sanitization shall mean 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. <sup>1</sup>

<sup>1</sup> One method of demonstrating effective bactericidal treatment is by an average plate count per utensil surface examined of not more than 100 colonies, or not more than 12 1/2 colonies per square inch of equipment examined in accordance with the procedure detailed in Public Health Service Publication No. 1631; "Procedures for the Bacteriological Examination of Food Utensils and for Food Equipment Surfaces." This is not intended for use as a routine field procedure, but only for the supplemental evaluation of sanitation procedures.

- (43) School-Age Child Care Center shall mean a facility that provides care for 5 or more children who are between 5 and 16 years of age. The center's purpose is to provide child care and/or an outdoor recreational experience using a natural environment. The center operates for more than one week during the year. The term includes facilities commonly known as "day camps", "summer camps", "summer playground programs", "before and after school programs" and "extended day programs". This includes centers operated with or without compensation for such care, and with or without stated educational purposes.
- (44) Single-Service (Use) shall mean cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, paper towels, place mats, doilies, wrapping materials, toothpicks and similar articles intended for one-time, one-person use and then discarded after each use.
- (45) Small Child Care Centers shall mean a facility that provides care for 5 through 15 children between the ages of 2 and 16 years.
- (46) Specialized Group Facilities shall mean facilities that provide care for 5 through 12 children from 3 to 18 years of age and for those persons up to 21 years old who are placed by court order prior to their eighteenth birthday, whose special needs can best be met through the medium of a small group.
- (47) Toddler shall mean a child who walks independently between the ages of twelve months and thirty-six months and is enrolled in the toddler nursery.
- (48) Virus shall mean a microscopic organism smaller than a bacterium that may cause disease. Viruses can grow or reproduce only in living cells.

## **Chapter Two Premises**

### **Grounds**

2-101 General . The grounds and premise shall be well drained and free of refuse, litter, animal droppings, insect and rodent harborages, weed overgrowth, and unused equipment. This provision shall not be construed to limit outdoor educational or recreational programs.

- (a) The sand and soils in play areas shall not contain hazardous levels of any toxic chemical or substances.
- (b) Outdoor play equipment shall not be coated or treated with, nor shall it contain, toxic materials in hazardous amounts that are accessible to children.

2-102 Maintenance . All outdoor areas shall be maintained in a sanitary condition and be free of insect and rodent harborages, open or accessible wells, grease traps, cisterns, cesspools, septic tanks, and/or utility equipment.

2-103 Solid Waste.

- (a) Exterior garbage and rubbish containers shall be easily cleanable, covered, and well maintained. Garbage storage areas shall be clean, well maintained and inaccessible to children.
- (b) Stored refuse shall be inaccessible to insects, rodents and other pests.

- (c) Refuse shall be removed on a regular basis in a manner, which would prevent creation of a nuisance condition.
- (d) Interior garbage and rubbish containers shall be easily cleanable and shall be emptied whenever full.

## **Pools**

### 2-201 Pools, Hot Tubs and Natural Swim Areas.

- (a) Swimming pools, therapy pools, permanent wading pools, hot tubs and swim areas shall meet the requirements of the *State of Colorado Swimming Pool and Mineral Bath Regulations* . 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 after use by each group of children or at least daily, and placed in storage when not in use.
  - 2) A contaminated wading pool shall be emptied, cleaned and disinfected.
  - 3) Wading pool water shall be chemically disinfected by means of not less than 0.4 parts per million (ppm) and no more than two (2) ppm free available chlorine or by means of equivalent approved disinfection. The concentration shall be measured by an approved chemical test kit available on site.
- (c) The water temperature shall be maintained between 77°F and 90°F while the pool is in use. Water temperature may exceed 90°F in therapy pools if designated by a child's individualized health care plan. Water temperature in hot tubs shall not exceed 104°F.

## **Chapter Three Facility**

### **Building**

- 3-101 General. 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, rodent and their harborages.
- 3-102 Doors and Windows. 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.
- 3-103 Finishes.
  - (a) Alterations of finishes shall be done in a manner that prevents hazards associated with lead. No paint containing lead shall be used when surfaces are repaired or when any new surfaces, accessible to children, are painted.
  - (b) Painted finishes shall be free from peeling or chipping paint.
  - (c) Construction, remodeling, or alterations of child care facilities shall be done in a manner that does not create a health hazard.

- (d) Room finishes, cabinets, shelves and counters shall be easily cleanable, maintained in good repair, and kept clean.
- (e) Hand contact and splash areas of doors, walls, cabinets and shelves shall be smooth, non-absorbent and easily cleanable.
- (f) Floors shall be smooth, dry, cleanable and free of cracks, splinters, and utility outlets.
- (g) Carpeting in approved areas shall be tightly woven and in good repair.
- (h) Carpeting shall not be permitted in kitchens, restrooms, utility rooms, mechanical rooms, under and around sinks and diaper changing areas or in laundry areas.
- (i) Floor wall junctures in all areas not carpeted shall be tightly coved with approved concave coving.

3-104 Ventilation. Ventilation, mechanical or natural, shall be maintained to minimize health hazards including excessive drafts, odors, extreme temperatures, humidity and temperature fluctuations.

