

Colorado Register



48 CR 21

Volume 48 , No. 21

November 10, 2025

Introduction

The *Colorado Register* is published pursuant to C.R.S. 24-4-103(11) and is the sole official publication for state agency notices of rule-making, proposed rules, attorney general's opinions relating to such rules, and adopted rules. The register may also include other public notices including annual departmental regulatory agendas submitted by principal departments to the secretary of state.

"Rule" means the whole or any part of every agency statement of general applicability and future effect implementing, interpreting, or declaring law or policy or setting forth the procedure or practice requirements of any agency. "Rule" includes "regulation". C.R.S. 24-4-102(15). Adopted rules are effective twenty days after the publication date of this issue unless otherwise specified.

The *Colorado Register* is published by the office of the Colorado Secretary of State twice monthly on the tenth and the twenty-fifth. Notices of rule-making and adopted rules that are filed from the first through the fifteenth are published on the twenty-fifth of the same month, and those that are filed from the sixteenth through the last day of the month are published on the tenth of the following month. All filings are submitted through the secretary of state's electronic filing system.

For questions regarding the content and application of a particular rule, please contact the state agency responsible for promulgating the rule. For questions about this publication, please contact the Administrative Rules Program at rules@coloradosos.gov.

Notice of Proposed Rulemaking

Tracking number

2025-00529

Department

200 - Department of Revenue

Agency

204 - Division of Motor Vehicles

CCR number

1 CCR 204-30

Rule title

DRIVER'S LICENSE-DRIVER CONTROL

Rulemaking Hearing**Date**

12/03/2025

Time

09:30 AM

Location

Virtual - meet.google.com/shc-yisj-sap

Subjects and issues involved

RULE 1 RULES FOR APPLICATION FOR A COLORADO ROAD AND COMMUNITY SAFETY ACT IDENTIFICATION DOCUMENTS § 42-2-501, C.R.S.

The purpose of this rule is to set forth regulations for the application and issuance of drivers licenses, minor drivers licenses, instruction permits and Identification Cards for individuals who cannot demonstrate lawful presence in the United States and for individuals who can demonstrate Temporary Lawful Presence in the United States. These regulations establish the source documents that are acceptable to establish Identity, date of birth, Colorado residency, and, as applicable, Temporary Lawful Presence.

Statutory authority

24-4-103, 24-72.1-103, 42-1-204, C.R.S. and Title 42, Article 2, Parts 1, 2, 3, and 5.

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RULE 1 RULES FOR APPLICATION FOR A COLORADO ROAD AND COMMUNITY SAFETY ACT IDENTIFICATION DOCUMENTS § 42-2-501, C.R.S.

Purpose

The purpose of this rule is to set forth regulations for the application and issuance of driver's licenses, minor driver's licenses, instruction permits and Identification Cards for individuals who cannot demonstrate lawful presence in the United States and for individuals who can demonstrate Temporary Lawful Presence in the United States. These regulations establish the source documents that are acceptable to establish Identity, date of birth, Colorado residency, and, as applicable, Temporary Lawful Presence.

Statutory Authority

The statutory bases for this regulation are sections 24-4-103, 24-72.1-103, 42-1-204, C.R.S. and Title 42, Article 2, Parts 1, 2, 3, and 5.

Incorporation By Reference of Federal Law

The Department incorporates by reference as part of Rule 1 of the Department of Revenue Regulations, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208, section 384, 110 Stat. 3009 (Sept. 30, 1996), referred to in this Rule 1. Such Act is published by the Department of Homeland Security in full in the United States Statutes at Large, Volume 110, page 3009. Rule 1 does not include any later amendments or editions of such Act.

A copy of such Act is available for a reasonable charge from the Colorado Department of Revenue, Division of Motor Vehicles, Westgate Regional Service Center; the address can be found on the Department's website. A copy of such Act is maintained by the Colorado Department of Revenue and may be inspected by contacting the Westgate Regional Service Center Office Manager at the Colorado Department of Revenue during normal business hours. The incorporated material may also be examined at any state publications depository library. A copy, including a certified copy, of such Act is also available from the United States Citizenship and Immigration Services ("USCIS") Historical Reference Library at 111 Massachusetts Avenue NW, First Floor (MS2180), Washington, DC 20529-2180.

(100) Definitions

- a) Applicant – Any natural person applying to the Department for a Colorado Identification Document who can demonstrate Temporary Lawful Presence in the U.S., or who cannot demonstrate lawful presence in the U.S.
- b) CO-RCSA – The Colorado Road and Community Safety Act, part 5 of Title 42 C.R.S.
- c) Department – The Colorado Department of Revenue.

- d) Document – An original document certified by the issuing agency, an amended original document certified by the issuing agency, or a true copy certified by the issuing agency, excluding miniature, wallet sized, or photocopies of documents.
- e) Exceptions Processing – The procedure the Department has established for persons who are unable, for reasons beyond their control, to present all necessary Documents and must rely on alternative Documents to establish Identity or date of birth.
- f) Full Legal Name – The Applicant’s first name, middle name(s), and last name or surname, without use of initials or nicknames.
- g) Hearing – Hearing before a Department Administrative Hearing Officer.
- h) Identification Card – A Document issued by a Department of Motor Vehicles or its equivalent that contains the Applicant’s Full Legal Name, full facial digital photograph, date of birth, and sex, but does not confer upon the bearer the right to operate a motor vehicle.
- i) Identification Document – Has the same meaning as defined in C.R.S. 42-2-503(1).
- j) Identity –The verifiable characteristics that when taken together make a person unique and identifiable. Evidence of Identity includes proof of Full Legal Name, date of birth, and physical characteristics, including a verifiable photograph.
- k) Incomplete Application – An application for a CO-RCSA Identification Document that does not satisfy state requirements for the issuance of a CO-RCSA Identification Document.
- l) Individual Taxpayer Identification Number (ITIN) – A tax processing number issued by the Internal Revenue Service (IRS) as shown on an ITIN card issued by the IRS, on a letter from the IRS, or on a certified state tax return.
- m) Temporary Lawful Presence – The status of a person whose authority to lawfully remain in the United States is temporary and who qualifies for a CO-RCSA Identification Document.
- n) SSA – The U.S. Social Security Administration.
- o) SSN – The Social Security Number issued by SSA.
- p) SSOLV – The Social Security Online Verification system managed by SSA.

(200) Qualifications for CO-RCSA Identification Documents

- a) Pursuant to section 42-2-506, C.R.S., individuals claiming Temporary Lawful Presence in the United States who apply for an Identification Document, must:
 - 1. Provide Documents that demonstrate the Applicant’s Identity:
 - i. A foreign passport bearing a photograph of the Applicant, valid or expired less than 10 years;
 - ii. An Employment Authorization Document (EAD, Form I-766), valid or expired less than 10 years;
 - iii. A Colorado Identification Document, valid or expired less than 10 years;
 - iv. A driver license, instruction permit, or identification card issued by a state or territory of the United States, valid or expired less than 10 years; or

- v. A consular identification card, valid or expired less than 10 years.
2. Provide valid documentary evidence of Temporary Lawful Presence:
- i. Unexpired foreign passport with unexpired I-94 showing class of admission;
 - ii. Unexpired Employment Authorization Document (EAD, Form I-766);
 - A. Expired Employment Authorization Document (EAD, Form I-766) automatically extended due to a Temporary Protected Stay;
 - iii. Expired Employment Authorization Document (EAD, Form I-766) with I-797C Notice of Action demonstrating receipt of an Application for Employment Authorization, evidencing an applicable unexpired automatic extension issued within 5 years of the date of application;
 - iv. I-797C Notice of Action demonstrating receipt of an Application to Register Permanent Residence or Adjust Status issued within 5 years of the date of application;
 - v. I-797C Notice of Action demonstrating receipt of an Application for Asylum issued within 5 years of the date of application;
 - vi. I-797C Notice of Action demonstrating receipt of an Application for or Grant of Temporary Protected Status issued within 5 years of the date of application;
 - vii. I-797C Notice of Action demonstrating receipt of an application for change or extension of status issued within 2 years of the date of application; or
 - viii. An I-797C listed above, dated outside of the specified timeframe, with written evidence from the U.S. Citizenship and Immigration Services that the application is still pending.
3. Present proof of current residential address in Colorado.
- i. To document the address of principal residence in Colorado, an Applicant must present at least one article of documentation that includes the Applicant's name and address of principal residence. Examples include, but are not limited to: utility bill, credit card statements, pay stub or earnings statement, rent receipt, telephone bill, or bank statement.
- b) Pursuant to section 42-2-505, C.R.S., Applicants who apply for an Identification Document, who cannot demonstrate lawful presence in the United States, must:
- 1. Present proof of current residential address in Colorado.

- e) A Colorado street address must be displayed on the Identification Document except as provided below:
 - 1. An alternative address may be displayed for individuals for whom a State law, regulation, or DMV procedure permits display of an alternative address.
 - 2. An alternative address may be displayed for individuals who satisfy any of the following:
 - i. If the individual is enrolled in the Colorado Address Confidentiality Program, which allows victims of domestic violence, dating violence, sexual assault, stalking, or a severe form of trafficking, to keep, obtain and use alternative addresses, and provides that the address of such person must be kept confidential; or
 - ii. If the individual is entitled to have their address suppressed under state or federal law or suppressed by a court order including an administrative order issued by a State or Federal court; or
 - iii. If the individual is protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
 - 3. In areas where a number and street name has not been assigned for U.S. mail delivery, an address convention used by the U.S. Postal Service is acceptable.

(300) Process for Translation

- a) All Documents provided to the Department by the Applicant shall be in English or have been translated into English.
- b) The original and corresponding translated Documents shall be presented together at the time of application.
- c) All translated Documents must have the following included at the end (must be typed or electronically printed on the same page as the translation, not on separate pieces of paper or the translation will not be accepted by the Department):
 - 1. An attestation that states: "I, [insert translator's full name], affirm that the foregoing is a complete and accurate translation from [insert foreign language] to the English language to the best of my ability. I further affirm that I am fully competent to translate from [insert foreign language] to the English language and that I am proficient in both languages;" and
 - 2. The number and state of issuance of the translator's unexpired driver's license, instruction permit, or Identification Card.
- d) All translated Documents and information required by Section 300(c) shall be included in the Applicant's permanent motor vehicle record.
- e) Applicants are responsible for all costs of translation.

(400) Fee Structure

- a) The cost for a CO-RCSA driver's license or a minor driver's license is \$34.00, which includes an additional fee to cover direct and indirect costs. The cost for a CO-RCSA instruction permit is \$21.50, which includes an additional fee to cover direct and indirect costs. The cost for a CO-RCSA Identification Card is \$13.30, which includes an additional fee to cover direct and indirect costs.

(500) Qualifications for Renewal

- a) CO-RCSA Identification Documents will expire three years after the date of issuance except as provided below:
 - 1. A driver's license issued to an Applicant under 21 will expire three years after the date of issuance or 20 days after the 21st birthday of the Applicant (whichever comes first).
 - 2. An Identification Card or instruction permit issued to an Applicant under 21 will expire three years after the date of issuance or on the 21st birthday of the Applicant (whichever comes first).
- b) Applicants may apply in person, by mail, or electronically in accordance with C.R.S. 42-2-118 or 42-2-304 to renew a CO-RCSA Identification Documents.
 - 1. Applicants over the age of 21 can renew Identification Documents electronically.
 - 2. Renewals by mail and electronic renewals will not be processed with an out of state mailing address.
- c) An Applicant seeking to renew an Identification Document is required to present the same documentation as required under Section 200 of this rule, except that an applicant who cannot demonstrate lawful presence may present a Colorado Identification Document expired less than one year instead of the Identity documentation required by Section 200(b)(5).

(600) Qualifications for Issuance of a Duplicate Credential

- a) Applicants may apply for a duplicate of an existing CO-RCSA Instruction Permit or Driver's License as provided below:
 - 1. Applicants must appear in person and certify, under penalty of perjury, that the previous credential was lost, stolen, or destroyed by completing the "Request for Duplicate Instruction Permit/Driver License" (DR2989) form provided by the Department.
 - 2. Eligible Applicants may submit an electronic application, on which the Applicant must certify, under penalty of perjury, that the previous credential was lost, stolen, or destroyed.

3. Applicants must present proof Documents as required in Section 200.
4. A duplicate will not be issued to an Applicant with a lawful presence status that has changed since issuance of the previous credential. A change of lawful presence status requires renewal.

(700) Electronic Applications

- a) The Department may accept electronic applications for services provided electronically.
- b) The Department may accept an application electronically if the Applicant's fingerprint was captured as part of a previous application.
- c) The Department may accept an application electronically if a signature was captured as part of a previous application and if the Applicant verifies the information on the application.

(800) Process for Complete Application

- a) When an Applicant has completed the required application and established the standards set forth in this rule, the Applicant will be required to review and verify the information on the application by signing a "signature capture device," a fingerprint will be captured, and a photograph of the Applicant will be taken. A temporary CO-RCSA Identification Document will be issued. The permanent CO-RCSA Identification Document will be mailed to the Applicant at the address provided on the Applicant's application.

(900) Process for Incomplete Application

- a) If an application is incomplete or the Applicant has failed to provide Documents verifiable by the Department for Identity, date of birth, residency, and, as applicable, Temporary Lawful Presence, the Department shall provide a Notice of Incomplete Application unless the Department provides a Notice of Denial per Section 1000 below.
- b) The Notice of Incomplete Application shall include a notation of the information that is incomplete, or of the documentation that is unverifiable. If the authenticity of a Document cannot be verified, then an application may be considered incomplete and additional documentation may be required, or the Applicant may be referred to Exceptions Processing. An Applicant may return to the Department with the required additional documentation prior to being denied an Identification Document.

(1000) Denial of Application

- a) If an application is incomplete or the Applicant has failed to provide Documents verifiable by the Department for Identity, date of birth, residency, and, as applicable, Temporary Lawful Presence, the Department shall provide a Notice of Denial.

- b) Nothing in this regulation shall be construed to prevent the Department from denying an application on the basis that an Applicant has presented Documents that are fraudulent or that are not verifiable.
- c) Nothing in this regulation restricts or prohibits the Department from verifying any Document presented by an Applicant.
- d) An application shall be denied if the Applicant presents fraudulent or altered Documents or commits any other fraud in the application process.

(1100) Hearing and Final Agency Action

- a) An Applicant who has received a Notice of Denial may, within 60 days of the date of the Notice of Denial, request a hearing on the denial by filing a written request for hearing with the Hearings Section of the Department at 1881 Pierce St. Entrance B, #112, Lakewood, CO 80214.
- b) Hearings shall be held in accordance with the provisions of the State Administrative Procedure Act, and the provisions of Title 42 of the Colorado Revised Statutes.
- c) The only issue at a hearing shall be whether the Applicant has satisfied federal and state requirements for the issuance of an Identification Document.
- d) The hearing officer shall issue a written decision. If the hearing officer finds that the Applicant has not satisfied federal and state requirements for the issuance of an Identification Document, then the denial shall be sustained. If the hearing officer finds that the Applicant has satisfied requirements for the issuance of an Identification Document, then the denial shall be rescinded and the Department shall issue an Identification Document.
- e) The decision by the hearing officer shall constitute final agency action, and is subject to judicial review as provided by section 24-4-106, C.R.S.

RULE 1 RULES FOR APPLICATION FOR A COLORADO ROAD AND COMMUNITY SAFETY ACT IDENTIFICATION DOCUMENTS § 42-2-501, C.R.S.

Purpose

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- f) Full Legal Name – The Applicant’s first name, middle name(s), and last name or surname, without use of initials or nicknames.
- g) Hearing – Hearing before a Department Administrative Hearing Officer.
- h) Identification Card – A Document issued by a Department of Motor Vehicles or its equivalent that contains the Applicant’s Full Legal Name, full facial digital photograph, date of birth, and sex, but does not confer upon the bearer the right to operate a motor vehicle.
- i) Identification Document – Has the same meaning as defined in C.R.S. 42-2-503(1).
- j) Identity –The verifiable characteristics that when taken together make a person unique and identifiable. Evidence of Identity includes proof of Full Legal Name, date of birth, and physical characteristics, including a verifiable photograph.
- k) Incomplete Application – An application for a CO-RCSA Identification Document that does not satisfy state requirements for the issuance of a CO-RCSA Identification Document.
- l) Individual Taxpayer Identification Number (ITIN) – A tax processing number issued by the Internal Revenue Service (IRS) as shown on an ITIN card issued by the IRS, on a letter from the IRS, or on a certified state tax return.
- m) Temporary Lawful Presence – The status of a person whose authority to lawfully remain in the United States is temporary and who qualifies for a CO-RCSA Identification Document.
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- a) Pursuant to section 42-2-506, C.R.S., individuals claiming Temporary Lawful Presence in the United States who apply for an Identification Document, must:
 - 1. Provide Documents that demonstrate the Applicant’s Identity:
 - i. A foreign passport bearing a photograph of the Applicant, valid or expired less than 10 years;
 - ii. An Employment Authorization Document (EAD, Form I-766), valid or expired less than 10 years;
 - iii. A Colorado Identification Document, valid or expired less than 10 years;
 - iv. A driver license, instruction permit, or identification card issued by a state or territory of the United States, valid or expired less than 10 years; or

- v. A consular identification card, valid or expired less than 10 years.
2. Provide valid documentary evidence of Temporary Lawful Presence:
- i. Unexpired foreign passport with unexpired I-94 showing class of admission;
 - ii. Unexpired Employment Authorization Document (EAD, Form I-766);
 - A. Expired Employment Authorization Document (EAD, Form I-766) automatically extended due to a Temporary Protected Stay;
 - iii. Expired Employment Authorization Document (EAD, Form I-766) with I-797C Notice of Action demonstrating receipt of an Application for Employment Authorization, evidencing an applicable unexpired automatic extension issued within 5 years of the date of application;
 - iv. I-797C Notice of Action demonstrating receipt of an Application to Register Permanent Residence or Adjust Status issued within 5 years of the date of application;
 - v. I-797C Notice of Action demonstrating receipt of an Application for Asylum issued within 5 years of the date of application;
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 - viii. An I-797C listed above, dated outside of the specified timeframe, with written evidence from the U.S. Citizenship and Immigration Services that the application is still pending.
3. Present proof of current residential address in Colorado.
- i. To document the address of principal residence in Colorado, an Applicant must present at least one article of documentation that includes the Applicant's name and address of principal residence. Examples include, but are not limited to: utility bill, credit card statements, pay stub or earnings statement, rent receipt, telephone bill, or bank statement.
- b) Pursuant to section 42-2-505, C.R.S., Applicants who apply for an Identification Document, who cannot demonstrate lawful presence in the United States, must:
- 1. Present proof of current residential address in Colorado.

- e) A Colorado street address must be displayed on the Identification Document except as provided below:
 - 1. An alternative address may be displayed for individuals for whom a State law, regulation, or DMV procedure permits display of an alternative address.
 - 2. An alternative address may be displayed for individuals who satisfy any of the following:
 - i. If the individual is enrolled in the Colorado Address Confidentiality Program, which allows victims of domestic violence, dating violence, sexual assault, stalking, or a severe form of trafficking, to keep, obtain and use alternative addresses, and provides that the address of such person must be kept confidential; or
 - ii. If the individual is entitled to have their address suppressed under state or federal law or suppressed by a court order including an administrative order issued by a State or Federal court; or
 - iii. If the individual is protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
 - 3. In areas where a number and street name has not been assigned for U.S. mail delivery, an address convention used by the U.S. Postal Service is acceptable.

(300) Process for Translation

- a) All Documents provided to the Department by the Applicant shall be in English or have been translated into English.
- b) The original and corresponding translated Documents shall be presented together at the time of application.
- c) All translated Documents must have the following included at the end (must be typed or electronically printed on the same page as the translation, not on separate pieces of paper or the translation will not be accepted by the Department):
 - 1. An attestation that states: "I, [insert translator's full name], affirm that the foregoing is a complete and accurate translation from [insert foreign language] to the English language to the best of my ability. I further affirm that I am fully competent to translate from [insert foreign language] to the English language and that I am proficient in both languages;" and
 - 2. The number and state of issuance of the translator's unexpired driver's license, instruction permit, or Identification Card.
- d) All translated Documents and information required by Section 300(c) shall be included in the Applicant's permanent motor vehicle record.
- e) Applicants are responsible for all costs of translation.

(400) Fee Structure

- a) ~~For those who cannot demonstrate lawful presence, the~~ The fee cost for a CO-RCSA driver's license or a minor driver's license is \$34.00, which includes an additional fee to cover direct and indirect costs. The cost for a CO-RCSA instruction permit is \$21.50, which includes an additional fee to cover direct and indirect costs. The cost for a CO-RCSA Identification Card is \$13.30, which includes an additional fee to cover direct and indirect costs.
- b) ~~For those who can demonstrate Temporary Lawful Presence, the cost for a CO-RCSA driver's license or minor driver's license under section 42-2-506, C.R.S. is \$32.00. The cost for a CO-RCSA instruction permit is \$19.00. The cost for a CO-RCSA Identification Card is \$13.00.~~

(500) Qualifications for Renewal

- a) CO-RCSA Identification Documents will expire three years after the date of issuance except as provided below:
 - 1. A driver's license issued to an Applicant under 21 will expire three years after the date of issuance or 20 days after the 21st birthday of the Applicant (whichever comes first).
 - 2. An Identification Card or instruction permit issued to an Applicant under 21 will expire three years after the date of issuance or on the 21st birthday of the Applicant (whichever comes first).
- b) Applicants may apply in person, by mail, or electronically in accordance with C.R.S. 42-2-118 or 42-2-304 to renew a CO-RCSA Identification Documents.
 - 1. Applicants over the age of 21 can renew Identification Documents electronically.
 - 2. Renewals by mail and electronic renewals will not be processed with an out of state mailing address.
- c) An Applicant seeking to renew an Identification Document is required to present the same documentation as required under Section 200 of this rule, except that an applicant who cannot demonstrate lawful presence may present a Colorado Identification Document expired less than one year instead of the Identity documentation required by Section 200(b)(5).

(600) Qualifications for Issuance of a Duplicate Credential

- a) Applicants may apply for a duplicate of an existing CO-RCSA Instruction Permit or Driver's License as provided below:

1. Applicants must appear in person and certify, under penalty of perjury, that the previous credential was lost, stolen, or destroyed by completing the "Request for Duplicate Instruction Permit/Driver License" (DR2989) form provided by the Department.
2. Eligible Applicants may submit an electronic application, on which the Applicant must certify, under penalty of perjury, that the previous credential was lost, stolen, or destroyed.
3. Applicants must present proof Documents as required in Section 200.
4. A duplicate will not be issued to an Applicant with a lawful presence status that has changed since issuance of the previous credential. A change of lawful presence status requires renewal.

