

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**Division of Environmental Health and Sustainability**

**6 CCR 1010-7**

**ADOPTED BY STATE BOARD OF HEALTH**

**RULES AND REGULATIONS GOVERNING  
THE HEALTH AND SANITATION OF CHILD CARE FACILITIES  
IN THE STATE OF COLORADO**

**EFFECTIVE, JANUARY 14, 2016**



**COLORADO**

**Department of Public  
Health & Environment**

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# **COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

## **Division of Environmental Health and Sustainability**

### **6 CCR 1010-7**

#### **STATE BOARD OF HEALTH**

#### **RULES AND REGULATIONS GOVERNING THE HEALTH AND SANITATION OF CHILD CARE FACILITIES IN THE STATE OF COLORADO**

**Adopted by the Board of Health on November 18, 2015**

#### **7.1 Authority**

These rules and 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 26-6-102(4), C.R.S.;
  - 2. Cradle care homes, foster care homes, medical foster care, therapeutic foster care, and treatment foster care as defined in Section 26-6-102(2.4), (4.5), (5.6), (11), and (12) C.R.S.; and,
  - 3. Neighborhood youth organizations as defined in Section 26-6-102(5.8), C.R.S.

#### **7.3 Applicability**

- A. These rules and regulations shall apply to all child care facilities as defined in Sections 26-6-102(1.5), (2.2)(a), (2.5)(a), (5), (5.1), (6.7), (8), (9), and (10)(a), C.R.S. and definition 7.4(A)(6) 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 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.

- 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. Advanced Food Preparation means cooking or assembling of potentially hazardous food either in its finished state or partially finished state, more than four hours in advance of serving. This practice requires temperature control to limit the growth of pathogenic organisms.
  - 2. 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.
  - 3. Bacteria means 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. Certificate of Immunization means an official Colorado Certificate of Immunization or an Alternate Certificate of Immunization that has been approved by the Colorado Department of Public Health and Environment and shall include one of the following forms of documentation that include the dates and type of immunizations administered to a child or the dates and types of exemption taken:
    - a. A paper document that includes information transferred from the records of a licensed physician, registered nurse, or public health official; or,

- b. An electronic file or hard copy of an electronic file provided to the facility directly from the Colorado Department of Public Health and Environment immunization registry or from a software program approved by the Colorado Department of Public Health and Environment.
6. Child Care Facility means, for the purposes of this regulation, any facility defined as such in Sections 26-6-102(1.5), 2.2(a), (2.5)(a), (5), (5.1), (6.7), (8), (9), (10)(a), 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 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 day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give 24-hour care for children 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 or operated as a component of a school district's preschool program operated pursuant to article 28 of title 22, C.R.S. The term shall not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to subsection (i) of this section, but that is providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.
  - 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 for the care of five or more children. The facility shall have as its purpose a group living experience offering education and recreational activities in an outdoor 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) Five years of age or older, but less than 18 years of age; or,
    - (2) Less than 21 years of age and who are placed in the program by court order prior to their 18th birthday; and,

- (3) 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. "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.
- g. "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, shelter facilities, and therapeutic residential child care facilities as defined in rule by the state board, and psychiatric residential treatment facilities as defined in Section 25.5-4-103(19.5), C.R.S.
- h. "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 19-2-104 (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.

i. "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 twelve children, whose special needs can best be met through the medium of a small group and who are:

- (1) At least three 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 prior to their 18th birthday. "Specialized group facility" includes specialized group homes and specialized group centers.

7. Child Care Health Consultant means the licensed medical professional with delegatory authority that, at a minimum, delegates the administration of medications and special health care procedures, but may more comprehensively provide information and consultation on a variety of health and safety topics impacting staff, children and families in early care and learning settings.
8. 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.
9. 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.
10. 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).
11. 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.
12. Critical Violation means 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.

13. Department means Colorado Department of Public Health and Environment or its authorized agents or employees.
14. 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 household bleach and water.
15. 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”.
16. 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.
17. 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.
18. 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.
19. Furnishings means 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.
20. Gloves means those which are non-porous, disposable and single-use.
21. Grease Cooking means 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.