3-105 Lighting . All areas of the center shall be adequately lighted.

- (a) A minimum of thirty (30) foot candles of light shall be provided upon work and play surfaces.
- (b) A minimum of twenty (20) foot candles of light shall be provided in restrooms.
- (c) A minimum of ten (10) foot candles of light shall be provided in hallways, stairways, and the remainder of the facility.

3-106 Heating . 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 checked with a thermometer placed at floor level.

#### **Detached Structures and Modular Classrooms**

3-201 Detached Structures and Modular Classrooms . Detached structures and modular classrooms not provided with plumbing shall meet all of the following stipulations:

- (a) The facility cares only for school-age children;
- (b) Restrooms are to be within 200 feet of the structures or modular classrooms and accessible through unlocked door or key access during all hours of operation.

### **Chapter Four Sanitary Facilities And Controls**

#### **Water Supply**

4-101 General. An adequate supply of potable 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 the *Colorado Primary Drinking Water Regulations* and regulations adopted pursuant to Section 25-1.5-203, C.R.S., 5C.C.R. 1003-1.

- (a) If the child care facility does not meet the definition of a public water system pursuant to Section 1.5.2(7) of the *Colorado Primary Drinking Water Regulations*, the child care facility shall provide adequate treatment on a continuous basis and bacteriological samples at a minimum of once per quarter or at a frequency determined by the Department.
- (b) 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 1mm (micron) using approved equipment to ensure inactivation and/or removal of giardia and viruses and to maintain a residual disinfectant concentration.
- (c) Water under pressure of at least 15 pounds per square inch (psi) (1.05 kg per sq. cm) at the required temperature shall be provided to all fixtures and equipment that use water.

4-102 Bottled Water. Bottled and packaged potable 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.

4-103 Drinking Water. Drinking water shall be readily accessible to children whenever the facility is operating.

- (a) 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.
- (b) Drinking fountains on restroom handwashing sinks shall be prohibited.
- (c) In new or extensively remodeled facilities, drinking fountains on designated art or science sinks shall be prohibited.
- (d) 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.
- (e) 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 easily cleanable.
- (f) 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 cleaned and sanitized daily after use. Containers shall be stored clean and dry, and in a manner that protects them from contamination.

4-104 Hot Water Supply.

- (a) Hot water shall be provided at all times during operation of a building-based facility. In new or extensively remodeled child care facilities, the water heating system shall be of adequate size to supply 90°F to restroom, diaper changing, and classroom sinks, and 140°F water to kitchen facilities, laundry facilities and custodial sinks.
- (b) 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 90°F and shall not exceed a temperature of 120°F.
- (c) Hot water delivered to bathing facilities shall be at least 90°F and shall not exceed a temperature of 120°F.

## **Sewage**

4-201 General. All sewage, including liquid waste, shall be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law.

## **Plumbing**

4-301 General. All plumbing fixtures shall be sized, installed and maintained in accordance with applicable state and local plumbing codes, ordinances, regulations and standards.

(a) There shall be no cross connections between the potable water supply and any non-potable water supply, or any source of contamination.

(b) Plumbing shall be designed and constructed according to the *2000 Colorado Plumbing Code*. Where local building departments have adopted codes equivalent to or more stringent than the above, those codes shall apply.

4-302 Backflow. The potable water system shall be installed and maintained to preclude the possibility of backflow or back siphonage.

4-303 Non-Potable Water Lines. The piping of any non-potable 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 potable water.

## **Toilet Facilities**

4-401 General. 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. The number of toilets per children and staff shall either meet the requirements of the *2000 Colorado Plumbing Code* or the local building department requirements.

4-402 Finishes. Toilet room walls shall be constructed of easily cleanable, nonabsorbent materials. Floors shall have an impervious surface. Floor wall junctures shall be tightly covered with approved concave coving.

4-403 Fixtures. Toilet fixtures shall be of an easily cleanable design. In all new or extensively remodeled facilities, 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 easily cleanable.

4-404 Privies. The use of privies in child care facilities is prohibited, except that the use of privies located in remote areas of camps may be allowed only after obtaining the approval of the Department and meeting applicable standards and local ordinances. Camps shall have adequate toilet facilities available for use. Privies shall be separated from sleeping, activity, food preparation and storage rooms by a minimum of fifty (50) feet. Privies shall be properly screened and doors self-closing to prevent the entry of flies. Handwashing facilities approved by the Department shall be provided where privies are located.

4-405 Supplies. An adequate supply of toilet tissue shall be available from a dispenser located adjacent to each toilet.

4-406 Toilet Seat Inserts. Toilet seat inserts, when used, shall be constructed of durable, easily cleanable materials and maintained in a clean and sanitary manner and disinfected after each use as described in Section 6-402(d).

4-407 Ventilation . All toilet, bath and shower rooms in new or extensively remodeled facilities shall have adequate mechanical ventilation to the outside. Chemical air fresheners that contain toxic substances shall not be used.

### **Handwashing/Bathing Facilities**

4-501 General. Handwashing and bathing facilities shall be installed and maintained in a clean, sanitary condition.