(700) Electronic Applications

- a) The Department may accept electronic applications for services provided electronically.
- b) The Department may accept an application electronically if the Applicant's fingerprint was captured as part of a previous application.
- c) The Department may accept an application electronically if a signature was captured as part of a previous application and if the Applicant verifies the information on the application.

(800) Process for Complete Application

- a) When an Applicant has completed the required application and established the standards set forth in this rule, the Applicant will be required to review and verify the information on the application by signing a "signature capture device," a fingerprint will be captured, and a photograph of the Applicant will be taken. A temporary CO-RCSA Identification Document will be issued. The permanent CO-RCSA Identification Document will be mailed to the Applicant at the address provided on the Applicant's application.

(900) Process for Incomplete Application

- a) If an application is incomplete or the Applicant has failed to provide Documents verifiable by the Department for Identity, date of birth, residency, and, as applicable, Temporary Lawful Presence, the Department shall provide a Notice of Incomplete Application unless the Department provides a Notice of Denial per Section 1000 below.
- b) The Notice of Incomplete Application shall include a notation of the information that is incomplete, or of the documentation that is unverifiable. If the authenticity of a Document cannot be verified, then an application may be considered incomplete and additional documentation may be required, or the Applicant may be referred to Exceptions Processing. An Applicant may return to the Department with the required additional documentation prior to being denied an Identification Document.

(1000) Denial of Application

- a) If an application is incomplete or the Applicant has failed to provide Documents verifiable by the Department for Identity, date of birth, residency, and, as applicable, Temporary Lawful Presence, the Department shall provide a Notice of Denial.
- b) Nothing in this regulation shall be construed to prevent the Department from denying an application on the basis that an Applicant has presented Documents that are fraudulent or that are not verifiable.
- c) Nothing in this regulation restricts or prohibits the Department from verifying any Document presented by an Applicant.
- d) An application shall be denied if the Applicant presents fraudulent or altered Documents or commits any other fraud in the application process.

(1100) Hearing and Final Agency Action

- a) An Applicant who has received a Notice of Denial may, within 60 days of the date of the Notice of Denial, request a hearing on the denial by filing a written request for hearing with the Hearings Section of the Department at 1881 Pierce St. Entrance B, #112, Lakewood, CO 80214.
- b) Hearings shall be held in accordance with the provisions of the State Administrative Procedure Act, and the provisions of Title 42 of the Colorado Revised Statutes.
- c) The only issue at a hearing shall be whether the Applicant has satisfied federal and state requirements for the issuance of an Identification Document.
- d) The hearing officer shall issue a written decision. If the hearing officer finds that the Applicant has not satisfied federal and state requirements for the issuance of an Identification Document, then the denial shall be sustained. If the hearing officer finds that the Applicant has satisfied requirements for the issuance of an Identification Document, then the denial shall be rescinded and the Department shall issue an Identification Document.
- e) The decision by the hearing officer shall constitute final agency action, and is subject to judicial review as provided by section 24-4-106, C.R.S.

Notice of Proposed Rulemaking

Tracking number

2025-00535

Department

400 - Department of Natural Resources

Agency

407 - Division of Reclamation, Mining and Safety

CCR number

2 CCR 407-1

Rule title

HARD ROCK, METAL, AND DESIGNATED MINING OPERATIONS

Rulemaking Hearing**Date**

02/18/2026

Time

09:00 AM

Location

1313 Sherman St., Room 318 Denver, CO 80203

Subjects and issues involved

The primary reason for adopting the proposed Rules is to implement the new areas of authority and regulation set forth in SB 25-054, including the creation of the 110 Reclamation-Only permit type, to modernize the Act and clarify and/or codify current Division procedures and regulatory practices, and to clarify or eliminate types of Financial Warranties. Senate Bill 25-054, through implementation by these amended Rules, will streamline administration of forfeited funds by placing all revoked reclamation funds with the program that has the responsibility for oversight of reclamation, and to align with current financial practices for distribution of those funds. These amended Rules also seek to remove outdated financial warranty options, by eliminating the use of real property and salvage value as forms of financial warranty that no operator has used

Statutory authority

Section 34-32-106(1)(c), C.R.S.

Section 34-32-108(1), C.R.S

Sections 34-32-110, 116, 117, 118 and 122, C.R.S

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Title

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BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

NOTICE OF PUBLIC RULEMAKING HEARING – HARD ROCK

IN THE MATTER OF Amendments to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations, 2 CCR 407-1, regarding 110 Reclamation Only Permit, Modernization and to address other requirements of Senate Bill 25-054

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

The Colorado Mined Land Reclamation Board (“Board”) will consider promulgation of new rules and amendments proposed by the Division of Reclamation, Mining and Safety (“Division”) to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations, 2 CCR 407-1. The Division’s draft proposed new and amended rules and draft proposed Statement of Basis and Purpose is attached to this Notice.

The Board will promulgate the new rules and amendments to the Colorado Mined Land Reclamation Act, C.R.S. 34-32-101, et.seq., to implement Senate Bill 25-054 related to the creation of 110 Reclamation-Only permits, changes to financial warranty types and forfeiture procedures, eliminating administrative fees and general modernization. The Board will also consider proposed changes that will make the Hard Rock Rules more consistent with the Construction Material Rules, where appropriate. Finally, the Board will consider amending areas of the existing rules that need clarification, correction or to reflect current practice or procedure. Please note that the Board may accept, reject or modify any or all of the Division’s proposed new rules and amendments, or may propose its own new rules and amendments.

The Division’s Proposed New Rules and Amendments are set forth in their entirety at the Division’s website rulemaking page: <https://drms.colorado.gov/>

Throughout the formal rulemaking process, the Division’s website rulemaking page will provide formal notice to interested persons and Parties regarding important dates, filing deadlines, and other information concerning the rulemaking hearing and process.

**STATUTORY AUTHORITY FOR PROPOSED
NEW RULES AND AMENDMENTS**

The General Assembly delegated broad rulemaking authority to the Board respecting the administration of the Act at Section 34-32-106(1)(c), C.R.S. (Board has the duty to develop and promulgate standards for land reclamation plans), and Section 34-32-108(1), C.R.S. (Board has the authority to adopt and promulgate reasonable rules and regulations respecting the administration of the Mined Land Reclamation Act and the Construction Materials Act). In addition, the General Assembly passed Senate Bill 25-054, which

modified or set forth new statutory requirements and increased the regulatory authority of the Board and the Division (codified at Sections 34-32-110, 117, 118 and 122, C.R.S).

NOTICE IS HEREBY GIVEN that the Board has scheduled this matter for a rulemaking hearing as follows:

Date: Wednesday February 18, 2026.

Time: Wednesday 9:00 a.m.

Place: Department of Natural Resources
1313 Sherman Street, Room 318
Denver, CO 80203

The Rulemaking Hearing will take place both in-person and virtually via Zoom. In order to receive an authorization code to attend the hearing, please contact Camie Mojar by the email: Dnr_drms_mlr-submittals@state.co.us

Those who wish to observe the proceedings may join via YouTube: <https://www.youtube.com/@dnrmlrb-dnr5160/streams>

PUBLIC PARTICIPATION

The Board encourages all interested persons to participate in the rulemaking hearing by providing their comments, opinions, or recommendations regarding the matters to be addressed in this rulemaking, either orally at the hearing or in writing prior to the hearing. Although oral testimony or comments from those with Party status and other interested persons will be received at the hearing, the time available for such oral testimony or statements will be limited. Oral testimony or statements at the hearing should primarily summarize written material previously submitted.

Party Status: To participate in this rulemaking as a Party, a person or organization must file a written request for Party Status with the Board that shall include the following information: (1) name of the applicant Party and their representative (if different); (2) the street address, e-mail address, and telephone numbers of the applicant Party or their representative; and (3) a brief summary of any policy, factual, or legal issues the applicant Party has with the proposed regulations.

Deadline for Request for Party Status: Any request for Party Status must be filed electronically with the Board and Division no later than 5:00 p.m. on Thursday, November 20, 2025 at: Dnr_drms_mlr-submittals@state.co.us.

Please indicate that you are seeking Party Status in the HARD ROCK rulemaking.

Non-Party Participation: Persons who do not desire Party Status, but would like to participate in the rulemaking process, will be able to make their views known to the

Board either by submitting written comments, or by speaking during the public comment period allotted during the rulemaking hearing. The Board will consider all submissions.

Deadline for filing non-party written public comments is February 6, 2026.

Written comments must be submitted electronically at:

Dnr_drms_mlrp-submittals@state.co.us

Non-Parties who would like to address the Board during public comment of the Rulemaking Hearing must notify the Board Administrator at

Dnr_drms_mlrp-submittals@state.co.us **by February 6, 2026.**

PREHEARING STATEMENTS, ALTERNATIVE PROPOSED RULES, REPLY

Prehearing Statements: Each Party is strongly encouraged to file a written Prehearing Statement. Prehearing Statements must include comments, legal and factual issues, and evidence and argument that the Party wants the Board to consider regarding the proposed new rules and amendments. Prehearing Statements are limited to 15 double-spaced pages, 12-point font. This 15-page limit does not include exhibits to be used during the formal rulemaking hearing.

Alternative Proposed Rules: In addition to filing a Prehearing Statement, Parties may file Alternate Proposed Rules to be adopted by the Board in lieu of or in addition to all or a portion of the Division's proposed new rules and amendments.

Deadline for filing Prehearing Statement and Alternate Proposed Rules is December 10, 2025.

Alternate proposed rules may only be considered by the Board if the subject matter of the alternate proposed rules is consistent with and fits within the subject matter and scope of the rulemaking hearing. Any alternate proposed rule must include the following information: (1) a clear statement of the alternate proposed rule; (2) a statement of the Board's authority to promulgate the alternate proposed rule; (3) a statement describing how the alternate proposed rule is consistent with and fits within the subject matter and scope of the proposed rulemaking and (4) a clear and concise statement of the basis and purpose for the alternate proposed rule.

Reply: Any Party and Division staff may file a Reply to Prehearing Statements. Additionally, any comment or response to Alternate Proposed Rules shall be included in that Party's Reply. Replies shall be limited to 5 double-spaced pages, 12-point font.

Deadline for filing a Reply is February 6, 2026.

FILING AND SERVICE REQUIREMENTS

All filings for this rulemaking shall be submitted electronically to:

Dnr_drms_mlrp-submittals@state.co.us. All filed comments, Party Statements and Alternative Rules will be placed on the DRMS website rulemaking page for public review by

close of business the day following any deadline. The Division will email all filed documents to the Stakeholder and Party/Interested Party email list.

The Board or Division may take action to modify any date or filing deadline in this Notice of Rulemaking, notice of changes will be provided to Parties of record and posted to the DRMS website rulemaking page. The Board may take actions, including without limitation, modifying or amending the existing rules described or proposed herein and making conforming modifications to other rules, which it determines are reasonably necessary.

In accordance with the Americans with Disabilities Act, if any party requires special accommodations as a result of a disability for this hearing, please contact Camille Mojar at Dnr_drms_mlr-submittals@state.co.us, prior to the hearing and arrangements will be made.

MINED LAND RECLAMATION BOARD
OF THE STATE OF COLORADO

RULE 1: GENERAL PROVISIONS AND REQUIREMENTS – PERMIT PROCESS

1.1 DEFINITIONS

- ~~(1) “Acid and Toxic Producing Materials” means natural or reworked earth materials having acid or toxic chemical and physical characteristics that, under mining or post-mining conditions of drainage, exposure, or other processes, produce materials which contain detrimental amounts of chemical constituents such as acids, bases, or metallic compounds.~~
- ~~(1) “the Act” refers to the Colorado Mined Land Reclamation Act, Section 34-32-101, et seq., C.R.S. 1984, as amended.~~
- (2) “Acid Mine Drainage” means contamination of water by low pH or heavy metals that occurs from mined or disturbed materials as a result of the chemical and biological oxidation of reactive sulfide minerals when exposed to air and water. The possibility of generating “Acid Mine Drainage” exists where the pH of any exposed or potentially exposed overburden, waste rock, mill tailings, waste water treatment sludge, or other mined, placed, disposed or stockpiled material has the potential to develop a pH of 5.8 or less. Such determination may be based upon acceptable accelerated weathering and leaching tests of a representative sample of the overburden, waste rock, mill tailings, or other mined, placed, disposed, or stockpiled material. In determining whether a potential for acid mine drainage generation exists, the Office will consider natural pre-mining acidity and metals occurrence in bedrock, soil, groundwater and surface water where such information is available to the Office. Mined and stockpiled material does not include ore or other mined product that is or will be processed within one hundred and eighty (180) days of being stockpiled and removed from the permit area. However, the area affected by such stockpiled material may require the appropriate measures pursuant to Rules 3, 6 and 7, to prevent off-site impacts due to drainage or leaching, and for reclamation of the affected stockpile area.
- (3) “Activity” for the purpose of protecting groundwater quality, means any mining, milling, storing, disposing, or processing operations, or any reclamation operation or process that may discharge or cause discharge of pollutants to groundwater.
- (4) “Affected Land” means the surface of an area within the state where a mining operation or Extractive Metallurgical Processing is being or will be conducted, which surface is disturbed as a result of such operation. Affected lands include but shall not be limited to private ways, roads, except those roads excluded pursuant to Rule 1.1(4), and railroad lines appurtenant to any such area; land excavations; prospecting sites; drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; leaching dumps; placer areas; tailings ponds or dumps; work, parking, storage or waste discharge areas; and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in such operations are situated. All lands shall be excluded that would be otherwise included as land affected but which have been reclaimed in accordance with an approved plan or otherwise, as may be approved by the Board. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the Office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation.

- (5) "Aggrieved" means suffering actual loss or injury, or being exposed to potential loss or injury, to legitimate interests. Such interests include, but are not limited to, business, economic, governmental, recreational, or conservational interests.
- (56) "Affected Surface Water and Groundwater" means for purposes of the baseline site characterization and monitoring plan required for applications for in situ leach mining operations that surface water or groundwater affected or potentially affected by such mining operation.
- (67) "Ambient Groundwater Quality" for mining operations permitted prior to January 31, 1994, ambient groundwater quality shall mean the quality of the groundwater at the mine site as of January 31, 1994. For mining operations permitted on or after January 31, 1994, ambient groundwater shall mean the quality of groundwater at the time of submittal of the permit application. In establishing ambient groundwater quality, an Operator or Applicant shall use available or collected groundwater data sufficient to characterize the site's ambient groundwater quality and submit such information in a form suitable to the Office.
- (78) "Amendment" means a change in the permit or an application which increases the acreage of the affected land, or which has a significant effect upon the approved or proposed Mining Plan, Reclamation Plan, or Environmental Protection Plan.
- (89) "Analogous law, rule or permit" means for purposes of violations and patterns of violation required to be disclosed in applications for in situ leach mining operations any federal or state law, rule or permit issued by this or another state or the United States which covers any of the environmental protections set forth in Sections 34-32-116 and 116.5, C.R.S.
- ~~(9) "Anniversary date of the Notice of Intent to Prospect" means the date the Office or Board issues the Notice of Intent to Prospect approval and is the date the annual fee shall be deposited with the Office on an annual basis until the Office terminates the Notice of Intent to Prospect.~~
- (10) "Anniversary date of the permit" means the date the Office or Board issues the permit or the Notice of Intent to Prospect approval and is the date the annual fee shall be deposited with the Office on an annual basis until the Office or Board terminates the permit or Notice of Intent to Prospect.
- (11) "Applicant" means any person who applies to the Office for a mining permit.
- (12) "Aquifer" means a geologic formation, group of geologic formations, or part of a geologic formation containing sufficient saturated permeable material that could yield a sufficient quantity of water that may be extracted and applied to a beneficial use.
- (13) "Authorized Agent" means any corporate officer, corporate attorney, individual person, or persons so designated in the permit application.
- (14) "Baseline site characterization and monitoring plan" means that baseline site characterization and monitoring plan required by Section 34-32-112.5, C.R.S. for all permit applications for in situ leach and designated mining operations. This term does not include

other baseline characterizations, monitoring plans, studies or the like required under the act or these regulations.

- (15) “Best available technology” means, for the purposes of establishing, designing and implementing groundwater reclamation plans for in situ mining operations, the best technologies, treatment techniques, reclamation techniques or other means that result in effective reclamation of groundwater, taking into consideration all relevant factors including, but not limited to, technical feasibility, cost effectiveness, and the protection of public health, safety, welfare and the environment. In considering cost effectiveness, the financial condition of an operator shall not be a factor.
- ~~(16)~~ “CERCLA” means the Federal “Comprehensive Environmental Response, Compensation, and Liability Act of 1980” 42 U.S.C. Sec.9601 ET SEQ.
- ~~(1617)~~ “Complex Application” is an application which may require the Office to respond to additional factors such as the public comment process, involve additional professional staff or outside professional or agency expertise, and or address other issues beyond what the Office considers to be a typical application review process for the majority of applications received.
- ~~(18)~~ “Days” as used throughout these regulations, “Working Days” means Monday through Friday and shall not include Saturdays, Sundays, State holidays, or other non-work days as declared by the Governor or Legislature. “Calendar Days” or “Days” means consecutive days, including weekends and holidays. In calculating any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. Thereafter, every day shall be counted, including holidays, Saturdays or Sundays. If the last day of the period, deadline or due date falls on a Saturday, Sunday, or legal holiday, the deadline is extended to the next Working Day.
- ~~(1719)~~ “Description of ISL Mines” means that description required to be in applications for all in situ leach mining operations of at least five (5) in situ leach mining operations that demonstrates the ability of the applicant to conduct such a proposed mining operation without any leakage, vertical or lateral migration, or excursion of any leaching solutions or groundwater-containing minerals, radionuclides, or other constituents mobilized, liberated or introduced by the in situ leach mining process into any groundwater outside of the permitted in situ leach mining area.
- ~~(1820)~~ “Designated Chemicals” are toxic or acidic chemicals identified by the applicant / operator, and accepted or determined by the Office, for use within the permit area, in extractive metallurgical processing, the use of which, has been determined, at certain concentrations, to represent a potential threat to human health, property or the environment.
- ~~(1921)~~ “Designated Mining Operation” means a mining operation at which:
- (a) designated chemicals used in metallurgical processing are present on-site; or
 - (b) toxic or acid-forming materials may be exposed or disturbed as a result of mining operations; or

- (c) acid mine drainage occurs or has the potential to occur due to mining or reclamation activities; or
- (d) uranium is developed or extracted, either by in situ leach mining methods or by conventional underground or open mining techniques.
- (e) The various types of Designated Mining Operations are identified in Section 34-32-112.5, C.R.S. 1984, as amended. Except as to uranium mining operations, designated mining operations exclude operations that do not use toxic or acidic chemicals in processing for purposes of extractive metallurgy and will not cause acid mine drainage. Any designated mining operation, including uranium designated mining operations, may seek exemptions from this status pursuant to Rule 7.
- (f)
 - (1) Metal mining operations, permitted under Section 34-32-110, C.R.S. 1984, as amended, which do not use or store designated chemicals, or are Reclamation-Only, shall be excepted from the requirements applicable to Designated Mining Operations, unless they have a potential to produce acid or toxic mine drainage in quantities sufficient to adversely affect any person, property or the environment. It shall be the burden of the Operator or Applicant to demonstrate to the satisfaction of the Office that such potential does not exist.
 - (2) The exception set forth in Rule 1.1(~~1921~~)(f)(1) does not apply to Section 110 uranium mining operations. However, such operations may apply for an exemption from Designated Mining Operation status pursuant to the requirements and procedures set forth in Rule 7.
- (g) Designated Mining Operations shall be identified with a "d" suffix, (i.e., 110d or 112d). An in situ leach mining operation under Section 110 or 112 shall be treated as a section 112d-3 operation unless such operation is granted an exemption from designated mining operation status under Rule 7, in which case such operation shall be referred to as an "110 ISL" or "112 ISL" operation, as appropriate.

(~~2022~~) "Development" means the work performed in relation to a deposit, following the prospecting required to prove minerals are in existence in commercial quantities but prior to production activities, aimed at, but not limited to, preparing the site for mining, defining further the ore deposit by drilling or other means, conducting pilot plant operations, constructing roads or ancillary facilities, and other related activities.

(~~2423~~) "Environmental Protection Facility" means a structure which is identified in the "Environmental Protection Plan" as designed, constructed and operated for control or containment of designated chemicals, uranium, uranium by-products or other radionuclides, acid mine drainage, or toxic or acid-forming materials that will be exposed or disturbed as a result of mining or reclamation operations.

(~~2224~~) "Environmental Protection Plan" means a plan submitted by a Designated Mining Operation for approval as part of the Operator's or Applicant's permit for such operation for

the protection of human health, property or the environment in conformance with the duties of Operators as prescribed by the Act and these Rules.

- (~~23~~25) “Extraction” means the removal of minerals and/or overburden from places of natural occurrence to surface locations.
- (~~24~~26) “Extractive Metallurgical Processing” means the production-scale process of extracting metals of value from mineral ore, or waste water treatment for metals removal. Metallurgical processing may include but is not limited to crushing, concentrating, chemical leaching, evaporation, grinding, flotation, milling, or any other process of ore beneficiation on affected lands. It does not include laboratory analyses, metallurgical testing, potable water treatment, prospecting activities, or other activities which involve only incidental, or minimal, use of designated chemicals and which do not pose a threat to human health, property or the environment. All activities outlined constitute Mining Operations as defined herein.
- (~~25~~27) “Facility” means the combined "activities" occurring on the affected land.
- (~~26~~28) “Failure or Imminent Failure” means, for the purpose of emergency notification response:
- (a) Any actual or imminent release of any material or liquid from any impoundment, embankment, or slope that poses a reasonable potential for danger to ~~any persons~~ or human health, property or to the environment;
 - (b) Any actual or imminent malfunction or nonperformance of any structure for in situ leach mining operations designed to detect, prevent, minimize, or mitigate adverse impacts on groundwater, human health, wildlife, or the environment; or
 - (c) The actual or imminent malfunction or nonperformance of any environmental protection facility designed to contain or control chemicals or waste that are ~~acid~~ or toxic-forming toxic or acid-forming.
- (~~27~~29) “Filed” means an application submitted to the Office and determined to contain the permit application information required for all permits by Rules 1.4.1, 1.6.2(1)(a)(i) and (b), 1.6.2(1)(g), and Rules:
- 1.4.2(2) for a non in situ leach mining 110 or 110d for a Limited Impact operation application or 110r Reclamation-Only Permit;
 - 1.4.5(2) for a 112 or 112d Reclamation Permit Operation application; or
 - 1.4.4 and 1.4.5 for all in situ leach mining operation applications. Note: all 110 and 112 in situ leach mining operations under section must comply with filing requirements for both 112d designated mining operation applications and in situ leach mining applications unless the applicant is granted an exemption from designated mining operation status. In such a case, the applicant need only comply with in situ leach mining application requirements.