22. Health Care Plan means a document that contains written instructions about a specific health condition including when and how specific interventions are to be carried out in a school or child care setting. This document should be signed by the child's health care provider and parent(s)/guardian(s). Health Care Plans can be collaboratively created by the child care health consultant, the child's parent(s)/guardian(s), health care provider and center staff; and are necessary for the care of children with chronic health care conditions such as asthma, seizure disorder, diabetes, or severe allergy. Health care plans may also guide the care of children with acute conditions that may need short-term special management in the group care setting such as a child returning to care with a cast or after a surgical intervention.
23. High Hazard Body Fluid means urine, feces, vomitus, blood, and other body fluids with blood present.
24. 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.
25. Hygiene means protective measures, including practices of cleanliness, taken by individuals to promote health and limit the spread of infectious diseases.
26. 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.
27. Immunization means the process by which a person becomes protected (immune) against a vaccine preventable disease.
28. Infant means a child between birth and the age of 18 months.
29. Infection means a condition caused by the multiplication of an infectious agent in the body.
30. Infectious means capable of causing an infection.
31. 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.
32. Inspection means 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.

33. Kindergarten means a program for children the year before they enter the first grade.
34. 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.
35. 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.
36. Parasite means an organism that lives on or in another living organism (e.g., giardia, ticks, lice, and mites).
37. Poisonous or Toxic Materials means substances capable of causing injury, illness or death when ingested, inhaled or absorbed.
38. Potentially Hazardous Food as defined in 6 CCR 1010-2, *Colorado Retail Food Establishment Rules and Regulations*, 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.
39. Preschool means a part-day child care program for five or more children between the ages of 2-½ and seven years.
40. Privy means a toilet without running water.
41. 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.
42. 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.
43. Refuse means any garbage, trash, or other forms of solid waste.
44. 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.

45. School-Age Child Care Center means, as defined in 12 CCR 2509-8 Rule 7.701.2.C.8, a facility that provides care for five or more children who are between five 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.
46. Single-Service (Use) means 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.
47. Small Child Care Centers means, as defined in 12 CCR 2509-8 Rule 7.701.2.C.8, a facility that provides care for five through 20 children between the ages of two and 16 years.
48. Staff Member or staff means any person working or volunteering to perform duties in a child care facility, including caregivers.
49. Toddler means a child who walks independently between the ages of 12 months and 36 months and is enrolled in the toddler program.
50. Virus means a microscopic organism smaller than a bacterium that may cause disease. Viruses can grow or reproduce only in living cells.
51. 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.
- 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, 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 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 contaminated wading pool 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.
- D. Except for natural swimming areas, 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 health care plan. Water temperature in hot tubs shall not exceed 104°F.

## **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. Floor wall junctures in all areas not carpeted shall be tightly covered 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.
- 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:
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.
- F. 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.

### 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 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.

## 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 1 $\mu$ m (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.
  - 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, art, or science sinks 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, for every 1000 feet in elevation above sea level; or,
  - 2. Water filter kits shall be utilized to filter water to 1 $\mu$ m (micron) absolute to control parasites. The water shall also 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 90°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 140°F water to laundry facilities where hot water is used to sanitize pursuant to 7.8.6(A)(4).

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 90°F and shall not exceed a temperature of 120°F.
2. Hot water delivered to bathing facilities shall be at least 90°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 *2009 International Plumbing Code*, hereby incorporated by reference. Where local building departments have adopted codes equivalent to or more stringent than the above, those codes shall apply.
- 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. The number of toilets per children and staff shall either meet the requirements of the *2009 International Plumbing Code*, hereby incorporated by reference, or the local building department requirements. Non-flushing toilets (i.e., potty chairs) 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 covered 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.
- E. 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 doors self-closing to prevent the entry of flies. Handwashing facilities approved by the Department shall be provided where privies and portable chemical toilets are located.
- F. 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.
- G. An adequate supply of toilet paper shall be available from a dispenser located adjacent to each toilet.
- H. 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 7.10.6.
- I. 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 installed and maintained in a clean, sanitary condition.

1. 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.
  2. 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 stable and easily cleanable.
  3. Bathtubs or showers, when used, shall be located within the facility or within a building approved by the Department.
  4. Soap and single-service towels from a dispenser 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.
  5. Except as allowed in Section 7.8.5(A)(7), if cloth towels are used to dry hands they shall be immediately placed in a container and laundered after each use.
  6. The use of common towels or washcloths is prohibited.
  7. 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.
  8. 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. The water temperature for the laundry shall be maintained above 140° F unless an approved disinfectant is applied in the rinse cycle, in accordance with the product label, or the dryer uses heat above 140° F as specified by the manufacturer.
  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. 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 directly drained to the sewer.
- 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 and other play equipment shall not be stored in restrooms unless stored in a closed secondary non-absorbent container or closed cabinet.