4-502 Location.

- (a) Handwashing facilities shall be located in or immediately adjacent to toilet rooms and diaper changing areas. Handwashing facilities shall be located within food preparation areas as well as any other area where activities require frequent handwashing.
- (b) In all new or extensively remodeled facilities providing care to infants, toddlers or preschoolers, a handwashing sink shall be accessible without barriers, allowing the caregiver to visually 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 easily cleanable.
- (c) Bathtubs or showers, when used, shall be located within the facility or within a building approved by the Department.

4-503 Supplies.

- (a) Soap and single service hand towels from a dispenser shall be provided at each handwashing sink, at a height for those children in the center utilizing the handwashing sinks and supplies. Mechanical air drying devices may be used in lieu of disposable towels.
- (b) The use of common towels or washcloths is prohibited.
- (c) 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.

4-504 Finishes . Bathing facility walls and ceilings shall be constructed of easily cleanable, nonabsorbent materials. Floors shall have an impervious surface. Floor wall junctures shall be tightly coved with approved concave coving.

### **Custodial Areas**

4-601 Laundry.

- (a) Laundry facilities, where provided, shall be maintained in good repair, in a clean condition and be inaccessible to children. This provision does not prohibit life skills training in facilities providing more than 24-hour care.
- (b) In all new or extensively remodeled facilities where laundry facilities are provided, properly vented gas or electric dryers shall be installed.

- (c) Soiled linens and clothing shall be stored in nonabsorbent 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.
- (d) Laundry facilities shall be physically separated from food preparation, food storage, and restroom areas.
- (e) The water temperature for the laundry shall be maintained above 140°F unless an approved disinfectant is applied in the rinse cycle or the dryer uses heat above 140°F as specified by the manufacturer.
- (f) Soiled linen, slipcovers, and clothing contaminated with high hazard body fluid shall be stored and laundered separately.
- (g) Clean linens and clothing shall be stored in a clean place and protected from contamination until used.

#### 4-602 Custodial Facilities And Supplies.

- (a) In new or extensively remodeled child care facilities, a custodial sink or mop sink shall be provided or shall be easily accessible for use. The sink shall be properly plumbed with hot and cold water and drained to a sewer.
- (b) Adequate space shall be provided for custodial and maintenance supplies and equipment. Storage areas shall be kept clean and sanitary.

### Chapter Five Interior Design

#### Personal Belongings

5-101 Individual Storage. Separate identified storage areas shall be provided for each child's personal effects and clothing. Individual cubicles, lockers, coat hooks, drawers, or closet space shall be provided for storage of coats, hats and other personal articles. Staff members' personal effects and clothing shall be stored separately and be inaccessible to children.

#### Play Equipment

5-201 Toys. Toys and art supplies shall be made of safe, non-toxic, durable, cleanable materials, and shall meet the requirements of regulations adopted pursuant to Section 25-5-508, C.R.S.

- (a) Soft, cloth toys shall be machine washable.
- (b) Toys and other play equipment shall not be stored in restrooms.

#### Napping, Sleeping Areas and Equipment

5-301 Sleeping and Napping Supplies. All sleeping and napping supplies such as cots, beds, cribs, mats, linens and pillows shall be maintained in a sanitary manner.

- (a) Mattresses, mats, or pads shall be covered with impervious easily cleanable materials. Cots shall be constructed of easily cleanable materials.
- (b) Individual cribs, mats, cots, linens and pillows shall be marked with identifying information unless sanitized or laundered between uses.

- (c) Each crib, mat, mattress or mattress cover and cot shall be thoroughly cleaned and sanitized prior to use by another child.
- (d) Linens shall be thoroughly cleaned and sanitized at a minimum of once per week or anytime the surface becomes visibly soiled. When linens are left on mats or cots, they shall be stored so that there is no contact between sleeping surfaces. Mats and cots shall be thoroughly cleaned and sanitized whenever soiled.
- (e) Clean linens, clothing, pillows, mats and cots shall not be stored in restrooms.

### **III/Injured Child Area**

5-401 Provision. Each facility shall include an area designated for the care of any ill or injured child who is being cared for by the health care provider or a designated staff member or is awaiting the arrival of a parent or guardian.

- (a) The area shall be adequately ventilated and heated.
- (b) The area shall have available a bed, cot, or mat and a sheet and blanket. .
- (c) 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.
- (d) The area shall be located so as to allow staff supervision of the ill or injured child at all times.

### **Toys, Furnishings and Equipment**

5-501 Toys, Furniture, Indoor Play Equipment and Other Furnishings shall be maintained clean and in good repair.