A determination by the Office that an application submitted to the Office contains the referenced application materials shall trigger the decision making periods provided under Sections 34-32-110(6), or 34-32-115(1) and 115(2), C.R.S., as appropriate. A determination that an application is filed does not constitute a determination that the application adequately meets statutory and regulatory requirements.

- (~~28~~30) "Financial Warrantor(s)" means a person who provides a Financial Warranty to the Board.
- (~~29~~31) "Financial Warranty" means a written promise to the Board to be responsible for reclamation costs up to the amount specified by the Board or Office or required by the Act, together with proof of financial responsibility.
- (~~30~~32) "Independent Reviewer" is a person who is utilized by the Office to review Quality Assurance/Quality Control certification documents designated by the Office, Baseline site Characterization and Monitoring Plans, ~~e~~Environmental ~~p~~Protection ~~p~~Plans, applications, Amendments and Technical Revisions and to monitor field operations. An Independent Reviewer is not an agent of the Office, Operator, Applicant, or any other person involved in the application or other hearing before the Board.
- (~~31~~33) "Inert Material" means non-water soluble and non-putrescible solids together with such minor amounts and types of other materials, unless such materials are ~~acid or toxic producing toxic or acid-forming~~, as will not significantly affect the inert nature of such solids. The term includes, but is not limited to, earth, sand, gravel, rock, concrete which has been in a hardened state for at least sixty (60) days, masonry, asphalt paving fragments, and other inert solids. Protruding rebar or other metals within Inert Materials must be removed to a practicable extent by torching, cutting, or gridding. Any material that contains coal or plastic shall not be classified as Inert Material.
- (~~32~~34) "In Situ Leach Mining" means in situ mining for uranium through the in-place dissolution of mineral components of an ore deposit by causing a chemical leaching solution, usually aqueous, to penetrate or to be pumped down wells through the ore body and then removing the mineral-containing solution for development or extraction of the mineral values.
- (a) It is not intended that this definition of in situ leach mining include extraction or disturbance of trace amounts or de minimus amounts of uranium that have no potential to affect human health or the environment when such extraction or disturbance of uranium occurs while mining another mineral. If uranium is disturbed or extracted during the mining of another mineral, the operator shall immediately inform the Office of the disturbance or extraction, and include all information concerning the circumstances of the disturbance or extraction of the uranium in a written report submitted to the Office. After notification to the Office, the Office will determine whether the Operator must comply with the in situ leach mining and designated mining operation requirements.
- (~~33~~35) "In Situ Mining" means the in-place development or extraction of a mineral by means other than open mining or underground mining.
- (~~34~~36) "Landowner" means any individual person or persons, firm, partnership, association, corporation, or any department, division, or agency of federal, state, county, or municipal

government which owns or controls the surface rights to any land area under consideration for mining or prospecting. These surface rights are separate from mineral rights which may or may not be owned and controlled by the same entity.

(37) “Legacy Mine” means a mine where pre-law mining operations have occurred or the mining operations have been abandoned, and no bond or other financial assurance or reclamation responsibility covering the reclamation of the land affected by the mining operation exists.

(3538) “Life of the Mine” means and includes, but is not limited to, those periods of time from when a permit is initially issued, that an Operator engages in or plans to continue extraction of minerals, complies with the Act and these Rules, and as long as mineral reserves remain in the mining operation. It can include limited periods of non-production or Temporary Cessation. “Life of the mine” also includes that period of time after cessation of production necessary to complete reclamation of disturbed lands as required by the Board and this article, until the Board releases, in writing, the Operator from further reclamation obligations regarding the affected land, declares the operation terminated, and releases all applicable Performance and Financial Warranties.

(3639) “110 Limited Impact Operation” means any mining operation which requires a 110(1) or 110(2) permit:

- (a) A 110(1) permit affects five (5) acres or less and requires a permit issued under Section 34-32-110(1)(a)(III), C.R.S. for the life of the mine; and is not an in situ leach mining operation or a designated mining operation; or
- (b) A 110(2) permit affects less than ten (10) acres and requires a permit issued under Section 34-32-110(2), C.R.S. for the life of the mine; extracts less than seventy thousand (70,000) tons of mineral, overburden, or combination thereof per calendar year; and is not an in situ leach mining operation or a designated mining operation.

(3740) “110 Limited Impact Permit” shall mean a permit issued to a 110 Limited Impact Operation pursuant to Section 34-32-110(1)(a)(III) or (2), C.R.S.

(3841) “110d Limited Impact Permit” shall mean a permit issued to an operator for a Designated Mining Operation pursuant to Section 34-32-112.5(3)(a), C.R.S.

(3942) “Meeting” as the term is used in these Rules, means the regular monthly session held by the Board in accordance with Section 34-32-106, C.R.S. 1984, as amended. The topics to be considered include, but are not necessarily limited to:

- (a) approval or denial of permit applications;
- (b) approval or denial of applications for permit revisions, amendments, and permit transfers;
- (c) cause to hold a formal hearing with respect to a particular application or operation pursuant to Section 34-32-114, C.R.S. 1984, as amended;

- (d) determinations with respect to temporary cessation; and
- (e) other permit related considerations which do not require a "formal hearing."
- (f) These meetings may also include, but are not necessarily limited to hearings, rule making proceedings in accordance with the Administrative Procedures Act, Section 24-4-103, C.R.S. 1984, as amended, and executive sessions.

(4043) "Mineral" means an inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into a useable form as a metal, a metallic compound, a chemical, an energy source, rare earth elements, or a raw material for manufacturing or construction material. For the purposes of this article, this definition does not include coal, surface or subsurface water, geothermal resources, or natural oil and gas together with other chemicals recovered therewith, but does include oil shale.

(4144) "Mining Operation" means the activities associated with development, production and/or extraction of a mineral from its natural occurrences or within refuse, or extractive metallurgical processing on affected land. The term includes, but is not limited to, open mining, in situ mining, in situ leach mining, surface operations and the disposal of refuse from underground mining, in situ mining, and in situ leach mining. The term also includes the following operations on affected lands: transportation; concentrating; milling; evaporation; removal of waste piles and refuse; other processing; construction of facilities to support the mining operations, stripping, and removal and stockpiling of overburden, waste rock and low grade ore. The term does not include: the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe; the development or extraction of coal; the extraction of geothermal resources; smelting, refining, cleaning, preparation, transportation, and other off-site operations not conducted on affected land; or extraction of construction material as that term is defined in Section 34-32.5-103(3), C.R.S.

(4245) "Modification" means any amendment or revision of any previously granted permit, including permit transfers, increases or decreases of the amount of financial warranty required by the Board, and declarations regarding temporary cessation, which is either:

- (a) initiated by the Board pursuant to Rule 3.3.2 as necessary to bring the operation into compliance with the provisions of these Rules or the Act, or
- (b) the subject of a petition for a formal hearing granted by the Board pursuant to Section 34-32-114 of the Act.

(4346) "Office" means the Office of Mined Land Reclamation within the Division of Reclamation, Mining and Safety (DRMS).

(4447) "Off-site" means the area outside of the permitted affected area.

(4548) "110 ISL operation" or "112 ISL operation" shall mean those in situ leach mining operations which have been granted an exemption from designated mining operation requirements.

Otherwise, 110 and 112 in situ leach mining operations shall be considered and referred to as 112d operations.

- (4649) “Open Mining” means the mining of minerals by removing the overburden lying above such deposits and mining directly from the deposits thereby exposed. The term includes mining directly from such deposits where there is no overburden. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying, and dredging.
- (4750) “Operator” means any person, firm, partnership, association, corporation, or any department, division, or agency of federal, state, county, or municipal government engaged in or controlling a mining operation.
- (4851) “Overburden” means all of the earth and other materials which lie above natural minerals and also means such earth and other materials disturbed from their natural state in the process of mining.
- (4952) “Owner of Record” means the owner or owners of a surface property or mineral interest shown on the records of the County Assessor as of the date of filing.
- (5053) “Party” means a person who demonstrates that they are directly and adversely affected or aggrieved by the conduct of a mining operation, proposed mining operation, or an order of the Board and whose interest is entitled to legal protection under the Act.
- (5154) “Pattern of Willful Violations” means that information required to be disclosed in the application for an in situ leach mining operation that the applicant, or an affiliate, officer or director of the applicant, has or has not demonstrated a pattern of willful violations of environmental protection requirements of the Act or these regulations or a permit issued under the Act or an analogous law, rule or permit issued by another state or the United States.
- (5255) “Performance Warranty” shall mean a written promise to the Board, by the operator, to comply with all requirements of the Act.
- (5356) “Permittee” means any person holding a mining Permit.
- (5457) “Person” means any individual, firm, partnership, joint venture, association, limited liability company, or corporation or other entity, or any department, division, or agency of federal, state, county, or municipal government.
- (5558) “Point of Compliance” means locations down gradient of the facility or activity at which water sampling may be conducted to demonstrate compliance with applicable groundwater standards established by the Water Quality Control Commission, or permit conditions required by the Office or Board to measure compliance with the MLRB permit.
- (5659) “Production” means active, orderly mining operations performed in relation to the extraction of a mineral from its natural occurrences, the processing or sale of an extracted mineral, or movement of extracted mineral material off site for further processing or sale. Minimal

excavation and/or activity may not constitute production and is evaluated with respect to the scale of the mining operation.

- (5760) "Prospecting" means the act of searching for or investigating a mineral deposit. "Prospecting" includes, but is not limited to, sinking shafts, tunneling, any drilling core and bore holes, including the construction of monitoring wells, and digging pits or cuts and other works for the purpose of extracting samples or conducting baseline hydrological investigations prior to commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work. The term does not include those activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not prospecting. The term also does not include any single activity which results in the disturbance of a single block of land totaling one thousand six hundred (1,600) square feet or less of the land's surface, not to exceed two (2) such disturbances per acre; except that the cumulative total of such disturbances will not exceed five (5) acres statewide in any prospecting operation extending over twenty-four (24) consecutive months. There is not a de minimis exclusion for core, bore hole, or monitoring well drilling programs.
- (5861) "Prospecting Notice" shall mean that notice required by the Act to engage in Prospecting.
- (5962) "Reclamation" means the employment during and after a mining operation of procedures reasonably designed to minimize as much as practicable the disruption from the mining operation and to provide for the establishment of plant cover, stabilization of soil, the protection of water resources, or other measures appropriate to the subsequent beneficial use of such affected lands. Reclamation shall be conducted in accordance with the performance standards of the Act.
- (63) "110r Reclamation-Only Permit" shall mean a permit issued to an Operator for the removal of only Legacy Mine waste piles which affects five (5) acres or less and is valid for three (3) years from excavation to reclamation pursuant to Section 34-32-110(9), C.R.S. Reclamation-Only does not allow for the disturbance or use of adits, ventholes, or other historic features, nor activities that are subject to CERCLA or the Clean Water Act. Reclamation-Only shall not be permitted for sites with draining adits and any other groundwater expressions.
- (6064) "Refuse" means all waste material directly connected with the cleaning and preparation of substances mined by a mining operation. Refuse includes Waste Piles eligible for Reclamation-Only activities.
- (6465) "Regular Operation" applies to all mining operations not included within the definitions of Limited Impact or Prospecting Operations, specifically, any mining operation affecting ten (10) acres or more, or extracting seventy thousand (70,000) tons or more of mineral, overburden, or combination thereof per calendar year.
- ~~(62) — "Rolling Stock" means any portable or mobile equipment.~~

- ~~(63)~~ ~~“Salvage Value” of Project related fixtures or equipment means the market value of the particular fixture or equipment less any necessary costs of demolition and/or removal, as determined by the Office or Board in accordance with the requirements in Rule 4.12.2.~~
- ~~(6466)~~ “Structure; Significant, Valuable and Permanent Man-made” means a non-portable improvement to real property which has defined, current and recognizable value of an economic nature; generally including but not limited to: buildings, houses, barns, fences, above or below ground utilities, irrigation ditches, maintained or public roads, bridges, railroad tracks, cemeteries, communication antennas, pipelines, water wells, water storage structures, discharge and conveyance structures, etc.
- ~~(6567)~~ “Technical Revision” means a change in the permit ~~or an application,~~ which does not have more than a minor effect upon the approved ~~or proposed Mining or~~ Reclamation Plans or Environmental Protection Plan.
- ~~(6668)~~ “Temporary Cessation” means those limited periods of non-production as specified according to Rule 1.13.
- ~~(6769)~~ “Topsoil or Growth Medium” means the material at the surface of the earth which has been so modified and acted upon by physical, chemical, and biological agents that it will support rooted plants necessary to achieve reclamation goals.
- ~~(70)~~ “Toxic or Acid-forming Materials” means natural or reworked earth materials having acid or toxic chemical and physical characteristics that, under mining or post-mining conditions of drainage, exposure, or other processes, produce materials which contain detrimental amounts of metals, or chemical constituents such as acids, bases, or metallic compounds.
- ~~(6871)~~ “Two Acre Limited Impact Operation” means any currently permitted mining operation issued under Section 34-32-110(1)(a)(I), C.R.S. which:
- (a) the permit application for such operation was filed prior to July 1, 1993;
 - (b) affects less than two (2) acres for the life of the mine; and
 - (c) extracts less than seventy thousand (70,000) tons of mineral, overburden, or combination thereof per calendar year;
- By July 1, 2015 an Operator issued a two acre limited impact permit pursuant to Section 34-32-110(1)(a)(I), C.R.S. shall file with the Office:
- a) evidence of the source of the person’s legal right to enter and initiate a mining operation on affected land; and
 - b) a financial warranty that complies with Sections 34-32-110(3) and 34-32-117(4), C.R.S.
- ~~(6972)~~ “Vegetation Cover” means an ocular estimate of the percentage of ground covered by the above-ground living plant parts.

~~(7073)~~ "Vegetation Type" means a designation for a natural grouping of plant species named according to one or more visually dominant species.

~~(74)~~ "Waste Pile" means a legacy deposit of previously mined materials placed upon the land in conjunction with a Legacy Mine.

~~(71)~~ "Working Day" means Monday through Friday, except for those days that are recognized or designated as State holidays or other non-work days as declared by the governor or legislature.

~~(72)~~ "1976 Act or the Act" refers to the Colorado Mined Land Reclamation Act of 1976, Section 34-32-101, et seq., C.R.S. 1984, as amended.

1.2 SCOPE OF RULES AND ACTIVITIES THAT DO NOT REQUIRE A RECLAMATION PERMIT

1.2.1 Specified by Rule

The Board has determined that certain types of activities do not need reclamation permits either because the excavated substance is not a mineral as defined in Section 34-32-103(7), Colorado Revised Statutes 1984, as amended or because the activity is not a mining operation as defined by Section 34-32-103(8), C.R.S. 1984, as amended. Such activities include the following:

- (a) the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe;
- (b) the development or extraction of coal (refer to the Colorado Surface Coal Mining Reclamation Act Section 34-33-101, et seq., C.R.S. 1984, as amended);
- (c) smelting, refining, cleaning, preparation, transportation, and other off-site operations not conducted on ~~affected~~ permitted land; and
- (d) the extraction of geothermal or groundwater resources.

1.2.2 Reserved

1.2.3 Effect of Regulations

Nothing in these Rules shall supplant, alter, impair or negate the regulatory authority of the Colorado Department of Public Health and Environment in relation to mining operations, nor shall these Rules supplant, alter, impair, or negate the authority of other state and federal agencies in relations to mining operations.

1.2.4 Extraction or Prospecting on Federal Lands

Any person who intends to extract or prospect for minerals on federal lands shall apply for a Mined Land Reclamation Board permit or submit a Notice of Intent to conduct prospecting operations unless specifically exempted by the Board according to the provisions of Rule 1.2.

1.3 PUBLIC INSPECTION OF DOCUMENTS

- (1) Except as provided in this Rule 1.3 or as otherwise provided by law, all applications, notices of intent to conduct prospecting, public notices, inspection reports, documents, maps, exhibits, correspondence, tests, analyses, records of actions or findings of the Board or Office and other information required under the Act or these Rules shall be promptly made available for inspection as required by law upon the written request of any member of the public at the offices of the Office, during its normal business hours.
- (2) Upon request, copies shall be provided at cost or other suitable arrangements made for copying at the requester's expense, as allowed by copyright law.
- (3) As to mining operations, an Operator may mark "CONFIDENTIAL" information supplied in a permit application disclosing the location, size, or nature of the deposit or depth and thickness of the ore body or deposit and thickness and type of overburden to be removed. Information concerning a mining operation marked as confidential and determined by the Office to be confidential shall not be made available to the public unless the Operator gives a written consent on company letterhead and signed by an authorized agent of the company to release all or any part of the information.
- (4) As to notices of intent to conduct prospecting:
 - (a) All information in a Notice of Intent to Conduct Prospecting submitted and approved prior to June 2, 2008, shall be treated as confidential except as set forth in Rule 1.3(4)(a). Such confidential information shall not be made available to the public unless the Board finds that reclamation has been satisfactorily completed, or unless the Operator gives a written consent to the release of all or any part of the information. However, if a prospector uses the Notice of Intent to conduct the baseline site characterization and monitoring plan required for an in situ leach mining operation application, the design and operation of the baseline site characterization and monitoring plan, together with all information collected in accordance with the plan, shall be a matter of public record.
 - (b) For Notices of Intent to Conduct Prospecting or modifications thereof submitted or approved on or after June 2, 2008, all information in a notice of intent or modification of such notice is a matter of public record including, in the case of a modification, the original notice of intent; except that, information relating to the mineral deposit location, size or nature, and other information designated by the prospector and determined by the Board as proprietary, trade secret or that would cause substantial harm to the competitive position of the prospector, shall be protected as confidential and shall not be a matter of public record in the absence of a written release from the prospector, until the Board finds that reclamation has been satisfactorily completed, or until the Board releases the information pursuant to Rules 1.3(4)(f) and (h). However, if a prospector uses the Notice of Intent to

conduct the baseline site characterization and monitoring plan required for an in situ leach mining operation application, the design and operation of the baseline site characterization and monitoring plan, together with all information collected in accordance with the plan, shall be a matter of public record.

- (c) An applicant or prospector may designate its identity as confidential if the applicant or prospector believes disclosure of its identity would cause substantial harm to its competitive position. If so designated, the Office shall keep the identity confidential until: (1) the applicant or prospector files a written release; (2) the applicant or prospector files the notice described in Rule 1.3(4)(c)(i); (3) the Board finds that reclamation has been satisfactorily completed; or (4) until the Board releases the identity pursuant to Rules 1.3(4)(f) and (h).
 - (i) If identity is designated as confidential and the Office approves the notice of intent to prospect, the prospector shall file with the Office quarterly reports in which the prospector justifies continuance of its confidential designation of its identity. In addition, once the prospector believes its identity no longer needs to be confidential, it shall forthwith file a written notice to the Office. Upon receipt, the Office shall treat the prospector's identity as public record and post the identity of the prospector on the Office's website within ten (10) ~~d~~Days of receipt of the prospector's notice.
 - (ii) The confidentiality designation of an applicant's or prospector's identity shall be subject to the dispute resolution procedures set forth in Rule 1.3(4)(f) and (h).
- (d) Upon submittal of a notice of intent or modification thereof, every applicant shall designate any information the applicant considers to be exempt from public disclosure. The Office shall post on its website within five (5) ~~d~~Days of receipt of such notice or modification all information in a notice of intent or modification except information that the applicant has designated as exempt from disclosure.
- (e) If the Office approves a notice of intent, the prospector shall continue to designate any information the prospector believes is exempt from public disclosure in any written submittals filed with the Office after the filing of the notice of intent including in annual and final reports. Such designations shall be subject to the same grounds for designation and procedures for resolution of designation disputes as apply to information in a notice of intent.
- (f) Any person may submit a written request to the Office asking that information in a notice of intent that a prospector has designated as confidential be disclosed. Such request must be filed with the Office within ten (10) ~~W~~working ~~D~~Days of the Office's posting of the notice of intent on its website. The Office shall treat such request as a deficiency issue that must be resolved prior to approval of the notice of intent. Such request shall set forth the specific information requested to be disclosed and the factual and legal basis for the person's assertion that such information is public. Upon receipt of such a request, the Office shall forward the request to the prospector within three (3) ~~W~~working ~~D~~Days of receipt of the request. If the prospector does not consent to disclosure of the information within seven (7)

4Days from receipt of the request, the Office shall keep the information confidential and inform the requesting person in writing within three (3) ~~w~~Working 4Days of the prospector's decision. Within seven (7) 4Days from the receipt of the prospector's decision, the requesting person may ask the Board to hold a hearing on whether the information should remain confidential. If the person requests a hearing, such hearing shall not be held any earlier than twenty (20) 4Days after the Office has given notice of the hearing to the prospector and the requesting person. Any response by the Office or the prospector to the request for disclosure shall be kept confidential and shall only be sent to the Board, Office and prospector, as applicable.

(g) If the Office believes that a prospector has not properly designated information as confidential, the Office shall inform the prospector of the Office's decision. The Office's decision shall be kept confidential. If the prospector does not consent to disclosure of the information within seven (7) 4Days from notice of the Office's decision, the Office shall keep the information confidential and may set the matter for hearing before the Board. The Board hearing shall not be held any earlier than twenty (20) 4Days after the Office has given notice of the hearing to the prospector.

(h) The Board shall hold any hearing set under Rule 1.3(4)(f) in executive session. No entity other than the Board shall be present in the executive session. The Board shall electronically record such executive sessions and maintain such recordings in accordance with the Open Meetings Law, Section 24-6-204, C.R.S.