### **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. If mattresses are not constructed of impervious materials they shall be covered with an impervious 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 thoroughly cleaned and sanitized 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. Clean linens, clothing, 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. Sensory tables, when filled with water, shall be emptied after use by each group of children and at least daily. If organic materials (i.e. beans, pasta, rice, or other food items) are used in sensory tables, the materials may be used for a maximum of one week and then the materials shall be discarded.

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.
  - 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.
  - c. Laundering of coverings shall be in accordance with Section 7.8.6(A).
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.

#### **7.9.5 Ill / 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 the health care provider or 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 adequately ventilated and heated.
  4. The area shall have available a bed, cot, or mat and a sheet and blanket.
  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. Children in care shall be immunized as required by 6 CCR 1009-2, *Rules Pertaining to the Infant Immunization Program and the Immunization of Students Attending School*. The official Certificate of Immunization, official Exemption form or written documentation of the student or child being In-Process shall be on file for each enrolled individual. Upon request of state or local health agencies, child care facilities are responsible for providing records with identifiers removed if the facility is subject to the Family Educational Rights and Privacy Act (FERPA).
  1. A child who is not appropriately vaccinated for his/her age and not in-process, or not exempt, shall be denied attendance in accordance with the 6 CCR 1009-2.
- C. Disease outbreaks shall immediately be reported to the Department. Reportable communicable disease shall be reported to the Department in the time frame stipulated by 6 CCR 1009-1, *Rules and Regulations Pertaining to 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. Additional guidance regarding infectious disease guidelines is provided in the CDPHE's *Infectious Diseases in Child Care and School Settings*, the American Academy of Pediatrics *Managing Infectious Disease in Child Care and Schools*, and *Caring for Our Children National Health and Safety Performance Standards Guidelines for Early Care and Education Programs*. Child care facilities may rely on this guidance.
  3. A written policy shall be implemented for staff and children regarding symptoms of illness that require exclusion from the child care facility. Guidance documents listed in 7.10.1(C)(2) should be used.
  4. 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).



5. 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.
6. When a child is ill, he or she shall be separated from other children until the parent or guardian can pick up the child.
7. 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).
8. Child care staff shall wear gloves when in contact with blood, feces and other high hazard body fluids.
9. Logs shall be kept to record children's 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 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; or,
  - 2. In an impervious secondary container in a designated area of a food storage refrigerator, separated from food and inaccessible to children.
- 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, band-aids, 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. The poison control center may be called 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;
    - d. Surfaces; and,

- e. Does not require a final rinse step.
- 2. Household bleach used shall be free of compounds to enhance the scent 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.
  - 4. Toys used by preschool and older children shall be washed, rinsed, and sanitized at least once a week and whenever visibly soiled.
  - 5. Toys used by infants and toddlers shall be washed, rinsed, and sanitized at least daily.
  - 6. Toys that are placed in children's mouths or are otherwise contaminated by body fluids shall be washed, rinsed, and sanitized prior to use by another child.
- C. Sanitizers shall be mixed and used according to the label instructions, including concentration and contact time.
  - 1. If used as a sanitizer, household bleach shall be prepared and used at concentrations between 50 - 200 ppm chlorine.
  - 2. For sanitizers requiring mixing, test kits shall be provided and used to verify the required concentration. Solutions must be tested upon mixing and daily.
  - 3. Sanitizers obtained as ready-to-use (i.e., not requiring mixing) solutions and used in accordance with the manufacturer's labeled instructions, do not require the use of test strips.
- 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 7.11.1(A)(5), clothes washing machine, or clothes dryer, pursuant to Section 7.8.6(A)(4), for sanitization of toys or other classroom materials.
  - 1. Handwashing sinks used in conjunction with toileting or diapering activities shall not be used for washing, rinsing, and sanitizing toys and equipment.

#### 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 *Salmonella choleraesuis (enteric)*, *Staphylococcus aureus*, and *Pseudomonas aeruginosa*, 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; 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, or body contact surfaces that become contaminated with high hazard body fluids shall be disinfected and then washed, rinsed, and sanitized before returned to use.
  - 3. Carpeting, rugs, and upholstery that have been contaminated by high hazard body fluids shall be cleaned by removing all visible debris with absorbent materials and treated through the use of a chemical or steam.
  - 4. In facilities where children are in diapers or require bladder or bowel hygiene assistance, disinfecting solution shall be available during all hours of operation. In all other facilities disinfecting solutions 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 household bleach, must be mixed and used according to the manufacturer's labeled instructions, including concentration and contact time.
  - 1. Household bleach used shall be free of compounds to enhance the scent or other compounds that may adversely affect its use as a disinfectant.
  - 2. When disinfecting solutions are mixed at the facility and used for more than one day, daily testing is required.
  - 3. Disinfectants obtained as ready-to-use (i.e., not requiring mixing) solutions and used in accordance with the manufacturer's labeled instructions, do not require the use of test strips.
- 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 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 Rules and Regulations*, unless otherwise stated in Section 7.11:

### **7.11.1 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 must 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 7.11.1(A)(1).
    - b. Adequate handwashing facilities shall be available to accommodate supervised handwashing by all children immediately prior to eating for each snack and meal cycle.