- (a) Infants, Toddlers. Furnishings and play equipment used with infant and toddler groups shall be constructed of easily cleanable surfaces or shall have coverings that are removable and can be laundered.
  - 1) Toys and surfaces of furnishings and indoor play equipment shall be sanitized in accordance with sections 6-402(a), (b) and (c), 6-403 (a), (b) and (c) and 6-404(a) and (c). 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 and immediately removed for laundering after being mouthed or any time they become visibly soiled.
  - 2) Surfaces contaminated with high hazard body fluids shall be cleaned and disinfected, and when provided, coverings shall be removed for laundering.
  - 3) Hard, non-absorbent toys and surfaces shall be cleaned and disinfected in accordance with Sections 6-402 (a) and (d), and 6-403 (d) and 6-404(b) and (c).
  - 4) Laundering of coverings shall be in accordance with Section 4-601 (e) and (f).
- (b) Toilet Trained Children. Children that are toilet trained may have furnishings and equipment similar to furnishings in a domestic setting as long as they are maintained clean and in good repair.

- 1) Non-absorbent toys and surfaces of furnishings and indoor play equipment that are in contact with children shall be sanitized in accordance with Sections 6-402(a), (b) and (c), 6-403(a), (b) and (c) and 6-404(a) and (c).
  - 2) Absorbent toys and surfaces shall be cleaned, laundered, or removed from use at a frequency to prevent the accumulation of visible soil.
  - 3) In the event of contamination with high hazard body fluid the furnishing shall be immediately cleaned and disinfected in accordance with Sections 6-402(a) and (d), 6-403(d) and 6-404(b) and (c), or shall be removed.
- (c) Handwashing Sinks used in diaper changing areas or in restrooms shall not be used for cleaning, sanitizing or disinfecting toys and equipment.

## Chapter Six Disease Prevention

### Personal Health

- 6-101 Employee Health . Employees 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.
- 6-102 Immunization. Children in care shall be immunized as required by Sections 25-4-901 et seq. and Sections 25-4-1704 ET SEQ., C.R.S., the *1993 Rules of the Colorado Board of Health Pertaining to the Immunization of Students Attending School* . The official Certificate of Immunization or Exemption shall be on file.
- 6-103 Communicable And Infectious Disease Control.
- (a) Child care facilities shall manage and control disease transmission through consultation with their nurse consultant, and the Department, and by utilizing and implementing, where necessary, currently recognized guidelines, such as “ *Infectious Disease In Child Care Settings, Guidelines for Child Care Providers* . ”
  - (b) Reportable communicable diseases and disease outbreaks shall immediately be reported to the Department.
  - (c) A child who is ill upon arrival at the center shall not be admitted. Each child shall be observed for common signs of illness.
  - (d) When a child is ill, he or she shall be separated from other children until the parent or guardian can pick up the child.
  - (e) Child care staff shall wear gloves when in contact with blood, feces and other high hazard body fluids.

### Demonstration of Knowledge

- 6-104 Demonstration of Knowledge . 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:
- (a) When, where, and how handwashing is required;

- (b) When to prohibit staff members from caring for children;
- (c) When to prohibit handling and preparation of food;
- (d) Proper diapering procedure;
- (e) Proper sanitization and disinfection of surfaces and toys.

### **Hygienic Practices**

6-201 Staff Handwashing. Staff members shall practice adequate handwashing by moistening hands with warm running water, applying soap, and washing vigorously until a soapy lather appears. Staff shall continue washing for at least 10 seconds, rubbing areas between fingers, around nail beds, under fingernails, under jewelry and the backs of hands. Staff shall then rinse hands under running water until they are free of soap and dirt. Staff shall dry hands with clean disposable towels or a mechanical drying device:

- (a) After using the toilet, changing diapers or assisting a child with toileting;
- (b) After handling soiled dishes, soiled tissues, soiled diapers or other soiled laundry;
- (c) Immediately after reporting to work;
- (d) Before handling food or food utensils;
- (e) After handling pets, or other animals or having any contact with their cages;
- (f) When hands become contaminated with body fluid such as after sneezing, coughing, or nose blowing;
- (g) Before and after administration of medications and first aid;
- (h) After removing or changing gloves;
- (i) Before and after handling sensory tables;
- (j) After cleaning activities; and
- (k) At any other time their hands become soiled.

6-202 Handwashing by Toddlers and All Older Children . Children shall be taught to wash their hands properly. Children shall moisten hands with warm running water, applying soap, and washing vigorously until a soapy lather appears. Children shall continue washing for at least 10 seconds, rubbing areas between fingers, around nail beds, under fingernails and the backs of their hands. Children shall rinse hands under running water until they are free of soap and dirt. Children's hands shall then be dried with clean disposable towels or a mechanical drying device:

- (a) After using the toilet, or diapering;
- (b) Before and after preparing or eating food;
- (c) When hands become contaminated with body fluid such as after sneezing, coughing, or nose blowing;
- (d) After coming in from the outdoors;

- (e) Before taking medications;
- (f) After handling pets or other animals;
- (g) Before and after use of sensory tables; and
- (h) At any other time their hands become soiled.

6-203 Infant Handwashing . Infants shall have their hands washed with soap and running water, an individual clean, disposable cloth that contains soap, or the use of soap and warm water solution dispensed from a cleaned spray bottle, followed by a rinse before drying or rinsed with a separate clean, disposable cloth before drying:

- (a) After having their diaper changed;
- (b) Before and after meals and snacks;
- (c) After coming in from outdoors, and;
- (d) Whenever their hands become soiled through activities.