(i) Prior to holding an executive session, the Board in its discretion may hear oral argument in open meeting from the applicant or prospector, the Office and the requesting person, if applicable. The Board may decide the matter on the written request alone or on the Office's written decision alone, whichever is applicable, or it may require the applicant or prospector, the requesting person (if applicable) and the Office to submit written briefs on whether the information should be kept confidential or should be publicly disclosed. Such written briefs shall only be submitted to the Board, which shall keep them confidential. Within thirty (30) 4Days of holding a hearing in executive session, the Board shall issue an order that grants or denies, in whole or in part, the request or that upholds or reverses in whole or in part the Office decision. The order shall keep confidential the information the Board has determined should remain confidential.

(ii) If the Board determines that certain information is public rather than confidential, the Board shall delay disclosure of such information until thirty (30) 4Days from the date of its written order. The Board's decision shall constitute final agency action for purposes of judicial review.

(5) Any dispute as to whether information is properly designated as exempt from public disclosure shall be considered a deficiency issue concerning the notice of intent to conduct prospecting. Accordingly, the Office shall not approve a notice of intent, and prospecting activities shall not be authorized to commence, until the designation issue has been resolved and the applicant has satisfied all other requirements applicable to a notice of intent.

- (6) Anyone who willfully and knowingly violates the provisions of confidentiality shall be punished as provided by law.

1.4 APPLICATION REVIEW AND CONSIDERATION PROCESS

1.4.1 Applications – General Provisions

- (1) Application forms, attachments, maps, and fees shall be submitted in accordance with the specific requirements for each permit type, except that Designated Mining Operations shall also submit an Environmental Protection Plan as outlined in Rule 6.4.21, and in addition, all In Situ Leach Mining Operations shall also submit Exhibits set forth in Rules 6.4.21 (unless exempt), 6.4.22, 6.4.23, 6.4.24, and 6.4.25.
- (2) All tests, analyses, surveys and maps shall be prepared by qualified persons.
- (3) All information submitted in an application must be accurate and complete, and acknowledged as such by the signature, or other certification as designated and approved by the Office, of an authorized agent on an application form provided by the Board.
- (4) Prior to Office consideration of the application, submit proof of all required notices either by submitting return receipts of a Certified Mailing, electronic proof of service, or by proof of personal service.
- (5) All application forms shall contain the following information:
- (a) the ~~physical~~ address, e-mail, and telephone number of the ~~general~~ business office and the local address or addresses, e-mail, and telephone number of the Operator/Applicant;
 - (b) the name, address, e-mail, and telephone number of the Owner of the surface of the affected land and the source of the Operator's/Applicant's legal right to enter and initiate a mining operation on the affected land;
 - (c) the name, address, e-mail, and telephone number of the Owner of the subsurface rights of the affected land and the source of the Operator's/Applicant's legal right to enter and initiate a mining operation on the affected land;
 - (d) a statement that the Operator/Applicant has applied for or will seek all necessary approvals from local government;
 - (e) a statement that the operations will be conducted in accordance with the terms and conditions listed in the application, as well as with the provisions of the Act and these Rules, as amended, in effect at the time the Permit is approved or amended; and

- (f) the Operator's/Applicant's signature or other certification as designated and approved by the Office.
- (6) In addition to submitting an appropriately completed Permit application form, the Operator/Applicant shall submit all applicable Exhibits specified in Rule 6 for the appropriate type of operation.
- (7) In the case of any complex Permit applications, technical revisions, serious unforeseen circumstances, or significant snow cover on the affected land that prevents a necessary on-site inspection, the decision date established by the Office may be extended up to sixty (60) ~~d~~Days beyond the usual maximum limit for an operation of that particular type and size. The Office shall notify the Applicant and any persons commenting on the application, of such findings and of the new decision date as soon as possible. Rule 1.4.1 (7) shall not apply to in situ leach mining applications.
- (8) The Office shall notify the Applicant of any deficiencies that prevent the application from being considered filed by the Office within ten (10) ~~W~~working ~~D~~days of receiving the application. An Applicant has sixty (60) ~~d~~Days from such notice to submit all the necessary documents that the Office needs for an application to be considered filed. If this date does not fall on a Working Day, then the date will be automatically set to the next Working Day. If, at the end of the sixty (60) ~~d~~Day period, the application has not been determined to be filed with the Office, the Office may deny the application and terminate the application file. If the Office denies and terminates the application file, the Office shall determine if the Applicant desires a return of the applications and shall provide the applications to the Applicant at no cost to the Office. Otherwise, the Office may dispose of all copies as appropriate. An Applicant may appeal such denial to the Board according to the provisions of Rule 1.4.11.
- (9) To allow the Applicant an opportunity to provide information necessary to meet the adequacy requirements of the Office, the Applicant may request that the Office's review time be extended and the Office's decision date reset, not to exceed three hundred and sixty-five (365) ~~365~~ days from the date the application was filed. If, at the end of the three hundred and sixty-five (365) ~~d~~Day period, the application has outstanding adequacy issues and there have been timely filed objections to the application, the Office may issue a rationale recommending approval or denial of the application and shall set the matter for a Board hearing. If there remain adequacy issues after three hundred and sixty-five (365) ~~d~~Days but no objections to the application have been timely submitted, the Office may issue the decision on the application or set the matter for a Board hearing. At the hearing the Board may at the request of the Applicant extend the review time and decision date, deny the application, or approve the application with or without conditions.
- (10) The Applicant has the burden of demonstrating that the application meets the minimum requirements of the Act, Rules, and Regulations.
- (11) The Applicant shall follow the appropriate Notice Procedures, according to permit type, as outlined in Rule 1.6.
- (12) A condition or limitation to approval of the application, unless acknowledged and consented by the Applicant in writing, shall be treated as a denial.

- (13) Failure of an Applicant to publish the notice pursuant to Rule 1.6.2(1)(d) shall add a sufficient number of days for the required public notice to be accomplished. An additional time period, as determined by the Office, may be added for the Office or Board to make a decision. Such time period shall not exceed thirty (30) ~~d~~Days for any non in situ leach mining 110 or 110d Limited Impact application, ninety (90) ~~d~~Days for any 112/112d/112 ISL or 110 ISL Reclamation Permit application without objections, or one hundred and twenty (120) ~~d~~Days for any 112/112d/112 ISL or 110 ISL Reclamation Permit application with objections.

1.4.2 Specific Application Requirements – 110(1), 110(2), 110 ISL and Non-In Situ Leach 110d Limited Impact Permit Applications, 110r Reclamation Only Permit Applications

- (1) All general application requirements outlined in Rule 1.4.1, shall be required for 110(1), 110(2), and 110d Limited Impact Operations; except that any application for a 110 in situ leach mining operation must be filed and shall be considered as a 112d-3 permit application pursuant to Section 34-32-112.5(3)(d), C.R.S. and Rule 1.4.4; however, if such in situ leach mining applicant is granted an exemption from designated mining operation status, the application shall be labeled a “110 ISL” operation, and the applicant need not comply with the designated mining operation requirements but must still comply with all in situ leach mining application requirements in Rule 1.4.4. The process for Office and Board consideration of 110 ISL shall follow those set forth in Rule 1.4.8, and the two hundred and forty (240) ~~d~~Day deadline for a decision shall apply.
- (2) An application will be considered filed for the purpose of calculating the thirty-~~day~~ (30) Day decision-making time period under Section 34-32-110(6), C.R.S., as amended, when the application file includes all of the following submittals:
- (a) the application fee; as determined under Section 34-32-127(2) C.R.S., as amended;
 - (b) one (1) original and one (1) copy, or an electronic submittal as designated and approved by the Office, of:
 - (i) the application form;
 - (ii) all information, attachments, maps, and exhibits, as listed and described in Rules 1.4.1 and 6.3;
 - (iii) an affidavit that notice signs were posted on-site pursuant to Rule 1.6.2(1)(b);
 - (iv) the appropriate information under Rules 6.5 and 7.3, if required by the Office for a non-designated operation pursuant to Rule 6.1.2;
 - (v) an environmental protection plan as described in Rule 6.4.21 if the operation is a designated mining operation; and

- (vi) proof of notice according to the provisions of Rule 1.6.2(1)(a).
- (3) Proof of the notices required pursuant to Rules 1.6.2(1)(d), (e), and (f) is not required in order for an application to be considered filed, but such proof must be submitted to the Office prior to the Office's decision to approve an application, pursuant to Rule 1.6.2(1)(g).
- (4) All general application requirements outlined in Rule 1.4.1 and Rule 1.4.2, shall be required for 110r Reclamation Only Permit applications.
 - (a) The following additional information shall be included for an application to be considered filed:
 - (i) Information sufficient to describe or identify the type of reclamation operation proposed, how the operator intends to conduct the reclamation operation, and the name and location of the mill or facility accepting the materials being excavated;
 - (ii) A statement that the operator has applied for or will seek all necessary local, state and federal governmental approvals;
 - (iii) A statement acknowledging the Operator's duty to comply with all applicable surface, groundwater quality, and/or radiation control requirements; and
 - (iv) A description of measures to be taken to reclaim any affected land consistent with the requirements of Section 34-32-116, C.R.S. and Rule 3.1.
 - (b) A 110r Reclamation-Only Permit shall not be issued for the following:
 - (i) The Office shall not issue a reclamation-only permit to an already existing permit nor shall a reclamation-only permit be converted into or from any other type of permit;
 - (ii) To an operation which anticipates exceeding three (3) years from the commencement of excavation to the completion of all reclamation work;
 - (iii) A reclamation permit shall not be issued for sites subject to Response Actions or required by CERCLA or under the control of CERCLA, or other agencies remedial actions; or
 - (iv) A reclamation permit shall not be issued for sites with draining adits and any other groundwater expressions.

1.4.3 Pre-Application Requirements – All In Situ Leach Mining Operations Regardless of Designated Mining Operation Status – Reclamation Permit Operations – Retention of Third Party Expert – Baseline Site Characterization and Plan for On-Going Monitoring

- (1) (a) All prospective applicants for any in situ leach mining operation, regardless of size or designated mining operation status, shall confer with the Office prior to conducting any baseline site characterization activities. At such conference, the prospective applicant shall submit for the Office's approval a plan for conducting the baseline site characterization and for on-going monitoring of the affected land and surface and groundwater and reclamation and financial warranty requirements. The plan shall include all of the activities the prospective applicant proposes to conduct for the baseline site characterization, the methods of conducting such activities, including the operating procedures and standards, the proposal for on-going monitoring of affected land and water, and applicable reclamation requirements pursuant to Rule 3. The prospective applicant shall not conduct any baseline site characterization activities until the Office approves of the plan for conducting such activities and a financial warranty is posted pursuant to Rule 4.
 - (b) Within five (5) ~~e~~Days of submittal of the baseline site characterization plan, the Office shall post notice of receipt of the plan on the Office website. Any public comment regarding the baseline site characterization and monitoring plan must be received by the Office no later than ten (10) ~~W~~working ~~D~~Days after the notice was posted on the Office website. Copies of the plan will be available at the Office for review.
 - (c) If a prospective applicant has conducted baseline site characterization activities prior to the effective date of this Rule and prior to obtaining the Office's approval of the plan for such activities, the Office may in its discretion allow the prospective applicant to use data from those activities as long as, at a minimum, the prospective applicant submits and the Office approves the method the prospective applicant used in conducting the activities and the prospective applicant submits and the Office approves the plan required in Rule 1.4.3(1)(a) above for future activities.
- (2) The Office may retain, and the prospective applicant shall pay the costs of, an independent third-party professional expert to oversee baseline site characterization, monitor field operations or review any portion of the information collected, developed, or submitted for the Baseline Site Characterization and Monitoring Plan to be included in a permit application as follows:
 - (a) The Office shall define the scope of work to be conducted by the expert;
 - (b) The expert shall submit and the Office shall review all invoices for payment;
 - (c) The Office shall approve invoices that are documented with, but not limited to, time sheets and receipts, and that reflect the reasonable costs of the expert. The Office may reject invoices that the Office believes are inaccurate, unreasonable or are not supported by sufficient and proper documentation. The Office shall summarize in writing its own costs for its review and oversight associated with the Baseline Site Characterization and Monitoring Plan;

- (d) The prospective applicant shall pay the reasonable costs incurred by the Office and the expert;
- (e) The prospective applicant may object to the selection of a specific expert only on the grounds that:
 - (i) The expert lacks the professional qualifications to accomplish the scope of work;
 - (ii) The expert has a conflict of interest with the prospective applicant or proposed project; or
 - (iii) The expert has a bias that could influence the objectivity of the work to be accomplished;
 - (iv) If the Board or Office concurs with the prospective applicant's objection to the expert, the Board or Office shall select a different expert.
- (f) If the prospective applicant fails to pay any costs the expert submits and the Office approves, or any costs the Office submits to the prospective applicant for its own costs, within 30 ~~d~~Days of notice that such costs are due, any application the prospective applicant submits shall not be considered filed and the deadlines for Office review shall not be triggered. If the prospective applicant pays the costs due, any application submitted may be considered filed if payment occurs within three (3) months of when the costs were due and if other requirements for an application being considered filed are met. If the prospective applicant pays the costs later than three (3) months of when they were due, the Office may determine that the application is filed, that the applicant must update the application or that the application is not filed for reasons other than failure to pay the costs of the Office and expert.

1.4.4 Specific Application Requirements – All In Situ Leach Mining Operations Regardless of Designated Mining Operation Status – Reclamation Permit Operations

- (1) All in situ leach mining operations are by law designated mining operations. For all applications for in situ leach mining operations including those filed under Section 34-32-110, C.R.S., the application requirements outlined in Rules 1.4.1 and 1.4.5 shall be required in addition to the requirements of this Rule 1.4.4; except that if such applicant is granted an exemption from designated mining operation status, the applicant need not comply with designated mining operation application requirements.
- (2) An application for an in situ leach mining operation will be considered filed for the purpose of calculating the decision-making time periods in Sections 34-32-115(1) and 115(2), C.R.S., as amended, when the application file includes all the required items specified in Rules 1.4.1, 1.4.5(1) and (2) and includes all of the following submittals:
 - (a) a description of In Situ Leach Mines as described in Rule 6.4.22;

- (b) a Baseline Site Characterization for the proposed permit area as described in Rule 6.4.23;
 - (c) a Monitoring Plan as described in Rule 6.4.24;
 - (d) a certification by the applicant regarding violations as required in Rule 6.4.25.
 - (e) proof of notice according to the provisions of Rule 1.6.2(1).
- (3) Proof of the notices required pursuant to Rules 1.6.2(1)(d), (e) and (f) is not required in order for an application to be considered filed, but such proof must be submitted to the Office prior to the Office's decision to approve an application pursuant to Rule 1.6.2(1)(g).

1.4.5 Specific Application Requirements – 112, 112d Reclamation Permit and 112 ISL Reclamation Permit Operations

- (1) All general application requirements outlined in Rule 1.4.1 shall be required for a 112 and 112d Reclamation Permit Application. For all 110 and 112 applications for in situ leach mining operations, the requirements of Rules 1.4.1, 1.4.4 and this Rule 1.4.5 shall be required; however, if an applicant for an in situ leach mining permit is granted an exemption from designated mining operation status, such applicant need only comply with in situ leach mining requirements and not designated mining operation requirements such as the environmental protection plan.
- (2) An application will be considered filed for the purpose of calculating the decision-making time periods under Sections 34-32-115(1) and 115(2), C.R.S., as amended, when the application file includes all of the following submittals:
- (a) the application fee, as determined under Section 34-32-127(2) C.R.S., as amended;
 - (b) one (1) original and one (1) copy, or an electronic submittal as designated and approved by the Office, of:
 - (i) the application form;
 - (ii) all information, attachments, maps, and exhibits, as listed and described in Rule 1.4.1 and Rule 6.4;
 - (iii) an affidavit that notice signs were posted on-site pursuant to Rule 1.6.2(1)(b);
 - (iv) the appropriate information under Rule 6.5 and Rule 7.3, if required by the Office for a non-designated operation pursuant to Rule 6.1.2;
 - (v) an environmental protection plan as described in Rule 6.4.21 if the operation is a designated mining operation; and

(vi) proof of notice according to the provisions of Rule 1.6.2(1)(a).

- (3) Proof of the notices required pursuant to Rules 1.6.2(1)(d), (e), and (f) is not required in order for an application to be considered filed, but such proof must be submitted to the Office prior to the Office's decision to approve an application, pursuant to Rule 1.6.2(1)(g).

1.4.6 Office Consideration – 110(1), 110(2), 110 ISL and 110d Limited Impact Operation Permit Applications, 110r Reclamation-Only Permit Applications

- (1) Except as to 110 ISL applications, the Office shall approve or deny a 110(1), 110(2), or 110d Limited Impact application within thirty (30) ~~e~~Days of the date the application is considered filed. Applications for 110 ISL mining operations shall be approved or denied within two hundred and forty (240) ~~e~~Days from the date the application is considered filed. For any 110 application, if this date does not fall on a Working Day, then the date for consideration by the Office will be automatically set to the next Working Day. The date set for consideration by the Office for any 110 application may be extended pursuant to provisions of Rule 1.8 (unless the submitted materials satisfy Rule 1.8.1(4)) or of Rules 1.4.1(7), (9), or (13). Except as to 110 ISL applications, the time for consideration shall not be extended beyond thirty (30) ~~e~~Days after the last such change submitted under Rule 1.8 unless requested by the Applicant. For 110 ISL applications, the time for consideration shall not be extended beyond one hundred and twenty (120) ~~e~~Days unless requested by the Applicant.
- (2) In the event that an objection to a 110(1), 110(2), or 110d Limited Impact permit application, submitted in the form of a protest or petition for a hearing, is received by the Office pursuant to the provisions of Rule 1.7, the Office shall proceed to issue its decision by the date set for consideration in Rules 1.4.6(1), 1.4.1(9), 1.4.1(13) or 1.8. However, the Office may set the matter for a hearing before the Board, pursuant to the provisions of Rule 1.4.11. As to 110 ISL applications, if an objection is filed, the Office shall set the matter for hearing before the Board, in which case the Office shall make a recommended decision on the application.
- (3) Unless exempted from designated mining operation status, an application for an in situ leach mining operation must be filed under Rule 1.4.8. If an exemption has been granted, the 110 ISL application shall comply with 112 permit application and procedures and comply with in situ leach mining requirements including filing the exhibits required under Rules 6.22, 6.23, 6.24 and 6.25. In addition, the two hundred and forty (240) ~~e~~Days for a decision on an in situ leach mining application shall apply.

1.4.7 Reserved

1.4.8 Office Consideration – 112, 112 ISL or 112d Reclamation Permit Application with No Objections

- (1) When a 112, 112 ISL or 112d Reclamation Permit application has been filed, and there are no protests or petitions for a hearing on the application submitted by a party pursuant to Rule 1.7, the Office shall issue the decision to approve or deny the application, as provided for in Section 34-32-115 C.R.S., no more than ninety (90) ~~e~~Days after a 112 or a non in situ leach 112d application is filed with the Office or two hundred and forty (240) ~~e~~Days after

an in situ leach 112d or a 112 ISL application is filed. If this date does not fall on a Working Day, then the date for consideration by the Office will be automatically set to the next Working Day. The Office shall not set a new date unless the date for consideration has been extended pursuant to Rules 1.4.1(7), (9), or (13).

- (2) The date set for a decision on the application may be extended, pursuant to Rule 1.8 (unless the submitted materials satisfy Rule 1.8.1(4)). Such date shall not be extended beyond ninety (90) ~~e~~D~~a~~y~~s~~ after the last revision to the application.

1.4.9 Office Consideration – 112, 112 ISL or 112d Reclamation Permit Application to which an Objection Has Been Received

- (1)
 - (a) If a timely and sufficient objection or petition for a hearing on a 112 or a non in situ leach 112d Reclamation Permit Application is received by the Office from a party pursuant to Rule 1.7, the Office shall set a date for consideration of the application in conformity with the provisions of this Rule. Such date shall be no more than ninety (90) ~~e~~D~~a~~y~~s~~ after the application is filed with the Office. If this date does not fall on a Working Day, then the date for consideration by the Office will be automatically set to the next Working Day. The date for consideration may be extended pursuant to Rules 1.4.1(7), (9), or (13), or 1.8 (unless any submitted materials satisfy Rule 1.8.1(4)). Instead of a decision, the Office will issue a recommendation to the Board by the date set for Office consideration.
 - (b) If a timely and sufficient objection or petition for a hearing on a 112 ISL or a 112d in situ leach mining operation application is received by the Office from a party pursuant to Rule 1.7, the Office shall set a date for consideration of the application in conformity with this Rule. Such date shall be no more than one hundred and eighty (180) ~~e~~D~~a~~y~~s~~ after the application is filed with the Office. However, if the Office determines an extension is necessary for its consideration, the Office may extend such date by thirty (30) ~~e~~D~~a~~y~~s~~ for a maximum time for consideration of two hundred and ten (210) ~~e~~D~~a~~y~~s~~. If this date does not fall on a Working Day, then the date for consideration by the Office will be automatically set to the next Working Day. In addition, the date for consideration may be extended pursuant to Rules 1.4.1(9) or (13), or Rule 1.8. Instead of a decision, the Office may issue a recommendation to the Board by the date set for Office consideration.
- (2) In addition, the Office shall:
 - (a) schedule the permit application for a hearing before the Board;
 - (b) provide all parties notice of the Pre-hearing Conference and of the Board hearing related to consideration of the application. Unless notice is waived in writing by all Parties, the Office shall provide all ~~p~~Parties at least thirty (30) ~~e~~D~~a~~y~~s~~ written notice of the Formal Board Hearing date; and;
 - (c) on or before the date set for Office consideration of the application, issue a recommendation to the Board for approval, approval with conditions, or denial of the application. Such recommendation shall identify the issues raised by the Office

or by the petitions for a hearing filed with the Office. The Office's recommendation and rationale for approval or denial shall be sent to the Applicant and to all objectors of record at least three (3) Working Days prior to the ~~p~~Pre-hearing ~~e~~Conference. Upon request, the Office will also send by electronic mail its recommendation and rationale to a party, or a party may pick up a copy at the Office. Copies of the Office's recommendation and rationale will be available at the ~~p~~Pre-hearing ~~e~~Conference.