- c. Handwashing sinks do not need to meet the dimensional requirements of Section 5-208 J of 6 CCR 1010-2, *Colorado Retail Food Establishment Rules and Regulations*.
- 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) The dish volume, including tableware, serving utensils, and cookware, is such that all dishes and utensils can be washed, rinsed, and sanitized in no more than two batches after breakfast, lunch, dinner, and snacks;
    - (3) Soiled dishes are not staged or washed at the same time food is being washed or prepared in the sink;
    - (4) The sink shall be indirectly plumbed to the sewer unless otherwise approved by the Department; and,
    - (5) An operational plan in accordance with Section 7.11.1(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 7.11.1(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 dish volume is such that all dishes can be washed and sanitized in two or less complete cycles for each of the following: breakfast, lunch, dinner, and snacks; and meet one of the following conditions:
      - (a) The dishwashing machine is National Sanitation Foundation (NSF) certified; or,



- (b) Equipped with a heat sanitizing cycle that reaches a minimum of 150°F; or,
  - (c) The temperature of the wash water reaches a minimum of 155°F.
- 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 and the dish volume is such that all dishes and utensils can be washed, rinsed, and sanitized in no more than two batches after breakfast, lunch, dinner, and snacks. 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. Mop sinks are to be installed in accordance with Section 7.8.6(B).
- 8. The number of toilet facilities shall meet the requirements as stated in Section 7.8.4(A).

### 7.11.2 Ventilation

- A. Commercial ventilation is required where:
  - 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.
  - 4. 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.

### **7.11.3 Cooking and Hot Holding Equipment**

- A. Commercial cooking and hot holding equipment is not required in facilities meeting the exemptions in Section 7.11.5(A). Commercial equipment is required in facilities where any of the following conditions apply:
  - 1. Commercial equipment is required by the local building or fire departments; or,
  - 2. Leftover potentially hazardous foods are cooled and then re-heated for hot holding and re-service to children; or,
  - 3. Domestic equipment cannot adequately cook or maintain potentially hazardous foods that are hot held above 135°F.

### **7.11.4 Commercial Refrigeration Equipment**

- A. Commercial refrigeration equipment is not required in facilities meeting the exemptions in Section 7.11.5(A). Commercial equipment is required in facilities where any of the following conditions apply:
  - 1. Commercial equipment is required by the local building or fire departments;
  - 2. The facility's menu involves advanced food preparation, as defined in Section 7.4(A)(1);
  - 3. Prepared potentially hazardous food is transported off premises for service or consumption at another facility;
  - 4. Leftover potentially hazardous foods are cooled for re-service to children; or,
  - 5. Domestic equipment cannot maintain potentially hazardous foods at 41°F or less.

### **7.11.5 Domestic Equipment**

- A. Domestic cooking, hot holding and refrigeration equipment is permitted when approved by the Department, maintained in good repair and under the following conditions:
  - 1. In specialized group facilities, residential child care facilities, children's camps, and small child care centers with a capacity of 20 or fewer children; or,
  - 2. In independent infant programs, toddler programs and kindergartens; or,
  - 3. In facilities operated less than four hours per day; or,
  - 4. In other facilities where the menu does not involve procedures listed in Section 7.11.4(A); and,

5. Where installation methods allow the equipment and surrounding area to be maintained in a clean sanitary condition.

#### 7.11.6 Operational Requirements

- A. Date marking shall only apply to child care facilities that serve a highly susceptible population including preschool aged children (five years of age and younger) and facilities that specialize in serving children who are immunocompromised.
- B. Children may use the same room for eating and sleeping.
- C. Potentially hazardous 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.
- D. 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-potentially hazardous or shelf stable and received sealed, and,
  2. If the food requires refrigeration after opening, remaining portions shall be discarded or sent home with the parent that supplied it.
  3. Uncut produce may be provided if the facility has the capacity to wash and prepare it in accordance with 7.11.1(A)(3).
- E. 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-potentially hazardous foods; or,
  3. Foods supplied by outside sources must be, received at the appropriate temperature, served within two hours, and remaining potentially hazardous foods shall be discarded.
- F. In child care facilities without adequate fixtures to wash, rinse and sanitize dishes and utensils, single-service utensils and tableware shall be used for dispensing, serving, and eating food.