6-204 Hand Sanitizers and Wipes . The use of hand sanitizers or wipes in lieu of handwashing is not approved for use within the facility. Hand sanitizers or wipes 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.

6-205 Supervision . Staff shall supervise children's handwashing to assure adequacy of the procedure.

6-206 Cleanliness . All staff members shall practice good personal hygiene in order to reduce the potential for disease transmission.

6-207 Staff Clothing . 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.

6-208 Personal Articles . Personal articles, such as combs, toothbrushes, pacifiers, washcloths, 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.

6-209 Dress-up Clothing . Dress-up clothing, wigs and hats shall be washable and shall be maintained in a clean condition.

6-210 Sensory Tables . Sensory tables, and other play tables shall be maintained in a clean and sanitary manner. Sensory tables, when filled with water, shall be emptied after use by each group of children or at least daily. If organic materials are used in sensory tables, the materials may be used for a maximum of one week and then the materials shall be discarded.

6-211 Toys . All toys shall be maintained in a clean and sanitary condition.

### **Medications and First Aid**

6-301 Storage . 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:

- (a) In a separate refrigerator maintained for that purpose only, or
- (b) In an impervious secondary container in a designated area of a food storage refrigerator, separated from food and inaccessible to children.

6-302 Basic First Aid Equipment and medical supplies, including gauze pads, rolled gauze, adhesive tape, cold pack, plastic bags, disposable gloves, band-aids, handcleaner for staff, and scissors, shall be provided and kept in clean storage, conveniently available for emergency use.

- (a) Neither syrup of ipecac and/or activated charcoal shall be administered without first being directed by a licensed physician or a poison control center.
- (b) First aid supplies and equipment with an expiration date shall be discarded and replaced once that date has passed.

### **Sanitizers and Disinfectants**

6-401 Acceptance : Acceptance of sanitizers and disinfectants shall be determined by the following requirements:

- (a) The chemical is registered with the U.S. Environmental Protection Agency and the use of the chemical is in accordance with labeled instructions, including:
  - 1) Concentration
  - 2) Contact time
  - 3) Method and
  - 4) Surfaces; and
- (b) Sanitizers and disinfectants shall meet the formulation, concentration and application requirements of the Department.

6-402 Use .

- (a) Sanitizers and 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 sanitizer or a cleaner disinfectant.
- (b) Sanitizers are to be used in accordance with Section 7-101 in kitchens and other food service areas.
- (c) 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 kitchen surfaces, infant food preparation areas, drinking fountains, table tops, keyboards, toys, sleeping mats, cribs, high chairs, head phones, tumbling mats and furniture.
- (d) Disinfectants are to be used on surfaces that are commonly contaminated with high hazard body fluids, such as but not limited to toilet inserts, diaper changing areas and tables, diaper pails and surfaces that have been in contact with high hazard body fluids.

6-403 Frequency.

- (a) The frequency of sanitizer use for food contact surfaces shall be in accordance with the requirements of Section 7-101.
- (b) Toys that are not mouthed or otherwise contaminated by body fluids shall be cleaned and sanitized at least once a week and whenever visibly soiled.
- (c) Toys that are placed in children's mouths or are otherwise contaminated by body fluids shall be cleaned and sanitized prior to use by another child.
- (d) The frequency of disinfectant use shall be in accordance with the requirements of Section 8-403 or immediately upon clean up of or contact with high hazard body fluids.

6-404 Concentrations and Contact Time.

(a) Sanitizers:

- 1) Shall be mixed and used according to the label instructions, including concentration and contact time,
- 2) If used as a sanitizer, household bleach, containing 5.25% sodium hypochlorite shall be mixed at one (1) tablespoon per gallon of water. Household bleach containing 6.00% sodium hypochlorite, shall be mixed at two and a half (2 ½) teaspoons per gallon of water. Both solutions shall be between 50 – 200 ppm chlorine and shall have a contact time of at least one minute, and
- 3) Shall be formulated so as not to include nor require a final rinse with potable water.

(b) Disinfectants:

- 1) Must be mixed and used according to the manufacturer's label and instructions, including concentration and contact time,
- 2) If used as a disinfectant, household bleach, containing 5.25% sodium hypochlorite, shall be mixed at one-quarter (¼) cup per gallon of water. Household bleach containing 6.00% sodium hypochlorite, shall be mixed at three and a quarter (3 ¼) tablespoons per gallon of water. Both solutions shall have a contact time of at least one minute, and

- (c) Household bleach used to mix sanitizers and disinfectants shall be free of compounds used to enhance the scent or odor of the product.

6-405 Test Kits . Test kits shall be provided and used to verify sanitizers are maintained and used at required concentrations. Solutions need to be prepared or tested at a minimum frequency of once per day.

6-406 Storage and Labeling.