- (3) Where a non in situ leach mining 112 or non in situ leach mining 112d Reclamation Permit Application is set for a hearing, the Board shall make a final decision on the application within one hundred and twenty (120) ~~e~~Days after the date the application was filed, unless the date set for consideration has been extended pursuant to Rules 1.4.1(7), (9), (13), or 1.8, or Section 34-32-115(2), C.R.S. Where any in situ leach mining Reclamation Permit Application (110,110 ISL, 112, or 112 ISL) is set for hearing, the Board shall make a final decision on the application within two hundred and forty (240) ~~e~~Days after the date the application was filed, unless the date set for consideration has been extended pursuant to Rules 1.4.1 (9) or (13), 1.8, or Section 34-32-115(2), C.R.S.
- (4) The decision rendered by the Board shall be considered final agency action for the purposes of the judicial review provisions of Section 24-4-106, C.R.S.

1.4.10 Office and Board Consideration of Applications for Reclamation Permits for any In Situ Leach Mining Operations Regardless of Designated Mining Operation Status

- (1) The Board or Office may deny a permit application for any in situ leach mining operation (112d which includes 110d, 112 ISL or 110 ISL) regardless of the proposed operation's status as a designated mining operation:
 - (a) based on scientific or technical uncertainty about the feasibility of reclamation;
 - (b) if the existing or reasonably foreseeable potential future uses for potentially affected groundwater, whether classified or unclassified pursuant to Section 25-8-203, C.R.S., includes domestic or agricultural uses, and the Board or Office determines the in situ leach mining will adversely affect the suitability of the groundwater for such uses;
 - (c) if the applicant or an affiliate, officer or director of the applicant, the operator or the claim holder has demonstrated a pattern of willful violations of environmental protection requirements of this article, rules promulgated pursuant to this article, a permit issued pursuant to the article, or an analogous law, rule, or permit issued by another state or the United States as disclosed in the application; or
 - (d) if the applicant or any affiliate, officer or director of the applicant has in the ten (10) years prior to the submission of the application violated the environmental protection requirements of this article, rules promulgated pursuant to this article, a permit issued pursuant to the article, or an analogous law, rule, or permit issued by another state or the United States as disclosed in the application; however,

- (i) the Board or Office may issue the permit if the applicant submits proof any said violation has been corrected; or
 - (ii) the Board or Office may conditionally issue the permit if the violation is in the process of being corrected to the satisfaction of the Board or Office or if the applicant has filed or is presently pursuing a direct administrative or judicial appeal to contest the validity of the alleged violation. An appeal of an applicant's relationship to an affiliate shall not qualify as an appeal to contest the alleged violation. Further, if the violation is not successfully abated or if the violation is upheld on appeal, the Board or Office shall revoke the conditionally issued permit.
- (2) The Board or Office shall deny a permit application for an in situ leach mining operation:
- (a) if the applicant fails to demonstrate that reclamation can and will be accomplished in compliance with article 32 of title 34, C.R.S., including the protection of groundwater and other environmental resources and human health; or
 - (b) if the applicant fails to demonstrate by substantial evidence that it will reclaim all affected groundwater for all water quality parameters that are specifically identified in the baseline site characterization required in Rule 1.4.4, or in the statewide radioactive materials standards or tables 1 through 4 of the Basic Standards for Groundwater as established by the Colorado Water Quality Control Commission, to either of the following:
 - (i) pre-mining baseline water quality or better, as established by the baseline site characterization required by Rule 1.4.4; or
 - (ii) that quality which meets the statewide radioactive materials standards and the most stringent criteria set forth in tables 1 through 4 of the basic standards for groundwater as established by the Colorado Water Quality Control Commission.

1.4.11 Administrative Appeal – of an Office Decision

- (1) Any person who demonstrates that they are directly and adversely affected or aggrieved by an action of the Office, including a decision to grant or deny a permit application, other than an application considered under the provisions of Rule 1.4.9 or a cost estimate determination for oil shale or in situ leach mining applications under the provisions of Rule 1.4.11(3), and whose interest is entitled to legal protection under the Act may petition for a hearing before the Board on such action within:
- (a) sixty (60) ~~d~~Days of the date of the Office decision if the Office decision was a denial, without a hearing, of an application for a permit or a Notice of Intent; or 24-4-104(9)
 - (b) thirty (30) ~~d~~Days for an appeal of any other Office decision.

- (c) Such hearings before the Board shall comply with this Rule and Section 24-4-105, C.R.S.
 - (d) Such petitions for a hearing shall state how the petitioner is directly and adversely affected or aggrieved by the Office's decision, and how the petitioner's interests are entitled to protection under the Act. The petitioner shall list and explain any issue the petitioner believes should be considered by the Board at the hearing on the matter. The petition for a hearing shall specify the application or file number assigned by the Office.
- (2) If no petition decision is made by the Board within sixty (60) eDays of the date the petition is submitted, the petition will be deemed denied. Such denial shall be considered final agency action for the purposes of the judicial review provisions of Section 24-4-106, C.R.S.
 - (3) A permit applicant for an oil shale or any in situ leach mining operation may appeal to the Board the Office's cost estimate to review such an application done pursuant to Rule 1.5.2(1) by filing a petition for a hearing before the Board within ten (10) eDays from the date the Office mailed the cost estimate to the applicant. The petition for hearing shall set forth the list of issues the applicant believes should be considered by the Board and the specific factual and legal basis for the appeal. The petition for a hearing shall specify the application or file number assigned by the Office. The hearing shall not be held any sooner than twenty (20) eDays after notice is given to the permit applicant. The Office and applicant may consult on the cost estimate issue between the time the Office mails the notice to the applicant and the time in which the applicant must file an appeal with the Board.
 - (4) The Office shall give notice of any Formal Board Hearing to consider an appeal according to the provisions of Rule 1.6.1(4).
 - (5) The Office may determine whether to hold a pre-hearing conference dependent upon the number of parties to the Formal Board Hearing and/or complexity of the issues, or the Board may so direct the Office as the Board sees fit.

1.4.12 Appeal of 112 and 112d (including in situ leach mining reclamation permits,) 112 ISL or 110 ISL Reclamation Permit Application Denial

If the Office issues a decision to deny an application for a 112, 112d (including in situ leach mining), 112 ISL or 110 ISL Reclamation Permit, it shall schedule the application for a hearing before the Board unless the Applicant decides to withdraw the application. Such hearing shall be scheduled prior to the deadline for a final decision on the application pursuant to Section 34-32-115(2), C.R.S., and Rules 1.4.8(2), 1.4.9(1), or 1.4.9 (3) above, and shall be conducted in conformance with the provisions of Section 24-4-105, C.R.S.

- (a) Within ten (10) eDays of receipt of the letter of denial, the Applicant shall file a statement of issues to be considered by the Board at the hearing. The statement shall include an explanation of the grounds for seeking a reversal of the Office's decision.

- (b) If there are no other parties to the proceedings on the application the Applicant may waive the statutory deadline for a final decision. In that event, the Applicant shall file the statement of issues to be considered by the Board at the hearing within sixty (60) ~~e~~Days of the receipt of the letter of denial.

1.4.13 Automatic Application Approval

- (1) If the Office or the Board fail to make a decision on a permit application by the deadlines set forth in Rules 1.4.6, 1.4.8, and 1.4.9, or as extended by Rule 1.8, the application shall be deemed approved and the permit shall be granted upon submittal by the Applicant and approval by the Office of the appropriate performance and financial warranties.
- (2) Where an Applicant has waived its right, in writing, to a decision by the deadlines set forth in statute or by these Rules, the automatic approval provisions of Rule 1.4.13(1) shall not apply.

1.5 FEES

1.5.1 General Provisions – Application Fees for Designated Mining Operations

On and after July 1, 1994, a fee shall be paid by the Applicant of a permit for a designated mining operation at the time an Environmental Protection Plan is submitted for review and approval to the Office.

The fee shall be applied to both existing and new Designated Mining Operations and shall reimburse the Office for the estimated cost to the Office for processing certification and administrative review of such permit applications. The fees shall be as follows, based upon the level of effort: for Environmental Protection Plans filed before July 1, 2007, not less than eight hundred and seventy-five dollars (\$875) and not more than nine thousand dollars (\$9,000) pursuant to Section 34-32-127(2)(a)(I)(M), C.R.S. For Environmental Protection Plans filed on or after July 1, 2007, the fee shall not be less than one thousand dollars (\$1,000) and not more than ten thousand three hundred and fifty dollars (\$10,350).

1.5.2 Fees for In Situ Leach Mining Operations and Oil Shale Mining Operations

- (1) For applications for in situ leach mining operations or oil shale mining operations the fees shall be as follows except as provided in Rule 1.5.2 (2):
 - (a) for applications for new permit operations – the fee shall be that listed in Rule 1.5.5(8);
 - (b) for applications for an amendment to a permit shall be that listed in Rule 1.5.6(4);
 - (c) for applications for revisions to permits other than amendments, the fee shall be that listed in Rule 1.5.7(4).
- (2) (a) If the costs to review applications for new permit operations, amendments

to permits or revisions for permits exceed twice the fee for such application, the applicant shall pay the additional costs. The costs shall include those of the Office, another division of the department involved in the review, and any consultant or other nongovernmental agents that have specific expertise on the issue in question. The Office shall inform the applicant that the cost of review may exceed twice the amount of the listed fee and shall provide the applicant with an estimate of the actual costs within ten (10) eDdays after the Office's receipt of the application. The applicant may appeal the estimate to the Board pursuant to Rule 1.4.11(3). In addition, the Office and applicant may consult on the cost estimate issue between the time the Office mails the notice to the applicant and the time in which the applicant must file an appeal with the Board.

- (b) Any consultant or other non-governmental agent the Office uses pursuant to Rule 1.5.2(2)(a) shall not have any financial or business interest in the permit application, any current or previous direct involvement in the proposed mining operation, or have worked for the applicant or any objecting party as an employee or independent contractor on any major project for at least one (1) year prior to the filing of the application. In addition, the consultant or agent must avoid future conflicts with the Office including not working for any party to the permit application proceedings for at least one (1) year after the consultant or agent completes the work for the Office. Notwithstanding the above, the Office may use a consultant or agent if all parties to a permit application waive any conflict of interest.

1.5.3 Fees for Existing Designated Mining Operations – Technical Revisions

- (1) Designated Mining Operations which qualify for permits under Section 34-32-110, C.R.S. 1984, as amended, which shall be referred to as "110d" permits - \$1,006;
- (2) Designated Mining Operations which qualify for permits under Section 34-32-112, C.R.S. 1984, as amended, but which affect less than fifty (50) acres and extract less than one (1) million tons per year, which shall be referred to as "112d-1" permits - \$1,006;
- (3) Designated Mining Operations which qualify for permits under Section 34-32-112, C.R.S. 1984, as amended, which do not qualify as 112d-1 permits, but which affect less than one hundred (100) acres and extract less than five (5) million tons per year, which shall be referred to as "112d-2" permits - \$1,006; and
- (4) any other Designated Mining Operation which shall be referred to as "112d-3" permits - \$1,006.

1.5.4 Fees for Existing Designated Mining Operations – Permit Amendments

- (1) Designated Mining Operations which qualify for permits under Section 34-32-110, C.R.S. 1984, as amended, which shall be referred to as "110d" permits - \$1,750;
- (2) Designated Mining Operations which qualify for permits under Section 34-32-112, C.R.S. 1984, as amended, but which affect less than fifty (50) acres and extract less than one (1) million tons per year, which shall be referred to as "112d-1" permits - \$2,300;

- (3) Designated Mining Operations which qualify for permits under Section 34-32-112, C.R.S. 1984, as amended, which do not qualify as 112d-1 permits, but which affect less than one hundred (100) acres and extract less than five (5) million tons per year, which shall be referred to as "112d-2" permits - \$4,025; and
- (4) any other Designated Mining Operation which shall be referred to as "112d-3" permits - \$7,475.

1.5.5 Fees for New Designated Mining Operations

For purposes of these Rules, "new operations" are defined as operations that submit(ted) applications for permits after July 1, 1994.

- (1) Designated Mining Operations which qualify for permits under Section 34-32-110, C.R.S. 1984, as amended, which shall be referred to as "110d" permits - \$2,875;
- (2) Designated Mining Operations which qualify for permits under Section 34-32-112, C.R.S. 1984, as amended, but which affect less than fifty (50) acres and extract less than one (1) million tons per year, which shall be referred to as "112d-1" permits - \$4,025;
- (3) Designated Mining Operations which qualify for permits under Section 34-32-112, C.R.S. 1984 as amended, which do not qualify as 112d-1 permits, but which affect less than one hundred (100) acres and extract less than five (5) million tons per year, which shall be referred to as "112d-2" permits - \$6,900; and
- (4) any other Designated Mining Operation which shall be referred to as "112d-3" permits - \$9,200.

1.5.6 Fees for New Designated Mining Operations – Technical Revisions

- (1) Designated Mining Operations which qualify for permits under Section 34-32-110, C.R.S. 1984, as amended, which shall be referred to as "110d" permits - \$1,006;
- (2) Designated Mining Operations which qualify for permits under Section 34-32-112, C.R.S. 1984, as amended, but which affect less than fifty (50) acres and extract less than one (1) million tons per year, which shall be referred to as "112d-1" permits - \$1,006;
- (3) Designated Mining Operations which qualify for permits under Section 34-32-112, C.R.S. 1984, as amended, which do not qualify as 112d-1 permits, but which affect less than one hundred (100) acres and extract less than five (5) million tons per year, which shall be referred to as "112d-2" permits - \$1,006; and
- (4) any other Designated Mining Operation which shall be referred to as "112d-3" permits - \$1,006.

1.5.7 Fees for New Designated Mining Operations – Permit Amendments

- (1) Designated Mining Operations which qualify for permits under Section 34-32-110, C.R.S. 1984, as amended, which shall be referred to as "110d" permits - \$2,300;
- (2) Designated Mining Operations which qualify for permits under Section 34-32-112, C.R.S. 1984, as amended, but which affect less than fifty (50) acres and extract less than one (1) million tons per year, which shall be referred to as "112d-1" permits - \$2,875;
- (3) Designated Mining Operations which qualify for permits under Section 34-32-112, C.R.S. 1984, as amended, which do not qualify as 112d-1 permits, but which affect less than one hundred (100) acres and extract less than five (5) million tons per year, which shall be referred to as "112d-2" permits - \$4,600; and
- (4) any other Designated Mining Operation which shall be referred to as "112d-3" permits - \$8,050.
- (5) Fees for all other applications for new Permits or Modifications to existing Permits are as specified in Section 34-32-127, C.R.S. 1984, as amended.

1.5.8 Annual Fees

Each year, on the anniversary date of the permit, the Permittee shall submit the appropriate annual fee specified in Section 34-32-127(2)(a)(IV), C.R.S.

1.6 PUBLIC NOTICE PROCEDURES

1.6.1 Office/Board Procedures – Permit Application Decision Dates

- (1) The Office shall give such notice of the decision date for applications for all types of mining operations, including applications for:
 - (a) 110 and Non-in situ leach mining 110d Limited Impact Operations and 110r Reclamation-Only Operations;
 - (b) 112 and 112d Reclamation Operations;
 - (c) 110 ISL and 112 ISL Mining Operations.
- (2) The Office shall give notice, as required by Rule 1.6 and the following specific provisions, of the decision date of the application to:
 - (a) the Applicant;
 - (b) the county(s) in which the proposed mining operation is to be located;
 - (c) any municipality within two (2) miles of the proposed mining operation; ~~and~~
 - (d) the Colorado State Board of Land Commissioners (State Land Board); and

- (de) the public, by newspaper release, ~~and~~ by electronic submittal on the Office website as designated and approved by the office, and posting as prescribed in Rule 2.2.1(a)(iii).
- (3) The Office shall send written and/or electronic notice of the date, time and place of any Pre-hearing Conference to:
 - (a) the Applicant;
 - (b) all persons ~~that who~~ submitted timely statements in support of or objections to the application and a basis for party status; and
 - (c) the Board of County Commissioners and the applicable Conservation District.
- (4) The Office shall provide notice of the date, time, and place of any application hearing by the Board, by:
 - (a) sending written and/or electronic notice to the Applicant, any person previously filing a protest or petition for a hearing or statement in support of the application, and the local Board of County Commissioners;
 - (b) publishing notice in a newspaper of general circulation in the locality of the proposed mining operation once a week for two (2) consecutive weeks immediately prior to the hearing; and
 - (c) mailing list, newspaper release, the Office website, and posting as prescribed in Rule 2.2.1(a)(iii).

1.6.2 General Applicant Procedures

- (1) The Applicant shall:
 - (a) Prior to submitting the application to the Office, send a notice, on a form approved by the Board, to the local Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the Conservation District.
 - (i) The Applicant shall include proof of such notice with the application at the time the application is submitted to the Office.
 - (ii) Proof of notice shall be in the form of a return receipt of a ~~e~~Certified ~~m~~Mailing, e-receipt, or a date-stamped copy of the notice acknowledging receipt by the appropriate local Board.
 - (b) Prior to submitting the application to the Office ~~for a 110, 112, 112d, 110 ISL or 112 ISL Reclamation Permit~~, post notices (signs) at the location of the proposed mine site, as required by the Office, of sufficient number along publicly accessible areas and a minimum size of eleven (11) inches wide by seventeen (17) inches

high, with appropriate font size, to clearly identify the site as the location of a proposed mining operation. ~~giving name, address, and phone number of the Applicant, and stating that (name of Applicant) has applied for a mining permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the County Clerk's or Recorder's office or on the Office Website and should submit comments prior to the end of the public comment period to the Colorado Mined Land Reclamation Office, at the address given on the cover of these Rules and Regulations or by electronic submittal as designated and approved by the Office. For any class of 110 or 110d Limited Impact operation other than a 110 ISL operation the Applicant need only post notice (sign) at the location of the proposed access to the site. After having posted such notices (sign), failure by an Applicant to maintain such notices shall not constitute just cause to deny approval of the application. At the time the application is filed with the Office, the Applicant shall provide a signed affidavit that such notices (signs) were posted according to the provisions of this Rule.~~ Notices shall contain:

- ~~(i) name, address, e-mail, and phone number of Applicant;~~
 - ~~(ii) a statement that the Applicant has applied for a mining permit with the Colorado Mined Land Reclamation Board;~~
 - ~~(iii) location where additional information on the operation may be obtained, including the Office Website; and~~
 - ~~(iv) location, including the Office Website link, for submitting statements of support or objections with the Office.~~
- (c) Prior to submitting the application to the Office and/or prior to submitting amendments to the application, place for public review a copy of the application and amendments, without confidential items, with the Clerk or Recorder of the county or counties in which the affected land is located, and provide proof as required by Rule 6.3.9 for 110 and non-in situ leach mining 110d Limited Impact Operations and Rule 6.4.18 for 112, 112d, 110 ISL or 112 ISL Reclamation Operations.
- (d) Within ten (10) ~~e~~Days after the Office notifies the Applicant that the application is considered filed, publish a public notice in a newspaper of general circulation in the locality of the proposed mining operation containing:
- (i) name, ~~and~~ address, e-mail, and phone number of Applicant;
 - (ii) location of the proposed mining operation by section, township and range and street address where applicable;
 - (iii) proposed dates of commencement and completion of the operation;
 - (iv) proposed future use of affected land;
 - (v) location where additional information on the operation may be obtained, including the Office Website; and

- (vi) location, including the Office Website link, and final date for submitting statements, ~~including the Office Website link~~, of support or objections with the Office.
- (e) The Applicant shall mail or personally serve a copy of the notice provided for in Rule 1.6.2(1)(d) immediately after the first publication to:
 - (i) all Owners of Record of the surface and mineral rights of the affected land;
 - (ii) the Owners of Record of all land surface within 200 feet of the boundary of the affected lands, and;
 - (iii) if the proposed operation is any in situ leach mining operation, the Owners of Record of all land surface within three (3) miles of the boundary of the affected land.
- (f) As soon as designated by the Office, mail a copy of the notice provided for in Rule 1.6.2(1)(d) to any other Owners of ~~R~~Record who might be affected by the proposed mining operation. The Office shall designate such owners, if any, during its adequacy review process.
- (g) Proof of Notice may be by submitting return receipts of a ~~e~~Certified ~~m~~Mailing or by proof of personal service. An application will be considered filed by the Office when the Applicant supplies the proper application fee, a signed affidavit that all notices as provided for in Rule 1.6.2(1)(b) have been posted, and the application meets the applicable requirements of Rules 1.4.1, 1.4.2, or 1.4.5. Prior to Office consideration of the application, proof of notice provided for in ~~Rules~~ 1.6.2(1)(d), (e), and (f) must be received by the Office.
- (2) The copy of the permit application, adequacy responses of the applicant, ~~application revisions~~, and any permit amendment applications placed at the office of the County Clerk or Recorder shall not be recorded, but shall be retained until final agency action, as defined at C.R.S. 24-4-105(14), on said application has occurred and be available for inspection during such period. At the end of such period, such application may be reclaimed by the Applicant or destroyed. Applicants should contact the Office prior to removal of the copy of the application materials placed with the office of the County Clerk or Recorder in order to ensure compliance with C.R.S. 24-4-105(14). The copy of the permit application, adequacy responses of the applicant, application revisions, and any permit amendment applications on file with the Office Website constitute the official public file and shall remain accessible to the public.

1.6.3 Specific Provisions – 110 and Non-In Situ Leach Mining 110d Limited Impact Permit Applications and Conversions of Two Acre Limited Impact Permits

- (1) The following Notice Rules and the notice requirements of Rule 1.6.2 also apply to applications for:

- (a) new 110 and Non-In Situ Leach Mining 110d Limited Impact Permit Applications;
or
 - (b) conversions of Two Acre Limited Impact Permits to 110 and Non-In Situ Leach Mining 110d Limited Impact Permits.
- (2) The Office shall give written notice, by mailing or e-notify, of the decision date for the application.
 - (3) The Public Notice, as required in Rule 1.6.2(1)(d), shall be published once.
 - (4) This Rule is not applicable to permit applications under Section 34-32-110 that are for in situ leach mining operations. Applications for in situ leach mining operations shall follow the notice requirements for 112d-3 permit applications in Rule 1.6.5. If such application is granted an exemption from designated mining operation status, the applicant must still comply with all in situ leach mining application requirements and shall follow the procedures for 112 permits.

1.6.4 Reserved

1.6.5 Specific Provisions – 112, 112d, 110 ISL and 112 ISL Reclamation Permit Applications

- (1) The Public Notice, as required in Rule 1.6.2(1)(d) shall be published four (4) times, once a week for four (4) consecutive weeks.
- (2) Within ten (10) ~~w~~Working ~~d~~Days after the last publication or as soon thereafter as proof has been obtained, the Applicant shall mail proof of the publication required by Rule 1.6.2(1)(d), to the Office. Proof of publication may consist of either a copy of the last newspaper publication, to include the date published, or a certified or notarized statement from the paper. An application may not be approved until such proof has been obtained.