- G. 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.
- H. 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. For additional information, Interpretive Memo 14-08 *Determining "Approved Source" for Raw, Uncut Fruits and Vegetables*, may be referenced.
- I. Prohibited Foods:
1. Service of honey to infants shall be prohibited.
  2. Pursuant to 25-5.5-117 (4), C.R.S, a child care facility shall not serve as a distribution site for raw milk.
  3. Except for freshly squeezed juice for immediate consumption the service of unpasteurized juice shall be prohibited.
- J. 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 more than 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. Each infant and toddler shall be provided with two individual washcloths and one towel or an adequate supply of soft, non-irritating disposable towels.

### **7.12.2 Staff 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.
  - 1. Smocks shall be large enough to cover the lap and shoulder areas.
  - 2. Staff shall change or replace their smocks when smocks become soiled.

### **7.12.3 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. Infant food shall be stored in the original, labeled, covered containers.
- C. 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.
  - 4. 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.
- D. 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 7.11.1(A)(1).

- E. Infant formula shall be mixed in accordance with the manufacturer's labeled instructions and shall be stored and labeled as indicated in Section 7.12.3(C). Expired formula shall not be used.
1. 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.
  2. If nursing bottles are to be reused, they shall be washed, rinsed and sanitized in approved warewashing facilities after each use, as required by Section 7.11.1(A)(5) or returned to the parent or guardian at the end of the day for washing.
  3. Bottles of frozen formula or breast milk shall be thawed under cold running water, in a crock-pot/warming device or in a refrigerator.
  4. Bottles of infant formula or breast milk shall never be warmed in a microwave oven.
  5. The use of a crock-pot or other warming device to thaw and/or warm formula or breast milk can be utilized, if:
    - a. The breast milk or formula is thawed and warmed for immediate consumption and not returned to the refrigerator, and,
    - b. The warming container is emptied, cleaned, sanitized and refilled daily with fresh water.
  6. 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. Breast milk shall be differentiated by colored labels or another method approved by the Department.
  7. Accidental feeding of breast 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, 2015*, hereby incorporated by reference.
  8. 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 sanitized bottle.
- F. 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**

- 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 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 be:
    - a. Located adjacent to or within reach of the changing table and/or changing area;
    - b. Provided with hot and cold running water, delivered under pressure through a mixing faucet; and,
    - c. Supplied with soap and single-service towels from a dispenser or a mechanical drying device.
  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 dry changing table or mat.
  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'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;
    - 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 his/her hands in accordance with Section 7.10.3(A).
- D. 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.

### **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 animals inclusive of spiders, venomous insects, venomous reptiles including snakes, and venomous 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 discouraged.
- 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 or other appropriate agencies.

### **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.

#### **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 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, flammable and other toxics shall be properly labeled, and stored inaccessible to children.
- E. Sanitizers, disinfectants, or other cleaning 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.
- 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 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.
- H. By May 1, 2017, radon testing shall be conducted in existing facilities as required by this section pursuant to Department guidance and the procedures described in the American Association of Radon Scientists and Technologists (AARST) *Protocol for Conducting Radon and Radon Decay Product Measurements In Schools and Large Buildings*, 2014, hereby incorporated by reference.
1. New child care facilities opening after the effective date of these rules and regulations shall complete radon tests within six months of occupancy. Child care facilities remodeled after the effective date of these rules and regulations shall notify the Department of such remodeling in order that the Department may assess the need for any additional radon testing.
  2. The results of these tests shall be on file at each facility and available for review.
  3. This section shall not apply to non building based programs such as mobile school age child care programs.
- 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 must 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 Compliance Procedures**

- 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.
  - 1. 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.
  - 2. 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.
- 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 rules and 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 by the Department to the Department Of Human Services 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 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, 16-13-309, 25-1-501, *et seq.*, 25-1.5-102, and 25-4-1061, *et seq.*, C.R.S.
- E. 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.
- 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 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.

- 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 violation(s) that exist(s).
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 potentially hazardous 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 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 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 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 exist. Opportunity for re-inspection shall be offered within a reasonable time frame.