- (a) Bulk and working containers of sanitizers and disinfectants shall be stored inaccessible to children. Working containers of sanitizers and disinfectants shall be easily accessible for use by caregivers.
- (b) Secondary containers of sanitizers and disinfectants shall be labeled as to their content and their intended use (i.e., sanitizer/toys & tables; disinfectant/restrooms)

## Chapter Seven Food Service

7-101 Food Service Requirements . Child care facilities providing meals or snacks shall meet the requirements of the " *Colorado Retail Food Establishment Rules and Regulations* " with the following exceptions:

- (a) The number of toilet facilities shall meet the requirements as stated in Section 4-401;
- (b) Commercial ventilation systems are not required unless:
  - 1) Grease cooking is conducted,
  - 2) Cooking appliances have a combined BTU rating of greater than 100,000 BTU or 21 kilowatts, as specified in the equipment's specifications, or
  - 3) Local building or fire codes require commercial ventilation.

Nothing in this section shall prohibit the cooking of meat inside an oven or on the stovetop in a covered pan or skillet as long as local building and fire codes are followed.
- (c) Children may use the same room for eating and sleeping;
- (d) In new or extensively remodeled child care facilities; domestic food equipment is permitted, when it is approved by the Department, maintained in good repair, and in:
  - 1) Specialized group facilities, residential child care facilities, children's camps, and small child care centers with a capacity of 15 or fewer children, or
  - 2) Infant nurseries, toddler nurseries, and kindergartens, or
  - 3) Facilities operated less than 4 hours per day, or
  - 4) Other facilities where the menu does not involve procedures listed in Section 7-102.
- (e) Domestic dishwashing machines are approved for use in facilities meeting the requirements listed in Section 7-101(d) if:
  - 1) The dishwashing machine equipped with a heat sanitizing cycle reaches a minimum of 150°F; or
  - 2) The water temperature in the dishwashing machine without a sanitizing cycle reaches a minimum of 155°F; and
  - 3) Dish volume is such that all dishes and utensils can be washed and sanitized by using not more than two complete cycles of the dishwashing machine for each of the following: breakfast, lunch, dinner, and snacks.
- (f) Where domestic equipment is permitted and used, domestic equipment installation methods shall be acceptable provided the equipment and surrounding area are maintained in a clean sanitary condition.
- (g) For offsite activities, such as field trips, the use of coolers and ice packs for the transport and storage of potentially hazardous foods supplied by the facility shall be acceptable as long as required temperatures are maintained. Coolers shall be easily cleanable, maintained in good repair, and kept clean.

- (h) 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-potentially hazardous or shelf stable and received sealed. Once opened and served, remaining potentially hazardous snacks shall be discarded. Nothing in this section shall prohibit the occasional serving of food in connection with a single event or celebration.
- (i) In child care facilities where individual meals are furnished by the parents or guardians the food shall be restricted to their own child. The food shall be labeled with the child's name.

7-102 Commercial Equipment Requirements . Commercial equipment is not required in facilities meeting the exemptions in Section 7-101. Commercial equipment is required in facilities where any of the following conditions apply:

- (a) The facility's menu involves advanced food preparation, as defined in Section 1-201(1); or
- (b) Commercial equipment is required by the local building and fire departments; or
- (c) Leftover potentially hazardous foods are cooled for re-service to children; or
- (d) Prepared food is transported off premises for service or consumption at another facility; or
- (e) Domestic equipment cannot maintain potentially hazardous foods at the required temperature.

7-103 Limited Kitchen Requirements . In child care facilities without approved commercial or approved domestic equipment, the following shall apply:

- (a) Food service shall be limited only to non-potentially hazardous snacks or potentially hazardous snacks that are sealed and shelf stable. Once opened and served, remaining potentially hazardous snacks shall be discarded.
- (b) Foods shall be obtained from approved commercial sources and shall be served in single service containers or in properly cleaned and sanitized multi-use articles.
- (c) All foods and single-service articles shall be protected during transportation, storage, preparation and service;
- (d) Good hygienic practices shall be employed including proper handwashing just prior to service or consumption;
- (e) Fresh fruits and vegetables shall be thoroughly washed prior to preparation in a clean and sanitized kitchen sink or obtained pre-washed or cut from a commercial source. The use of a handwashing sink for this purpose is not approved.
- (f) Utensils used in food service shall be cleaned and sanitized in a manner approved by the Department, and shall be properly stored after each use; and
- (g) Single-service items are not to be reused and must be disposed of properly.

7-104 Prohibited Foods . Service of honey to infants shall be prohibited.

7-105 Prohibited Activities . Staff shall not be involved in the care of children and food preparation concurrently. Children shall not be involved in the preparation and handling of raw animal products and shall not handle, with bare hands, ready-to-eat foods for children other than themselves. This section does not prohibit teaching cooking projects if good hygienic practices are observed. This section does not prohibit life skills training in facilities providing more than 24-hour care.

## **Chapter Eight Infant and Toddler Nurseries**

### **Personal Items and Bedding**

8-101 Supplies . 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.

8-102 Storage . Adequate storage space shall be provided for the personal items of each infant and toddler.

8-103 Washcloths and Towels . Each infant and toddler shall be provided with two individual washcloths and one towel or an adequate supply of soft, non-irritating disposable towels.

### **Staff Clothing for Infant Care**

8-201 Clothing . Clothing worn by staff members to and from work shall be covered or replaced by clean non-irritating washable smocks or similar clothing.