1.6.6 Conditions that Require New Notice to the Public

If a notice is in error or a change to the application is so substantial, as determined by the Office, that it affects any of the terms contained in the notice that was published in the newspaper or mailed to the owners of the affected and adjacent lands, or the change is an amendment to the application, the Applicant shall be required to publish and mail a new notice of the application. In the event that the Applicant is required to issue a new notice, all applicable deadlines shall begin to run anew.

1.7 SUBMISSION OF COMMENTS AND PETITIONS FOR A HEARING

1.7.1 General Provisions

- (1) Any person has the right to submit written statements supporting or objecting to any application for a permit, or for an amendment or revision of a previously granted permit. For a person to become a party, the person must meet the definition of a party as provided

in these regulations. Any party may petition for a hearing on any application for a permit, or for an amendment or technical revision to a previously granted permit.

- (2) In order for statements supporting or objecting to an application, petitions for a hearing, and/or submissions to become a party to be considered timely, the following deadlines shall apply:
 - (a) In the case of a 112, 112d, 110 ISL or 112 ISL Reclamation Permit Application, such written comments, protests, and petitions for a hearing must be received by the Office not more than twenty (20) eCalendar eDays after the last date for the newspaper publication of notice of the application provided for in Rules 1.6.2(1)(d) and 1.6.5(1). Written comments, protests and/or petitions must contain the name, mailing address, e-mail, and telephone number of the interested parties. The Office shall set the matter for a hearing before the Board upon timely receipt of a written objection, protest, or petition for a hearing under this Rule.
 - (b) Except for 110 in situ leach mining permit applications, which must follow the application process for 112d permit applications or if exempt from designated mining operation status, 112 permit applications, written comments, protests or petitions for a hearing as to a 110 or non-in situ leach mining 110d Limited Impact Permit application must be received by the Office not more than ten (10) eDays after the last date for newspaper publication of notice of the application provided for in Rules 1.6.2(1)(d) and 1.6.3(3). The written comment, protest and/or petition must contain the name, mailing address, e-mail, and telephone number of the interested parties. The Office may set the matter for a hearing before the Board upon timely receipt of a written petition for a hearing under this Rule, but in any case shall approve or deny the permit application within thirty (30) eDays of the date the Office considers the application filed according to the provisions of Rules 1.4.1 or 1.8. If the Office does not set the matter for a hearing, any person who demonstrates that they are directly and adversely affected or aggrieved by the Office's decision to grant or deny the 110 or non-in situ leach mining 110d Limited Impact Permit application and whose interests are entitled to legal protection under the Act may appeal the Office's decision pursuant to Rule 1.4.11.
- (3) If the Office receives any written objections to an application pursuant to the Rule 1.7.1(2), the Office shall provide a copy of the objection to the Applicant within ten (10) eDays of receipt.

1.7.2 Specific Provisions – 110 Limited Impact and Non In Situ Leach Mining 110d Limited Impact Designated Mining Operations Applications

- (1) Except for 110 in situ leach mining operation permit applications, which shall follow the procedures for 112d permit applications or if exempt from designated mining operation status, the procedures for 112 permit applications, comments shall be submitted in accordance with Rule 1.7.1.
- (2) To be considered, such statements must be received by the Office within ten (10) eDays after the last date of the Applicant's newspaper publication.

1.7.3 Reserved

1.7.4 Specific Provisions – 112, 112d, 110 ISL and 112 ISL Reclamation Permit Applications

- (1) Comments shall be submitted in accordance with Rules 1.7.1 and 1.7.4.
- (2) In the event the Office receives an objection within twenty (20) ~~e~~Calendar ~~d~~Days of the last day of publication and in accordance with this Rule 1.7, it shall set the permit application for a hearing before the Board, according to the provisions of Rule 2.

1.8 AMENDMENTS ~~AND TECHNICAL REVISIONS~~ TO A PERMIT APPLICATION

1.8.1 General Provisions – 110 and 110d Limited Impact or 112 and 112d or 110 ISL and 112 ISL Reclamation Permit Applications

- (1) An Applicant may amend, ~~or make technical revisions to,~~ an application for a permit under consideration by the Office by filing a copy of such amendment ~~or technical revision~~ with the Office and placing a copy with the County Clerk and Recorder.
- (2) Within five (5) ~~w~~Working ~~d~~Days of placement with the County Clerk or Recorder, the Applicant shall provide the Office with an affidavit or receipt demonstrating that the amendment ~~or technical revision~~ was placed with the County Clerk and Recorder not later than the close of business on the day the amendment ~~or technical revision~~ was filed with the Office.
- (3) Any amendment ~~or technical revision~~ to an application shall constitute a new filing for the sole purposes of determining the date for the consideration of the application by the Office, and for the deadline for a final decision on the application. The provisions of Rules 1.6.6 and 1.10 shall apply to submitted amendments and as determined by the Office, be accompanied by a basic fee as specified in Section 34-32-127, C.R.S. 1984, as amended. ~~The provisions of Rules 1.8.2 shall apply to technical revisions for 110 and non in situ leach mining 110d Limited Impact, and the provisions of Rule 1.8.4 shall apply to technical revisions for all in situ leach mining applications (regardless of designated mining operation status), 112 and 112d Reclamation Permit applications.~~
- (4) If the Office determines that additional information is submitted by the Applicant for the purpose of detailing, clarifying or explaining any part of the application, whether at the request of the Office or otherwise, then such additional information shall not constitute a change or an addition resulting in an amendment ~~or technical revision to the application.~~
- (5) If the Applicant notifies the Office of a proposed change in post-mining land use or a change in the proposed mining plan or reclamation plan, the Office shall decide whether such change ~~is significant enough to require the submittal of an amendment. in post-mining land use requires a change in the Reclamation Plan and whether such change shall require a Technical Revision or Permit Amendment. A significant change to the proposed mining or reclamation plan as determined by the Office, a change to the proposed post-mining land~~

use, and/or an increase in the proposed permit acreage requires the submittal of an amendment to the application.

- (6) Within five (5) ~~w~~Working ~~d~~Days of the filing of an amendment ~~or technical revision~~ to an application, the Office shall set a new date for the consideration of the application. The new date shall be set pursuant to Rule 1.6.6, ~~1.8.2 or 1.8.4, as applicable.~~

~~1.8.2 Technical Revisions to 110 or Non In Situ Leach Mining 110d Limited Impact Permit Applications~~

~~The Office shall set a new date for the consideration of a technical revision to an application for a 110 or non in situ leach mining 110d Limited Impact permit only as necessary to afford an adequate opportunity for a review of the technical revision by the Office and by any interested members of the public. This Rule 1.8.2 does not apply to technical revisions for in situ leach mining permit applications. Technical revisions to in situ leach mining permit applications must follow the procedural requirements for 112d permit applications or if exempt from designated mining operation status, 112 permit applications.~~

~~1.8.3 Reserved~~

~~1.8.4 Technical Revisions to 112, 112d, 110 ISL or 112 ISL Reclamation Permit Applications~~

- ~~(1) Written objections to the application:~~

~~The Office shall not set a new date for consideration of an application for a 112, 112d, 110 ISL or 112 ISL Reclamation Permit for which it has received written objections, any earlier than twenty (20) days after the date of filing of a technical revision to the application, unless the Applicant, the Office and all parties agree on an earlier date.~~

- ~~(2) No written objection to the application:~~

~~The Office shall set a new date for the consideration of an application to which no objection has been submitted only as necessary to afford the Office an adequate opportunity to review the technical revision.~~

1.9 TECHNICAL REVISION TO A PERMIT

1.9.1 Filing and Review Process

An application for Technical Revision shall be filed by electronic submittal as designated and approved by the Office. The Office shall act on a Technical Revision application within thirty (30) ~~d~~Days after the Technical Revision has been filed with the Office. If this date does not fall on a Working Day, then the date will be automatically set to the next Working Day. A Technical Revision is considered filed when the submittal includes the appropriate fee. A Technical Revision shall be considered automatically approved within thirty (30) ~~d~~Days after filing unless the application is denied. Notice of Technical Revisions shall be acknowledged in the monthly activity report attached to the monthly Board agenda.

1.9.2 Denial and Appeal Process

In the event that the Office decides to deny an application for Technical Revision, the Office will notify the Operator in writing within ten (10) ~~4~~Days after the decision deadline. The Operator may appeal the decision to the Board for a final determination by submitting a petition for a hearing pursuant to the provisions of Rule 1.4.11.

1.10 AMENDMENT TO A PERMIT

- (1) Where applicable, there shall be filed with any application for a 112, 112d, 110 ISL or 112 ISL Reclamation Permit amendment, attachment(s), map(s), and one (1) original and one (1) copy, or by electronic submittal as designated and approved by the Office, of the application with the same content as required for an original application, except that the Applicant will not be required to submit any information which duplicates applicable previous submittals. However, the Applicant shall clearly describe where in the original application and supporting documents the information not included in the amendment application, but necessary to render the amendment technically adequate, may be found.
- (2) A 110 or non-in situ leach mining operation 110d Limited Impact permit amendment submittal shall include attachment(s), map(s), and one (1) original and one (1) copy, or by electronic submittal as designated and approved by the Office, of the application with the same content as required for an original application, except the Applicant will not be required to submit any information which duplicates applicable previous submittals. However, the applicant shall clearly describe where, in the original application and supporting documents, the information not included in the amendment application, but necessary to render the amendment technically adequate, may be found.
- (3) The amendment application shall be accompanied by a basic fee as specified in Section 34-32-127, C.R.S. 1984, as amended. Amendment applications for any in situ leach mining operations shall be accompanied by the basic fee for a 112d amendment application or a 112 amendment application if the operation has been exempted from designated mining operation status.
- (4) ~~An A~~applications for amendment shall be reviewed by the Board or Office in the same manner as ~~an~~ applications for ~~a~~ new Permits.
- (5) All aspects of the mining operation and Reclamation Plan that are subject to the amendment will be subject to these Rules, as amended, in effect at the time the Permit is amended.

1.11 CONVERSIONS

1.11.1 Purposes and Types

- (1) A conversion is an application to change an existing permit to another type of permit based on an increase in acreage of the mining operation. Operators requesting conversion of a

permit, regardless of designated mining operation or in situ leach status, must file a new permit application pursuant to either Section 34-32-110 C.R.S. and Rule 1.4.2 or Section 34-32-112 C.R.S. and Rules 1.4.4 and 1.4.5.

~~(2) Unless such mining is incidental to the permitted activity, any Operator who intends to mine any commodity other than a "construction material" commodity, as defined in Section 34-32-5-103(3), C.R.S., shall apply for a conversion to a new permit under the provisions of Section 34-32-101, et seq, C.R.S. 1984. Upon issuance of the new permit, the existing permit under Section 34-32-5-101, et seq, C.R.S., shall be terminated. Such determinations may be made through a declaratory order by the Board.~~

~~(2) Pursuant to 34-32-110(9)(d), 110r Reclamation-Only permit shall not be converted into or from any other type of permit.~~

1.11.2 Application Process

(1) ~~Except for permit conversions under Rule 1.11.1(2),~~ The original Permittee cannot convert a Permit unless the permit has been in existence for two (2) consecutive years.

(2) All fee, warranty and permit processing requirements shall apply as though the Conversion application were a new permit application. A fee, as specified in Section 34-32-127(2)(a) C.R.S. shall be submitted at the time of the application submittal. Pursuant to Section 34-32-110(7)(a) C.R.S. and Rule 1.11.1, all conversion requests must include the filing of a new Section 110 or Section 112 permit application. In the case of converting from a 110 ISL operation to a 112 ISL operation, the Applicant/Operator must file a new baseline and site characterization and monitoring plan pursuant to the process set forth in Section 34-32-112.5 C.R.S. and Rule 1.4.3. If the Applicant/Operator believes that baseline site characterization information obtained for the original 110 ISL application is relevant to the permit conversion application, that information may, in the discretion of the Office, be incorporated into the conversion application pursuant to Rule 1.11.2(3).

(3) Contents of application:

(a) except as otherwise indicated in this Rule 1.11.2, the Operator shall provide all the information required by the Act and these Rules for the size of operation. However, the Operator need not supply any information required by the provisions of the Act which has been previously supplied unless such information is different from that in the original application. However, the Operator shall clearly describe where in the original application and supporting documents the information not included in the conversion application, but necessary to render the conversion application technically adequate, may be found.

(b) In addition, the application shall show:

(i) the area mined or disturbed; and

(ii) the area reclaimed since the original permit application.

- (34) When an Operator is requesting a change in the status of a permit from a Designated Mining Operation to a Non-designated Mining Operation conversion provisions do not apply; the operator must comply with the exemption from designation requirements and procedures set forth in Rule 7.2.6.

1.11.3 Repealed

1.12 PERMIT TRANSFERS AND SUCCESSION OF OPERATORS

1.12.1 Approval Process

- (1) Where one Operator succeeds another at any uncompleted operation, the first Operator shall be released from all liability as to that particular reclamation operation and all applicable Performance and Financial Warranties as to such operation shall be released if the successor Operator assumes, as part of the obligation under the Act and these Rules, all liability for the reclamation of the affected land, and the obligation is covered by replacement Performance and Financial Warranties as to such affected land.
- (2) Requests for permit transfers and succession of Operators must be submitted on "Request for Transfer of Mineral Permit and Succession of Operators" forms provided by the Board. To be considered filed, each request must include an executed Performance Warranty, State approved W-9, and applicable replacement Financial Warranty, as well as proof of notice to all Owners of Record of the surface of the affected land and the mineral rights of the substance to be mined, any updated legal right of entry agreements if necessary, and updated damage waiver agreements, or a geotechnical report demonstrating approved safety factors to protect off-site structures within 200 feet of the affected lands. In addition, each request for transfer of mineral permit and succession of operators for any in situ leach mining operation must include exhibit Y as required by Rule 6.4.25.
 - (a) The Office shall act on a Succession of Operator application within thirty (30) ~~4~~Days.
 - (b) Succession of Operator requests will be considered automatically approved after thirty (30) ~~4~~Days of the date the Succession of Operator request is filed with the Office unless the Operator is notified by the Office that the request is deficient or denied. Succession of ~~o~~Operator requests must be submitted on forms provided by and approved by the Board, and include the fee specified, in Section 34-32-127(2), C.R.S., and the properly executed financial and performance warranties, and damage waiver agreements or geotechnical stability reports, ~~where~~when required.
- (3) Approval of a permit transfer and succession of Operator request shall be given by the Office if it finds that the successor Operator is capable of assuming all responsibility for the conditions included under the original permit; except that for any in situ leach mining operation, the Office or the Board may deny a permit transfer if:

- (a) the successor operator or any affiliate, officer or director of the successor operator has demonstrated a pattern of willful violations of the environmental protection requirements of C.R.S. title 34 article 32, rules promulgated pursuant to this article, a permit issued pursuant to the article, or an analogous law, rule, or permit issued by another state or the United States;
- (b) the successor operator or any affiliate, officer or director of the successor operator has in the ten (10) years prior to the submission of the request violated the environmental protection requirements of this article, rules promulgated pursuant to this article, a permit issued pursuant to the article, or an analogous law, rule, or permit issued by another state or the United States as disclosed in the application; however,
 - (i) the Board or Office may approve of the request if the successor operator submits proof any said violation has been corrected; or
 - (ii) the Board or Office may conditionally grant the request if the violation is in the process of being corrected to the satisfaction of the Board or Office or if the successor operator has filed or is presently pursuing a direct administrative or judicial appeal to contest the validity of the alleged violation. An appeal of a successor operator's relationship to an affiliate shall not qualify as an appeal to contest the alleged violation. Further, if the violation is not successfully abated or if the violation is upheld on appeal, the Board or Office shall revoke the conditionally issued transferred permit.

Notice of Permit Transfer will be acknowledged in the monthly activity report attached to the monthly Board agenda.

(4) 110r Reclamation-Only permits are not eligible for permit transfers and succession of Operators

1.12.2 Denial and Appeal Process

- (1) Non-ISL appeal: In the event that the Office decides to deny a succession of Operator application in a non-in situ leach mining operation, the Office will notify the Applicant in writing within ten (10) ~~d~~Days of the decision deadline. The applicant may appeal the Office's decision to the Board for a final determination according to the provisions of Rule 1.4.11.
- (2) ISL appeal: As to an in situ leach mining operation the applicant/operator or any person who demonstrates that they are directly and adversely affected or aggrieved and whose interest is entitled to legal protection under the Act may appeal to the Board the Office's decision regarding a transfer of operations according to the provisions of Rule 1.4.11.

1.13 CESSATION OF OPERATIONS – TEMPORARY FOR ALL MINING OPERATIONS OR PERMANENT FOR IN SITU LEACH MINING OPERATIONS

1.13.1 General Provisions

- (1) A permit granted pursuant to these Rules shall continue in effect as long as:
 - (a) an Operator continues to engage in the extraction of minerals and/or the mining operation and complies with the provisions of the Act; ~~and~~
 - (b) mineral reserves are shown by the Operator to remain in the mining operation and the Operator shows a reasonable plan to resume the mining operation or commence final reclamation; ~~and~~
 - (c) ~~T~~he mining operation is maintained in compliance with the requirements set forth in Rule 1.13.5(2)(d).
- (2) The Board will consider all relevant testimony and facts related to a mining operation in its determination as to whether or not temporary cessation has occurred. The Board recognizes that no one factor is necessarily determinative, but that each determination will be based on site specific conditions and activity. In considering whether or not an operation is in production, the Board may take into consideration, among other factors, orderly mining operations or activities that further advance the mining operation commensurate with the scale of the operation, or other relevant facts. Factors to be included in the determination if a mine will be considered for temporary cessation, include, but are not limited to the following:

1.13.2 Indications of Temporary Cessation

- (1) there are no personnel working at the site for one hundred and eighty (180) consecutive days as may be determined through annual reports, inspections and/or operator submissions;
- (2) ~~A~~activity at the site is limited to general maintenance, housekeeping or similar related activity;
- (3) ~~A~~activities at the site are not significantly advancing the site towards completion of the mining operation or final reclamation. The Board will consider activities at the site in relation to the scale ~~e~~ of the operation; ~~and~~ other relevant facts;
- (4) there is no sale or processing of material or movement of stockpiled material off site;
- (5) there is only minimal activity given the scale of the mining operation, including limited excavation of mineral or other material, and such activity is not orderly or does not advance the mining operation or final reclamation, as determined by the Office or Board;
- (6) mine development has ceased and mining has not recommenced; or

- (7) the permit has not exhausted ten (10) consecutive years of non-production.

1.13.3 Indications Against Temporary Cessation

- (1) Extraction of minerals has been completed, production has ceased, and only final reclamation and related activities remain at the site; ~~or~~
- (2) production has ceased for more than ten (10) consecutive years; ~~or~~
- (3) a permit has been issued, but the mining operation has not commenced on the affected lands; or
- (4) a 110r Reclamation-Only permit has been issued.

1.13.4 Reserved

1.13.5 Notice by Operator for Consideration of Temporary Cessation

- (1) If the Operator plans to, or does, temporarily cease production for one hundred and eighty (180) days or more, the Operator must file a Notice of Temporary Cessation electronically on a form approved by the Office. An Operator conducting any in situ leach mining operation, regardless of designated mining operation status, shall file the Notice of Temporary Cessation at least thirty (30) days prior to ceasing operations; such Notice shall set forth the reasons for the temporary cessation and the expected duration of the temporary cessation.
- (a) Initial period shall be the first five (5) years of Temporary Cessation beginning with the one hundred and eighty (180) day period of production cessation; except that in the case of any in situ leach mining operation:
- (i) If, in the judgment of the Board, the expected duration of any temporary cessation will be of such length that the Board believes that groundwater reclamation should commence, the Board shall so order.
- (b) The second five (5) year period of Temporary Cessation shall begin at the end of the initial period of Temporary Cessation; except that in the case of any in situ leach mining operation:
- (i) If, in the judgment of the Board, the expected duration of any temporary cessation will be of such length that the Board believes that groundwater reclamation should commence, the Board shall so order.
- (2) The Notice of Temporary Cessation for the initial period shall include the following to be considered filed for review by the Office and Board and must include:
- (a) the date of cessation of production;
- (b) the reasons for non-production or cessation of the mining operation;

- (c) a plan for resumption of mining;
 - (d) the measures to be taken to comply with reclamation requirements and/or other activities related to the performance standards of Rule 3.1 while the mine is in Temporary Cessation including, but not limited to, any permit requirements or environmental monitoring and water treatment if required, and a schedule for reporting monitoring data;
 - (e) demonstration that the existing Financial Warranty is adequate to cover the reclamation liability; ~~and~~
 - (f) for an in situ leach mining operation, a description of the groundwater monitoring and pumping regime that will be maintained during the period of cessation of operations and a schedule for reporting monitoring data; ~~and~~
 - (g) an Acknowledgement of the five (5) year limit date of the initial period of Temporary Cessation.
- (3) The Notice for the second period shall include the following to be considered filed for Board consideration:
- (a) demonstration that the existing Financial Warranty is adequate to cover the reclamation liability;
 - (b) explanation as to why the Operator has not recommenced operations or begun reclamation;
 - (c) demonstration of continued commitment to conduct mining operations at the site by the end of the second five (5) year period including a plan for resumption of mining operations and production;
 - (d) the measures to be taken to comply with reclamation requirements and/or other activities related to the performance standards of Rule 3.1 while the mine is in Temporary Cessation including, but not limited to, any permit requirements for environmental monitoring and water quality treatment if required, and a schedule for reporting monitoring data;
 - (e) for an in situ leach mining operation, a description of the groundwater monitoring and pumping regime that will be maintained during the period of cessation of operations and a schedule for reporting monitoring data; and
 - (f) an acknowledgement of the ten (10) consecutive year limit for non-production and temporary cessation of mining activities.
- (4) Prior to the Board Hearing to consider the request of a second five (5) year period of Temporary Cessation, the Office shall:

- (a) conduct an inspection of the site to verify compliance with the Act and Mineral Rules and Regulations, and any required permit conditions;
 - (b) review the permit file for complaints against the operation and the status of resolution of those complaints;
 - (c) review environmental protection requirements for compliance as necessary;
 - (d) report to the Board at the Hearing comments by any owner of affected land or local government comments.
- (5) The Notice of ~~T~~Temporary ~~e~~Cessation shall be separate from any other correspondence or reports and submitted to the Office electronically on the approved form.
- (6) Except as to in situ leach mining operations, the requirement of a Notice of Temporary Cessation shall not apply to Operators who resume the mining operation within one (1) year and have included in the permit applications a statement that the affected lands are to be used for less than one hundred and eighty (180) days per year.