(a) Smocks shall be large enough to cover the lap and shoulder areas.

(b) Staff shall change or replace their smocks when smocks become soiled.

### **Infant Feeding**

8-301 Hygienic Practices.

(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 6-201.

(b) 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.

(c) Staff members involved in handling infants and changing diapers shall be prohibited from preparing meals and snacks for children not in their group.

8-302 Food Storage.

(a) Infant food shall be stored in the original, labeled, covered containers.

(b) Infant formula and breast milk 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.

(c) Formula or breast milk that is unopened and not used the day it was prepared or received from the parent or guardian shall be discarded or returned to the parent or guardian at the end of the day. This shall not apply to frozen breast milk.

8-303 Infant Feeding . - Bottles

(a) Infant formula shall be mixed in accordance with the manufacturer's labeled instructions and shall be stored and labeled as indicated in section 8-302(b). Expired formula shall not be used.

(b) Portions of formula or breast milk unconsumed by the child after each feeding shall be discarded. Bottles of formula, milk, or breast milk and other potentially hazardous liquids shall not be fed over a period exceeding one-hour.

(c) If nursing bottles are to be reused, they shall be washed, rinsed and sanitized in approved warewashing facilities after each use, as required by Sections 7-101(e) and 7-103(f).

(d) Bottles of frozen formula or breast milk shall be thawed under cold running water, in a crock-pot/warming device or in a refrigerator.

(e) Bottles of infant formula or breast milk shall never be warmed in a microwave oven.

(f) The use of a crock-pot or other warming device to thaw and/or warm formula or breast milk can be utilized if:

1) The breast milk or formula is thawed and warmed for immediate consumption and not returned to the refrigerator, and

2) The warming container is emptied, cleaned, sanitized and refilled daily with fresh water.

(g) Bottles of formula or breast milk shall be labeled with the child's name. All formula and breast milk shall be used only for the intended child.

(h) Beverages dispensed into a bottle by the facility staff shall be:

1) From an approved source,

2) Dispensed from the original container, and

3) Dispensed into a clean sanitized bottle.

8-304 Infant Feeding . - Solid Food

(a) 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.

(b) 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.

- (c) 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 Sections 7-101(e) and 7-103(f).

## **Diapering**

8-401 Changing . 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.

8-402 Changing Station . A diaper changing station or changing area shall be provided and located separate from any food preparation, storage or serving area:

- (a) Equipment and surfaces shall be of sturdy construction with smooth, durable, nonabsorbent and easily cleanable surfaces.
- (b) A handwashing sink shall be:
  - 1) Located adjacent to or within reach of the changing table and/or changing area,
  - 2) Provided with hot and cold running water, delivered under pressure through a mixing faucet, and
  - 3) Supplied with soap and single service towels from a dispenser or a mechanical drying device.
- (c) 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.
- (d) Items unrelated to diaper changing shall not be placed on changing tables or wall hung changing stations.
- (e) Changing tables, stations or mats shall be kept clean and in good repair and shall be cleaned and disinfected after each use with a single use towel as indicated in Sections 6-402(a) and (d), 6-403(d) and 6-404(b) and (c).

8-403 Procedures . The following procedure shall be conducted each time a diaper is changed:

- (a) Individuals changing diapers shall wear a new pair of disposable gloves prior to beginning each child's diaper change.
- (b) The child shall be placed on a clean disinfected dry changing table or mat.
- (c) The child shall be cleaned on the body wherever necessary.
- (d) Soiled diapers and clothing shall be replaced with clean diapers and clothing.
- (e) 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.
- (f) An infant's hands shall be washed as outlined in Section 6-203. A toddler's hands shall be washed as outlined in Section 6-202.
- (g) The child then may be returned to a clean crib or to play.

(h) The staff member shall then clean to remove visible soils and disinfect the following:

- 1) The diapering area;
- 2) The equipment or supplies touched during diapering; and
- 3) Any other surfaces or furnishings contaminated with urine or feces.

(i) The staff member shall then thoroughly wash his/her hands in accordance with Section 6-201.

8-404 Cloth Diapers . Soiled cloth diapers 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. Soiled cloth diapers or clothing shall not be rinsed.

### **Chapter Nine Care Of Animals**

9-101 Number . 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.

9-102 Prohibited Animals . Psittacine birds, ferrets, primates, poisonous reptiles, poisonous fish, poisonous amphibians, snakes greater than 6 feet in length, aggressive animals and fish, wild caught animals or any other animal which may pose a hazard to the health of the children shall be prohibited in the child care facility. Reptiles and amphibians shall be prohibited in classrooms with children under five years old.

9-103 Animals . Animals other than non-aggressive fish are prohibited in infant nurseries.

9-104 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.

(b) 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 or other appropriate agencies.

9-105 Maintenances of Enclosures.

(a) Enclosures for small animal, 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 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 wastes on outdoor play areas shall be promptly removed and placed in a closed disposal container.

9-106 Child Participation.