1.13.6 Notice of Resumption of Mining Operations

If the Operator plans to resume mining operations and/or production, the Operator must file a Notice of Resumption of Mining operations electronically on a form approved by the Office at least thirty (30) days prior to reactivation. Such Notice shall set forth the following:

- (a) date of resumption of mining operations;
- (b) a detailed description of the mining operations that are to resume;
- (c) anticipated date of the resumption of production;
- (d) the measures to be taken to comply with reclamation requirements and/or other activities related to the performance standards of Rule 3.1 including, but not limited to, any permit requirements for environmental monitoring and water treatment if required;
- (e) demonstration that the existing Financial Warranty is adequate to cover the reclamation liability; and
- (f) any resumption of mining activities must be legitimate in nature considering the scale of the mining operation and is orderly or advances the mining operation or final reclamation. The Office and/or Board may reject any notice of resumption of mining operations if such activity is reasonably characterized as inconsistent with Rule 1.13.2(~~65~~).

1.13.7 Board/Office Procedure

- (1) Upon receipt of the above submission as outlined in Rule 1.13.5 or 1.13.6, the Office will place the Notice of Temporary Cessation or Notice of Resumption of Mining on the tentative agenda of the next regular Board meeting and give notice to the Operator, the county planning commission, any federal jurisdiction, and any municipalities within two (2) miles of the proposed operation, by mail or electronic notification.

- (2) The Board, at said meeting and in consultation with the Operator and any other person who demonstrates that they are directly and adversely affected or aggrieved and whose interest is entitled to legal protection under the Act, may take whatever action(s) it deems necessary and are authorized by law, including but not necessarily limited to:
- (a) acceptance of the Notice of Temporary Cessation ~~as submitted~~ or Notice of Resumption of Mining as submitted;
 - (b) acceptance of the Notice of Temporary Cessation or Notice of Resumption of Mining as submitted with modifications and other necessary activities as established by the Board;
 - (c) a determination that the mining operation is not in a state of temporary cessation or has not resumed mining operations;
 - (d) continuance of the matter for another month or more to allow the Operator to revise the Notice of Temporary Cessation or Notice of Resumption of Mining and/or to allow the Office staff to conduct a site inspection or otherwise review the matter as necessary; or
 - (e) order the Operator of an in situ leach mining operation to begin groundwater reclamation as set forth in Rule 1.13.5.
- (3)
- (a) Except as to any in situ leach mining operation, when no reclamation or performance standard issues or problems are indicated in the Notice of Temporary Cessation or Notice of Resumption of Mining or by field or file inspection, and no concerns are expressed by interested persons, the Notice for an initial period of Temporary Cessation or any Notice of Resumption of Mining may be moved from the tentative agenda to the consent agenda of the final agenda for Board consideration.
 - (b) any objections to a Notice of initial period of Temporary Cessation or Resumption of Mining must be received no later than three (3) ~~w~~W~~e~~e~~l~~e~~l~~e ~~Days~~ prior to the scheduled Board meeting;
 - (c) all Notices for a second consecutive period of Temporary Cessation or where timely objections have been received shall be noticed and scheduled for Board consideration at the next regularly scheduled Board meeting following receipt of the Notice and timely objection.
 - (d) In the case of any in situ leach mining operation seeking temporary cessation, or a second five (5) year period of temporary cessation, the matter will be set for the next regularly scheduled Board meeting that is at least twenty (20) ~~d~~e~~e~~e ~~Days~~ after the Office receives the notice. At the hearing the Board will determine whether groundwater reclamation should commence pursuant to C.R.S. 34-32-112.5 (5)(d)(ii). The Office will participate at the hearing as staff to the Board and may provide a recommendation regarding groundwater reclamation. Any person who demonstrates that they are directly and adversely affected or aggrieved by the

Board's determination regarding groundwater reclamation and whose interest is entitled to legal protection under the Act may be a party to the formal hearing.

1.13.8 Application Requirements – Substitute for Notice of Temporary Cessation

Where certain mining operations have periods of inactivity exceeding one hundred and eighty (180) days, a permit applicant may include in the permit application, ~~or~~ amendment ~~or technical revision~~, the information otherwise required when filing a Notice of Temporary Cessation. (Please see Rules 6.3.3(a) or 6.4.4(e)). If approved by the Board or Office, such Notice in the permit shall serve as a substitute for the Notice of Temporary Cessation with the following conditions:

- (a) The Operator must report to the Board through the Annual Report:
 - (i) the condition of the operation at the time of cessation;
 - (ii) what specific measures have been and will be implemented to comply with reclamation, performance standards and Environmental Protection Plan requirements;
 - (iii) plans for resumption of mining; and
 - (iv) any two consecutive annual reports that indicate no mining operations and/or production shall require the mining operation to be placed into Temporary Cessation regardless of the Substitute Notice.
- (b) This Rule shall not apply to in situ leach mining operations.

1.13.9 Five Year Term of Temporary Cessation

- (1) A permit granted pursuant to these Rules shall continue in effect as long as:
 - (a) the mining operation and production are resumed within five (5) years of the beginning of Temporary Cessation; ~~or~~
 - (b) the Operator files a request for an extension of the period of Temporary Cessation with the Board meeting the requirements of Rule 1.13.5(3) and secures Board approval of that request; ~~or~~
 - (c) the ~~e~~Operator is conducting reclamation pursuant to an approved reclamation plan or Board order.
- (2) The Board shall, when necessary, establish the commencement of Temporary Cessation to determine the start of the five (5) year period described in Rule 1.13.9. Regardless of a request by the ~~e~~Operator or the Office, a five (5) year period of Temporary Cessation is a factual determination.
- (3) Once the maximum limit of ten (10) consecutive years of Temporary Cessation has been reached, final reclamation of the affected lands shall be initiated with all reasonable

diligence, as soon as practicable and as conditions allow. Final reclamation shall be completed within five years, unless extended by the Board or Office.

1.13.10 Ten Year Limitation for Temporary Cessation

In no case shall Temporary Cessation be continued for more than ten (10) consecutive years without terminating the mining operation and fully complying with the Reclamation and Environmental Protection Plan requirements of the Act and these Rules.

1.13.11 Permanent Cessation of Mining Operations – In Situ Leach Mining Operations

- (1) An Operator conducting any in situ leach mining operation, regardless of designated mining operation status, shall file a notice of permanent cessation at least thirty (30) days prior to ceasing production operations; such Notice shall set forth the reasons for the permanent cessation of production operations.
- (2) In the case of an in situ leach mining operation, if it is determined by the Office or the Board, regardless of whether notice has been provided by the Operator, that production operations have permanently ceased the Operator must immediately commence groundwater reclamation in accordance with the approved reclamation plan.

1.14 TERMINATION

1.14.1 Permit Termination

- (1) A permit granted pursuant to these Rules shall continue in effect as long as:
 - (a) the Board does not take action to declare termination of the life of the mine, which action shall require a sixty (60) day notice to the Operator alleging a violation of the permit, the Act or Rules; or
 - (b) there is a discontinuance of the mining operation with a Temporary Cessation filing as provided in Rule 1.13.5 or 1.13.8 for ten (10) or less consecutive years; or
 - (c) there is no failure to submit the reports required under Rules 1.13.5 and 1.13.8; or
 - (d) there is no failure to comply with the requirements of Rule 1.13.9.
- (2) In the event the Operator is not in compliance with the provisions of Rule 1.14.1(1), the Board shall provide a reasonable opportunity for the Operator to meet with the Board to present the full case and further provide reasonable time for the Operator to bring violations into compliance. Such hearings and procedures shall be in compliance with the requirements of Rule 3.3.2; or at such hearings the Board may:
 - (a) declare termination of the life of the mine according to the provisions of this Rule and after finding a violation in accordance with Rule 3.3.2, set forth reclamation timetables and other provisions leading to termination of the permit; or

- (b) declare that a mining operation is in a state of Temporary Cessation, establishing a commencement date and any additional permit conditions, as necessary, according to a review of the facts.

1.15 ANNUAL RECLAMATION REPORT INCLUSIONS

- (1) The Annual Reclamation Report shall include all information specified on the Annual Reclamation Report Form, in the format required by the Office, and specifically:
 - (a) the Operator shall submit, together with the Annual Reclamation Report, an updated statement regarding the sufficiency of the value of the Financial Warranty. Additional reasonable data to substantiate the value of the existing Financial Warranty shall be provided if requested by the Office or Board; and
 - (b) for any Financial Warranty which is submitted in the form of a Deed of Trust or a Security Agreement, the Operator ~~shall~~ may be required to submit, together with the Annual Reclamation Report, an update by a qualified appraiser indicating any changes in property value, and a statement summarizing any circumstances which may affect the adequacy of the Deed of Trust or Security Agreement, or the value of the property subject thereto.
 - (c) The Operator shall provide all monitoring information required as part of the approved Reclamation Plan, and if required, Environmental Protection Plan.
 - (d) A map showing the permit boundary, the affected land boundary if different than the permit boundary, the location of stockpiled topsoil, the extent of current disturbances to affected lands including areas that were newly affected during the reporting period, areas reclaimed during the reporting period, the estimated extent of new areas to be affected in the next reporting period, areas to be reclaimed in the next reporting period, and any other information requested by the Office for the requirements of Section 34-24-102, C.R.S. ~~a map showing the extent of current disturbances to affected lands;~~
 - (e) changes over the preceding year regarding any disturbances to the prevailing hydrologic balance;
 - (f) changes over the preceding year regarding any disturbances to the quality and quantity of water in surface and groundwater systems;
 - (g) reclamation accomplished to date and during preceding year;
 - (h) new disturbances that are anticipated to occur during the upcoming year; and
 - (i) anticipated reclamation that will be performed during the upcoming year.
- (2) An Operator may request a one-time change to a date other than the anniversary date of the permit for the purpose of submitting Annual Reclamation Reports.

- (3) The Annual Production Report, as required by Section 34-24-102, C.R.S., shall be submitted on or before January 31 of each year and shall include all information specified on the Annual Production Report Form, in the format required by the Office.~~Reserved~~

~~**1.16 ADDRESS CHANGE, SALE OF PROPERTY BY AN OPERATOR, CHANGE IN PROPERTY LEASE, OR BUSINESS NAME OR OWNERSHIP CHANGE, AND NOTICE OF FILING OF A PETITION IN BANKRUPTCY**~~

- (1) ~~It shall be the duty of the Operator to keep the Office notified of any mailing address change by promptly sending written notice or filing an electronic notice of such change to the Office. The Office is entitled to assume, in the absence of such Notice, that it may proceed with the last previous address provided by the Operator, and the Operator will be bound by such Notice as if actually received.~~
- (2) ~~Where an Operator is the owner of the lands to be mined and the Operator sells such lands, the Operator shall promptly notify the Office of such sale. Where an Operator leases the lands, the Operator shall promptly notify the Office of any substantial changes that affect right of legal entry upon the lands to be mined.~~
- (3) ~~Where an Operator's official business name changes or there is a change in business ownership or business form, the Operator shall contact the Office within thirty (30) days of such change in order to revise performance and financial warranty documents and complete the Succession of Operator forms.~~
- (4) ~~Where an Operator files a petition in bankruptcy, the Operator shall immediately notify the Office via certified mail of such filing.~~

1.16 MISCELLANEOUS PERMIT ADMINISTRATION CHANGES

1.16.1 Operator Address Change

- (1) It shall be the duty of the Operator to keep the Office notified of any mailing or e-mail address change by sending written notice or filing an electronic notice of such change to the Office within thirty (30) Days. The Office is entitled to assume, in the absence of such Notice, that it may proceed with the last previous address provided by the Operator, and the Operator will be bound by such Notice as if actually received.

1.16.2 Sale of Property by an Operator

- (1) Where an Operator is the owner of the affected lands and the Operator sells such lands, the Operator shall notify the Office of such sale within thirty (30) Days.

1.16.3 Change in Property Lease

- (1) Where an Operator leases the affected lands, the Operator shall notify the Office of any changes that affect their right of legal entry to the affected lands within thirty (30) Days.

1.16.4 Business Name or Ownership Change

- (1) Where an Operator's official business name changes or there is a change in business ownership or business form, the Operator shall contact the Office within thirty (30) Days of such change in order to revise performance and financial warranty documents and complete the Succession of Operator forms, if applicable.

1.16.5 Notice of Bankruptcy Filing

- (1) Where an Operator files a bankruptcy petition, the Operator shall notify the Office via certified mail of such filing within five (5) working Days.

1.16.6 Operation Name Change

- (1) Where an Operator wishes to change the operation name of a permit, the change shall be submitted as a Technical Revision unless the change is proposed during a Succession of Operator application.

1.16.7 Death of an Operator

- (1) Upon death of an Operator, the executor of the Operator's estate or other legally appointed representative shall establish legal right to act on the Operator's behalf within sixty (60) Days or as soon as practical. A copy of the death certificate and legal documentation of assignment as executor, etc. shall be sufficient.

RULE 2: BOARD MEETINGS – PERMIT APPLICATION HEARINGS, DECISIONS AND APPEALS

2.1 BOARD MEETINGS

2.1.1 General Provisions

Except for Executive Sessions of the Board, all meetings shall be open to the public and any member of the public may, at the discretion of the Board, address the Board on any subject within the Board's jurisdiction. In the event the item is not on the agenda, no formal action may be taken by the Board until the full notice provisions in these Rules are met.

2.2 NOTICE PROCEDURES FOR MEETINGS OF THE BOARD

2.2.1 Regular Board Meetings

Except as otherwise provided by law or these Rules, Public Notice of regular meetings shall be provided by the Board as follows:

- (a) A minimum of ten (10) ~~e~~Days prior to the meeting, Notice of its date, time, place, format, and agenda by:
 - (i) mailing or e-mailing to all persons having requested Notice of Board meetings and prepaid costs of the service, unless costs are waived for good cause, and to Operators whose Permit(s) or operation(s) may be the specific subject of consideration at the meeting;
 - (ii) publishing at least once in a newspaper of general circulation in the state, listing each Applicant's name, local address and the location of the affected land by section, township and range and by street address, if applicable;
 - (iii) posting in a conspicuous, publicly accessible location at the offices of the Office of Mined Land Reclamation, the ~~Office~~Office Website, and in all Press Rooms of the State Legislature; and
 - (iv) mailing a copy of the agenda to the local newspaper in the locality of the proposed mining operation.
- (b) All parties entitled to notice of the hearing, including the Applicant or Operator shall be given notice of the time, place, format, and nature thereof, the legal authority and jurisdiction under which it is to be held, and the matters of fact and law asserted. Such hearing shall be conducted pursuant to these Rules and the provisions of Section 24-4-105, C.R.S.

2.2.2 Other Meetings

Public Notice of all other meetings shall be provided by the Board as prescribed in Rule(s) 2.2.1 and/or 1.12.2 except upon a Board finding that an emergency condition exists, whereupon notice shall be provided as much in advance of the meeting as possible.

2.2.3 Agenda Changes or Additions

Additions or changes to the agenda after the 10-day notification may be made regarding emergency situations, and informational items. In this event, the Board will endeavor to give notification, if possible, as outlined above, and will be required to notify any Operator or individual scheduled to be heard.

2.3 BOARD QUORUM

- (1) Four (4) Board members shall constitute a quorum.
- (2) The Board shall act by majority vote of members present, except that four (4) affirmative votes are required for any amendment of these Rules.

2.4 RESERVED

2.5 DECLARATORY ORDERS (Section 24-4-105, C.R.S.)

2.5.1 Cause for Seeking a Declaratory Order

Any person who is or may be directly and adversely affected or aggrieved and whose interests are entitled to legal protection under the Act may petition the Board for declaratory order to terminate controversies or to remove uncertainties as to the applicability to the Petitioner of any statutory provision of or any rule or order of the Board made pursuant to the Mined Land Reclamation Act (Section 34-32-101, C.R.S. et seq.).

2.5.2 Petition Submission

- (1) The petition must be submitted electronically to the Board, and is served on the Office, at a minimum, ten (10) eD~~ays~~ays prior to the Board meeting at which it is to be considered. At a hearing the Board may grant, deny, or continue consideration of the petition. Unless requested by the Board, all hearings for considerations of petitions shall be non-evidentiary. The Petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the Petitioner and any other facts the Petitioner desires the Board to consider.
 - (a) At the regularly scheduled Board meeting, the Board will determine in its discretion and without notice to Petitioner, whether to rule upon any such petition.
 - (b) If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the Petitioner of its action and state the reasons for such action.

- (2) Any petition filed pursuant to this rule shall set forth the following:
- (a) the name, e-mail address and physical address of the Petitioner and whether the Petitioner is a Permittee pursuant to the Colorado Mined Land Reclamation Act;
 - (b) the statute, rule or order to which the petition relates;
 - (c) a concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the Petitioner.

2.5.3 Consideration of Petition

In determining whether to grant or deny a petition filed pursuant to this Rule, the Board will consider the following matters, among others:

- (a) whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to Petitioner of any statutory provision or rule or order of the Board.
- (b) whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court involving one or more of the Petitioners.
- (c) whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court, but not involving any Petitioner.
- (d) whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
- (e) whether the Petitioner has some adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado Rules of Civil Procedure, which will terminate the controversy or remove any uncertainty as to the applicability to the Petitioner of the statute, rule or other in question.

2.5.4 Procedure for Consideration

If the Board determines that it will rule on the petition the following procedures shall apply:

- (a) Notice of hearing shall be provided to the Petitioner and all parties granted intervention pursuant to Rule 2.5.5. The Board may, without further notice, rule upon the petition based solely upon the facts presented in the petition. In such a case, any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
- (b) The Board may order the petitioner to file a written brief, memorandum or statement of position.

- (c) The Board may set the petition, upon due notice to Petitioner, for a non evidentiary hearing.
- (d) The Board may request the petitioner to submit additional facts, in writing. In such event, such additional facts will be considered as an amendment to the petition.
- (e) The Board may take administrative notice of facts pursuant to the administrative procedure act (Section 24-4-105(8), C.R.S.) and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.
- (f) If the Board rules upon the petition without a hearing, it shall within ten (10) ~~w~~Working ~~d~~Days notify the petitioner of its decision by electronic notice and deposit in the mail.
- (g) The Board may, in its discretion, set the petition for hearing upon due notice to Petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the Petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire. For the purpose of such a hearing, to the extent necessary, the Petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the Petitioner and any other facts the Petitioner desires the Board to consider.

2.5.5 Party Status and Petition to Intervene

- (1) The Office shall be granted party status upon request.
- (2) Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board based upon the interest of the person and whether that interest is entitled to legal protection under the Act and how that person is affected or aggrieved by the petition for Declaratory Order.
- (3) A petition to intervene shall set forth a concise statement of the facts necessary to demonstrate the nature of its position, and the manner in which the statute, rule or order in question does or does not apply to the Petitioner.

2.5.6 Effect of a Declaratory Order

Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute final agency action subject to judicial review pursuant to Section 24-4-106, C.R.S.

2.6 PRE-HEARING PROCEDURES – MOTIONS, WITNESS AND EXHIBIT LISTS

The provisions of this Rule 2.6 shall apply to the Applicant and any entity that has party status for any 112, 112d, 110 ISL or 112 ISL application.

- (1) All motions, except those made during a hearing, or when the Board deems an oral motion to be appropriate, shall be in writing and shall state the grounds for the motion. Motions shall be received electronically by the Board no later than two (2) Working Days following the ~~p~~Pre-hearing ~~e~~Conference. Any written response to a motion must be received electronically by the Board no later than three (3) Working Days prior to the date of the Formal Board Hearing.
- (2) A party to a Formal Board Hearing may use witnesses or exhibits at the Formal Board Hearing. Parties shall provide a written list of all potential witnesses and exhibits at the Pre-hearing Conference in accordance with the following:
 - (a) The list of potential witnesses must include each witness' name, current address, e-mail, and phone number, area of expertise (if expert witness), and the subject matter of the testimony. Parties are not obligated to use any witness even if listed, but parties may not, without express permission from the Board at the Formal Board Hearing, introduce testimony from a witness that was not listed in accordance with this Rule.
 - (b) Information on exhibits shall be exchanged as follows:
 - (i) For any materials not already in the Office public files, each party to the Hearing shall provide all other parties to the Hearing and the Office with copies of any materials to be used as exhibits at the Formal Board Hearing ~~before,~~ at or by the close of business the day of the ~~p~~Pre-hearing ~~e~~Conference via electronic means, unless otherwise ordered by the Pre-hearing Conference officer. Where an item cannot ~~practically-practicably~~ be reproduced, the exhibit must be made available to the parties and the Office for inspection upon request.
 - (ii) For any materials that are already in the Office public files, and for any materials not provided to the other parties pursuant to the exception set out in Rule 2.6(2)(b)(i), each party shall provide all other parties and the Office with a list of the materials to be used with sufficient specificity to describe the exhibit, including but not limited to the specific title or description of each exhibit, such as maps, reports, adequacy responses, correspondence, agreements, data printouts, photographs, and drawings. The list must also specify where the other parties to the Formal Board Hearing and the Office may review and obtain a copy of, or inspect, each exhibit.
- (3) All motions, responses, replies, witness lists, and exhibit lists shall identify the names, e-mails, ~~physical~~mailing address, and phone number of the submitting party, and the file number assigned to the case by the Office. If a party is represented by an attorney or other representative, the name, address and phone number of the attorney or other representative shall be provided on all documents submitted to the Board. All motions and lists shall be served on all parties and the Office at the same time and manner they are filed with the Board. Filing with the Board shall be done electronically through its secretary. Service on the Office shall not constitute filing with the Board

2.7 PRE-HEARING CONFERENCES

2.7.1 General Provisions

Prior to the Formal Board Hearing on any application, the Board may hold a Pre-hearing Conference in accordance with the following procedures:

- (1) The Pre-hearing Conference will be held to describe the Office's review process, to explain the rights and responsibilities of parties, to discuss and resolve issues to the extent possible, to describe the Board Hearing processes, to propose a list of issues under the Board's jurisdiction, to simplify that list, and to identify parties.
- (2) The Pre-hearing Conference shall be conducted by a Pre-hearing Conference Officer appointed by the Board.
- (3) The Pre-hearing Conference Officer shall prepare a proposed Pre-hearing ~~e~~Order. The proposed Pre-hearing Order shall be made available to all parties prior to the Formal Board Hearing. In no instance shall the Pre-hearing Conference Officer's recommendations to the Board be considered final agency ~~Office~~ action for the purposes of judicial review under Section 24-4-106, C.R.S.
- (4) The proposed Pre-hearing Order shall include:
 - (a) a recommended list of the parties and their names, e-mails, mailing addresses and phone numbers;
 - (b) a recommended list of issues to be considered by the Board at the Formal Board Hearing; and
 - (c) a recommended schedule for the hearing with time allotments set for presentation by each party and the Office.
- (5) In the case of a Pre-hearing Conference held on the matter of a 112 or 112d Reclamation Permit application, the Pre-hearing Conference shall be held after the Office has issued its written recommendation and at least ten (10) ~~e~~Calendar ~~d~~Days prior to the Formal Board Hearing.