- (a) Children's contact with animals, enclosures and waste products shall be supervised. Children under the age of 5 years shall not be involved with the cleaning of animal enclosures or the removal and handling of animal waste products.
- (b) Children and individuals involved with the care, feeding or handling of animals shall thoroughly wash their hands immediately after any contact with animals, animal enclosures or animal waste products.

9-107 Animal Feed . Animal feed and bedding shall be stored separate from human food, food supplies and food preparation areas.

- (a) Animals shall not be located in food preparation areas nor on eating surfaces.
- (b) 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.

9-108 Allergies . Location and/or presence of animals shall be determined based on the protection of the health of children and caregivers with allergies.

**Chapter Ten Toxic Materials Management Insect and Rodent Control**

10-101 Control .

- (a) 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, cleaning food waste, and sealing of ports of entry. These compounds shall be used according to labeled instructions.
- (b) 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.
- (c) 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.
- (d) Restricted pesticides shall be applied only by a certified pest control applicator or under the direct supervision of a certified pest control applicator.

**Poisonous or Toxic Materials**

10-201 Presence . 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.

10-202 Plants . 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.

10-203 Containers . 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.

10-204 Storage . 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.

Cleaning materials, sanitizers, disinfectants, detergents, flammable and other toxics shall be properly labeled, and stored inaccessible to children.

10-205 Use . Sanitizers, disinfectants, cleaning compounds or other compounds intended for use 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.

10-206 Asbestos . Before the start of any renovation or demolition, the components of the child care facility to be affected by the renovation or demolition shall be inspected by a State certified asbestos inspector to determine if abatement is required. If asbestos is found, it shall be managed in accordance with the Colorado Air Quality Control Commission Regulation Number 8 Part B.

Buildings, or those portions thereof, that were constructed after October 12, 1988, shall be exempt from this inspection requirement if an architect or project engineer responsible for the construction of the building, or a State certified inspector, signs a statement that no asbestos containing material was specified as a building material in any construction document for the building or no asbestos containing material was used as a building material in the building. The Air Pollution Control Division recommends that all buildings be inspected prior to any renovation or demolition activities, regardless of the date of construction.

10-207 Urea-Formaldehyde Foam Insulation . The use of urea formaldehyde foam insulation is prohibited.

### **Art and Science Materials**

10-301 General . 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.)

10-302 Prohibited Chemicals . The use 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 shall be prohibited. Nontoxic, water-based materials should be used whenever possible.

10-303 Storage . Bulk art and science materials shall be stored in original containers and/or clearly labeled, and stored in accordance with manufacturer's instructions. Art materials not readily identifiable by sight shall not be transferred into food or drink containers. All containers of art and science materials, unless easily identifiable, must be clearly labeled.

### **Chapter Eleven Compliance Procedures**

11-101 Recommending Approval of Licensure.

(a) Prior to recommending approval of a license, the Department shall inspect the proposed child care facility to determine compliance with these rules and regulations.

- (b) The Department shall recommend approving a license if its inspection establishes that the proposed child care facility complies with the requirements of these rules and regulations.
- (c) Items deemed not in compliance with the requirements of these rules and 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.

11-102 Recommending Adverse Action of the Licensure.

- (a) 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 Sections 25-1.5-101(1)(a) and 25-1.5-102(1)(a) and (d), C.R.S., or of these rules and regulations, or as otherwise provided by law.
- (b) A copy of the non-compliance inspection report(s) of the child care facility shall be forwarded by the Department to the Department Of Human Services for review.

11-103 Closure . 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.

11-104 Injunctive Relief . When serious or repeated violations of these rules and regulations have been found, the Department may abate the nuisance by seeking injunctive relief through judicial means, as provided under Sections 16-13-308 and 16-13-309, C.R.S.

11-201 Inspection Frequency . An inspection of a child care facility shall be performed prior to its opening and at least once every two years thereafter or more often as determined by risk.

11-202 Access . 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 rules and 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 rules and regulations.

11-203 Report of Inspections.

- (a) Whenever an inspection of a child care facility is made, the findings shall be recorded on an inspection report form. The inspection report form shall summarize the requirements of these rules and regulations. Inspection remarks shall describe the violation(s) that exist(s).
- (b) A copy of the completed inspection report form shall be furnished to the person in charge of the facility by the end of the next workday following conclusion of the inspection.
- (c) 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.

11-204 Correction of Violations.

- (a) 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:
- 1) If an imminent health hazard exists, such as but not limited to an inability to maintain the integrity of potentially hazardous foods, sewage backup into the facility, lack of potable water, or an interruption of water service to the facility for more than 2 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.
  - 2) All critical violations are to be corrected as soon as possible, but in any event, by the date and time specified by the regulatory authority.
  - 3) All other violations shall be corrected by the date and time agreed to or specified by the regulatory authority but no later than 90 calendar days after the inspection.
  - 4) The regulatory authority 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.
- (b) 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 Department Of Human Services. 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 (5) days following the date of receipt of inspection. If the request for a hearing is received, a hearing shall be held no sooner than twenty (20) days after the operator is notified of the hearing.
- (c) Whenever a child care facility is required, under the provisions of these rules and 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 exists. Opportunity for re - inspection shall be offered within a reasonable time frame.

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**Editor's Notes**

**History**