2.7.2 Board Consideration of the Proposed Pre-hearing Order

At the Formal Board Hearing on a matter for which a Pre-hearing Conference was held, the Pre-hearing Conference Officer or a representative of the Pre-hearing Conference Officer shall present the proposed Pre-hearing Order to the Board for its consideration. The Board shall consider any objection to the proposed Pre-hearing Order submitted by a party, as well as any changed circumstances related to the Formal Board Hearing arising subsequent to the Pre-hearing Conference, and shall subsequently adopt, amend and adopt, or reject the proposed Pre-hearing Order. If the proposed Pre-hearing Order is rejected by the Board, the Chair of the Board shall direct the Formal Board Hearing on the matter.

2.7.3 Parties Rights and Responsibilities

- (1) All parties have the right to present evidence, call witnesses, and cross-examine all other parties' witnesses. All parties are entitled to be represented by an attorney, or may designate a proxy, by way of a written proxy authorization, to attend the Pre-hearing Conference on behalf of the party. The proxy authorization must be on a form approved by the Board and presented to the Pre-hearing Conference Officer on or before the date of the Pre-hearing Conference.
- (2) In order for a person to seek judicial review of the Board's decision, that person must have been a party to the Formal Board Hearing that considered the issue. However, all parties to the Formal Board Hearing on a matter, that do not file for judicial review are required by Section 24-4-106, C.R.S., to be named as defendants in any judicial review action.
- (3) Any person who is a party to a matter before the Board and who wishes to withdraw as a party must do so in writing prior to the commencement of or on the record during the Formal Board Hearing on the matter.
- (4) Any party who does not attend the Pre-hearing Conference forfeits its party status and all associated rights and privileges, unless such party provides a fully executed proxy authorization form to the Pre-hearing Conference Officer and the party's authorized representative is present. A party may attend the Pre-hearing Conference via telephone, or if applicable via video conference, if such a request is made to the Pre-hearing Conference Officer, or a representative, at least five (5) ~~w~~Working ~~d~~Days, or less for good cause shown, prior to the scheduled Pre-hearing Conference date, and facilities at the site of the Pre-hearing Conference allow for a conference call.
- (5) If all parties to a 112 or 112d Reclamation Permit application that is to be considered at a Formal Board Hearing withdraw, the Board directs the Office to act on behalf of the Board and to timely approve or deny the application, unless the Office determines that a Formal Board Hearing should be held.

2.8 HEARINGS

2.8.1 General Provisions – Board Hearings

- (1) Except as otherwise provided by statute, the proponent of an order shall have the burden of proof and every party to the proceeding shall have the right to present its case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Subject to these rights and requirements, where a hearing will be expedited and the interests of the parties will not be substantially prejudiced thereby, a person conducting a hearing may receive all or part of the evidence in written form.

- (2) Any party, other than an Operator/Applicant, who does not attend the Board Hearing forfeits its party status and all associated rights and privileges. A party may not appear at a Formal Board Hearing by proxy.
- (3) A party may file a motion to attend the hearing via telephone or video conference pursuant to the following requirements:
- (a) A party may file an e-mail request for telephonic or video appearance with the Board Chair no later than fourteen (14) eCalendar dDays prior to the Hearing. The motion shall state the reason(s) for requesting to participate at the hearing by phone or video. The motion shall be served by mail or electronic attachment on all parties.
 - (b) Any party may file with the Board Chair a response to the request for telephonic or video appearance. The response must be filed by e-mail no later than ten (10) eCalendar dDays prior to the hearing.
 - (c) The Board Chair will rule on the request for telephonic or video appearance at least seven (7) eCalendar dDays prior to the hearing. In the event the Board Chair does not issue a ruling on the request no later than seven (7) eCalendar dDays prior to the hearing, the request for telephonic or video appearance shall be deemed denied.
- (24) The rules of evidence and requirements of proof shall conform to the extent practicable, with those in civil non-injury cases in district courts. However, when necessary to do so in order to ascertain facts affecting the substantial rights of the parties to the proceeding, the Board may receive and consider evidence not admissible under such rules, if such evidence possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.
- (a) Objections to evidentiary offers may be made and shall be noted in the record.
 - (b) The Board shall give effect to the rules of privilege recognized by law.
 - (c) The Board may exclude incompetent and unduly repetitious evidence.
 - (d) Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available; but, upon request, the party shall be given the opportunity to compare the copy with the original.
- (35) The Board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to it.
- (46) The Board may take notice of general, technical, or scientific fact, but only if the fact so noticed is specified in the record or is brought to the attention of the parties before final decision and every party is afforded an opportunity to controvert the fact so noticed.
- (57) The Board and Office shall proceed with reasonable dispatch to conclude any matter presented to it with due regard for the convenience of the parties or their representatives.

2.8.2 Board Decision

- (1) In any case on which the Board has conducted a hearing, the Board shall prepare, file and serve upon each party, its decision in the form of a written order.
- (2) Every such decision rendered by the Board at a hearing shall thereupon become the final decision on such matter.
- (3) Each written order shall include a statement of findings and conclusions upon all the material issue of fact, law or discretion presented by the record and the appropriate order, sanction, relief, or denial thereof.
- (5) Unless otherwise provided by law, the Final Board Order shall be served on each party and the Office by personal service or by mailing by ~~First Class-Certified~~ mail to the last address furnished to the Office by such party and shall be effective on the date mailed or such later date as may be stated in the Final Board Order.

2.9 RECONSIDERATION OF BOARD DECISIONS

2.9.1 Cause for Seeking Reconsideration

- (1) Any party to a hearing may petition the Board to reconsider its decision.
- (2) Such petitions must set forth a clear and thorough explanation of the grounds justifying reconsideration, and must include new and relevant facts that were not known at the time of the hearing and the explanation why such facts were not known at the time of the hearing.

2.9.2 Petition Submission

Petitions for reconsideration must be received by the Office within twenty (20) ~~e~~Calendar ~~d~~Days of the effective date of the Board's written decision. The effective date of the Board's Order is the date of mailing as set forth in the Order's Certification of Service.

2.9.3 Consideration of Petition

The Board may grant or deny the petition based solely on the written submittal in support of the petition or written opposition thereto, or the Board may, in its discretion, grant the parties, as defined in Rules 1.1(~~5053~~) and 1.7.1, an opportunity to present oral arguments. The Office staff shall act as staff to the Board, except on matters related to enforcement.

2.9.4 Automatic Denial of Petition

The petition shall be deemed denied unless it is granted, or the Board takes other action on the petition, within sixty (60) ~~e~~Days of receipt of the petition.

2.9.5 Time Limitations

The timely filing of a petition for reconsideration shall not toll the time in which the Parties to the hearing may seek judicial review of the Board's decision.

RULE 3: RECLAMATION PERFORMANCE STANDARDS, INSPECTION, MONITORING, AND ENFORCEMENT

3.1 RECLAMATION PERFORMANCE STANDARDS

These performance standards shall be applicable to all mining operations. Prospecting operations are subject to the relevant performance standards of this Rule as determined by the Office.

3.1.1 Establishing Post-Mining Use

- (1) In consultation with the Landowner, where possible, and subject to the approval of the Board or Office, the Operator shall choose how the affected lands shall be reclaimed. These decisions can be for forest, rangeland, pastureland, cropland, general agriculture, residential, recreational, industrial/commercial, developed water resources, wildlife habitat, or other uses.
- (2) The results of these decisions shall be formulated into a Reclamation Plan, as specified in Rule 6.3.4 or 6.4.5, as required for the size and type of operation.

3.1.2 Reclaiming Substituted Land

Reclamation shall be required on all the affected land except that the Operator may substitute land previously mined and owned by the Operator but not otherwise subject to the Mined Land Reclamation Act, or the Operator may reclaim an equal number of acres of any land previously mined, but not owned by the Operator, if the Operator has not previously abandoned unreclaimed mining lands. Such exchanges can be done only with the approval of the Board and the Owner of the land to be reclaimed. The Board and Office shall not approve such an exchange for lands affected by any 110r Reclamation-Only, 110 or 112 uranium or in situ leach mining operation.

3.1.3 Time Limit and Phased Reclamation

- (1) For any in situ leach mining operations, reclamation of groundwater in accordance with the approved reclamation plan shall begin immediately upon:
 - (a) The detection pursuant to the baseline site characterization and monitoring plan of any subsurface excursion of groundwater outside of the affected area containing chemicals used in or mobilized by such operation or the groundwater outside the affected land otherwise fails to meet groundwater standards applicable to in situ leach mining operations; or
 - (b) The cessation of production operations, unless the operator has filed a Notice of Temporary Cessation as required by Rule 1.13.5(1) and the Board has not ordered reclamation of groundwater to commence under Rule 1.13.
- (2) Except for 110r Reclamation-Only permits where reclamation shall be completed in three (3) years, all reclamation shall be carried to completion by the Operator with all reasonable diligence, and each phase of reclamation shall be completed within five (5) years from the date the Operator informs the Board or Office that such phase has

commenced, or from the date the Office has evidence that mining or prospecting has ceased or the end of life of mine has been declared, unless extended by the Board or Office. The 5-year period may be applied separately to each phase as it is commenced throughout the life of the mine.

- (3) Upon determination and notice by the Office that all reclamation is completed, the operator should request a release of the permit within sixty (60) ~~days~~ days, or demonstrate to the Office or Board plans for future mining and that mineral reserves still exist.

3.1.4 Public Use

On lands owned by the Operator, the Operator may permit the public to use the same for recreational purposes, in accordance with the Limited Landowner Liability Law contained in Article 41 of Title 33, C.R.S. 1984, as amended, except in areas where such use is found by the Operator to be hazardous or objectionable.

3.1.5 Reclamation Measures – Materials Handling

The Operator shall set forth the measures that will be taken to meet all the following requirements:

- (1) Grading shall be carried on so as to create a final topography appropriate to the final land use selected in the Reclamation Plan.
- (2) When backfilling is a part of the plan, the Operator shall replace overburden and waste materials in the mined area and shall ensure adequate compaction for stability and to prevent leaching of toxic or acid-forming materials.
- (3) All grading shall be done in a manner to control erosion and siltation of the affected lands, to protect areas outside the affected land from slides and other damage. If not eliminated, all highwalls shall be stabilized, safeguarded, and where feasible, blended into the natural topography as approved by the Office.
- (4) All backfilling and grading shall be completed as soon as feasible after the mining process. The Operator shall establish reasonable timetables consistent with good mining and reclamation procedures.
- (5) All refuse and ~~acid-forming or toxic-producing~~ toxic or acid-forming materials that have been mined shall be handled and disposed of in a manner that will control unsightliness and protect the drainage system from pollution.
- (6) Any drill or auger holes that are part of the mining operation shall be plugged with non-combustible material, which shall prevent harmful or polluting drainage. Adits and shafts should be closed, and where practicable, backfilled and graded in a manner consistent with the post mine land use and shall comply with the provisions of the Act, Mineral Rules and Regulations.
- (7) Maximum slopes and slope combinations shall be compatible with the configuration of surrounding conditions and selected land use. In all cases where a lake or pond is

produced as a portion of the Reclamation Plan, all slopes, unless otherwise approved by the Board or Office, shall be no steeper than a ratio of 2:1 (horizontal to vertical ratio), except from 5 feet above to 10 feet below the expected water line where slopes shall be not steeper than 3:1. If a swimming area is proposed as a portion of the Reclamation Plan, the slope, unless otherwise approved by the Board or Office, shall be no steeper than 5:1 throughout the area proposed for swimming, and a slope no steeper than 2:1 elsewhere in the pond.

- (8) If the Operator's choice of reclamation is for agricultural or horticultural crops which normally require the use of farm equipment, the Operator shall grade so that the area can be traversed with farm machinery.
- (9) An Operator may backfill ~~structural inert~~ fill material generated within the MLRB permitted area into an excavated pit within the permit area as provided for in the MLRB Permit. If an Operator intends to backfill inert ~~structural~~ fill generated outside of the approved permit area, it is the Operator's responsibility to provide the Office notice, submitted as a technical revision, of any proposed backfill activity not identified in the approved Reclamation Plan. Unless otherwise approved by the Office, an Operator of a 110r Reclamation-Only permit is prohibited from importing inert fill. If the Office does not respond to the Operator's notice within thirty (30) ~~d~~Days after receipt of such ~~Notice~~revision submitted to by the Office, the Operator may proceed in accordance with the provisions of this Rule. The Operator shall maintain a Financial Warranty at all times adequate to cover the cost to stabilize and cover any exposed backfilled material. The Notice to the Office shall include but is not limited to:
- (a) a narrative that describes the approximate location of the proposed activity;
 - (b) the approximate volume of inert material to be backfilled;
 - (c) a signed affidavit certifying that the material is clean and inert, as defined in Rule 1.1(~~3433~~);
 - (d) the approximate dates the proposed activity will commence and end, however, such dates shall not be an enforceable condition;
 - (e) an explanation of how the backfilled site will result in a post-mining configuration that is compatible with the approved post-mining land use; ~~and~~
 - (f) a general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids; ~~and~~.
 - (g) a commitment to provide an annual report to summarize the type, amount, and location of all imported and backfilled material within the reporting period and an updated certification that all material was clean, inert, and placed in accordance with the approved plan.
- (10) All mined material to be disposed of within the affected area must be handled in such a manner so as to prevent any unauthorized release of pollutants to the surface drainage system.

- (11) No unauthorized release of pollutants to groundwater shall occur from any materials mined, handled or disposed of within the permit area.

3.1.6 Water – General Requirements

- (1) Hydrology and Water Quality: Disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quantity or quality of water in surface and groundwater systems both during and after the mining operation and during reclamation shall be minimized by measures, including, but not limited to:
- (a) compliance with applicable Colorado water laws and regulations governing injury to existing water rights;
 - (b) compliance with applicable federal and Colorado water quality laws and regulations, including statewide water quality standards and site-specific classifications and standards adopted by the Water Quality Control Commission;
 - (c) compliance with applicable federal and Colorado dredge and fill requirements; and
 - (d) removing temporary or large siltation structures from drainage ways after disturbed areas are revegetated and stabilized, if required by the Reclamation Plan.
 - (e) Where a proposed amendment to a reclamation plan or permit is not anticipated to impact water quality or hydrologic balance, the Applicant/Operator shall submit a statement and demonstration by substantial evidence for review and approval by the Office and/or Board. This is not intended as an exemption to 3.1.6(1) (f) or (i).
 - (f) Except as specified in subsections (g) through (h) of this subsection, a reclamation plan for a new or amended permit must demonstrate, by substantial evidence, a reasonably foreseeable end date for any water quality treatment necessary to ensure compliance with applicable water quality standards.
 - (g) The board may approve a reclamation plan that lacks substantial evidence of a reasonably foreseeable end date for any necessary water treatment if the new or amended permit includes an environmental protection plan and reclamation plan adequate to ensure compliance with applicable water quality standards and upon making a written determination:
 - (i) for an amended reclamation plan, except as provided in Rule 3.1.6(1)(f)(ii), that the water quality impacts that have occurred or are occurring for which no reasonably foreseeable end date for water quality treatment can be established were either unforeseen at the time of approval of the reclamation plan or existing at the mine site permitted on or before January 1, 2019; or
 - (ii) for a new or amended reclamation plan for a permit involving a site that was previously mined but not permitted as of January 1, 2019, that existing water quality conditions do not meet applicable water quality standards

and no reasonably foreseeable end date for water quality treatment can be established.

- (h) the board may approve a new reclamation plan that lacks substantial evidence of a reasonably foreseeable end date for any necessary water quality treatment if a permit application is submitted and the reclamation plan is limited to reclamation of already-mined ore or other waste materials, including mine drainage runoff, as part of a clean up.
 - (i) No permit shall be approved where perpetual water treatment is proposed as final reclamation unless otherwise exempt by these rules.
- (2) Earth dams, if necessary to impound water, may be constructed if the formation of such impoundments will not damage adjoining property or conflict with water pollution laws, rules or regulations of the federal government, the state of Colorado or with any local government pollution ordinances.
 - (3) All surface areas of the affected land, including spoil piles, shall be stabilized and protected so as to effectively control erosion.
 - (4) The Office may require the submission of baseline site characterization data, sufficient to ensure that impacts ~~from prospecting~~ will be detected, prior to the initiation of prospecting or mining, including but not limited to, ambient groundwater and surface water quality data sufficient to characterize potentially impacted waters.
 - (5) Drilling pits used during prospecting or mining shall be constructed and operated to minimize impacts to public health, safety, welfare and the environment, including soil, waters of the State, including groundwater, and wildlife. In its discretion, the Office may require the use of pit liners, fencing, netting or other measures to minimize impacts to the public health, safety, welfare and the environment.

3.1.7 Groundwater – Specific Requirements

- (1) Standards and conditions applicable to classified and unclassified groundwater.
 - (a) State-wide groundwater quality standards: Operations that may affect groundwater quality shall comply with all state-wide groundwater quality standards established by the Water Quality Control Commission (hereafter, the WQCC).
 - (b) Classified areas: Operations that may affect the quality of groundwater in a specified area that has been classified by the WQCC shall comply with the standards applicable to such specified area.
 - (c) Unclassified areas: Operations that may affect the quality of groundwater which has not been classified by the WQCC shall protect the existing and reasonably potential future uses of such groundwater.
 - (d) Water quality standards applicable to groundwater that has been classified, state-wide standards for certain pollutants, and interim narrative standards set by the

WQCC shall supersede any numeric protection levels established for the subject pollutants pursuant to this Rule 3.1.7.

- (e) For any in situ leach mining operations: Operators of all uranium extraction operations using in situ leach mining or recovery methods shall reclaim all affected groundwater for all water quality parameters that are specifically identified in the baseline site characterization and monitoring plan required by Rule 1.4.4, or in the statewide radioactive materials standards or tables 1 through 4 of the Basic Standards for Groundwater as established by the Colorado Water Quality Control Commission, to either of the following:
 - (i) pre-mining baseline water quality or better, as established by the baseline site characterization and monitoring plan required by Rule 1.4.4; or
 - (ii) that quality which meets the statewide radioactive materials standards and the most stringent criteria set forth in tables 1 through 4 of the basic standards for groundwater as established by the Colorado Water Quality Control Commission.
 - (f) Also, in establishing, designing and implementing a groundwater reclamation plan, in situ leach mining operators shall use best available technology.
 - (g) In addition, in situ leach mining operators shall take all necessary steps to prevent and remediate any degradation of preexisting groundwater uses during the prospecting, development, extraction and reclamation phases of the in situ leach mining operation.
- (2) Establishing permit, or notice of intent to conduct prospecting (NOI), conditions, including numeric protection levels, protective of unclassified groundwater uses.
- (a) Pursuant to the procedures specified in Rule 3.1.7(3), permit or NOI conditions shall be established for each operation that may have a reasonable potential to adversely affect the quality of a specified area that has not been classified by the WQCC. Such permit or NOI conditions may be in the form of numeric protection levels, practice-based permit or NOI conditions, or both.
 - (b) Points of compliance for numeric protection levels shall be set pursuant to Rule 3.1.7(6).
 - (c) Permit or NOI conditions, whether practice-based or numeric protection levels, shall be established as follows:
 - (i) The permit or NOI conditions shall be protective of the existing and reasonably potential future uses of the groundwater that may be affected. The WQCC's groundwater quality table values (The Basic Standards For Ground Water CCR 1002-41), shall be used as a guide in establishing the permit or NOI conditions.

- (ii) Where ambient groundwater quality exceeds values for protection of existing and reasonably potential future uses of groundwater, such as groundwater table values or other numeric criteria, permit or NOI conditions shall be established to protect those uses against further lowering of groundwater quality.
- (3) Procedures for establishing permit or NOI conditions to protect the quality of unclassified groundwater.
 - (a) New operations and modifications of existing permits or NOIs: Any application or NOI for a new operation, or an application for a modification of an existing permit or NOI which modification has reasonable potential to adversely affect the quality of unclassified groundwater, that is approved by the Office or the Board on or after Rule 3.1.7(2).
 - (b) Existing operations: For operations subject to a permit or NOI issued before September 1, 1993, which permit or NOI is not the subject of an application or a modification as described in Rule 3.1.7(3)(a), permit or NOI conditions shall be established as follows:
 - (i) Upon a determination that a violation of a permit or NOI provision affecting groundwater quality has occurred, the Board may order the Operator to submit an application or NOI to modify the permit or NOI to comply with Rule 3.1.7(2), and may set reasonable schedule for submittal of such application or NOI. Nothing in this Rule shall be construed to limit the Board's authority under Section 34-32-124, C.R.S. 1984, as amended.
 - (ii) The Office shall follow the pre-enforcement procedure set out below before requiring an Operator who is in compliance with all permit or NOI provisions and regulation requirements related to groundwater quality to modify the permit or NOI. The Office may bring an enforcement action under Section 34-32-116(7), C.R.S. 1984, as amended, or earlier version thereof. Such enforcement action may result in a finding of a violation of that statutory provision upon finding that there is or may be a reasonable potential for degradation of groundwater quality that adversely affects existing or reasonable potential future uses of such groundwater. The Office shall follow the pre-enforcement procedure outlined below before bringing such an enforcement action:
 - (A) When the Office has reason to believe, based on evidence, that there is or may be a reasonable potential for degradation of groundwater quality that adversely affects uses, the Office shall notify the Operator of the evidence and of the possible need to modify the permit or NOI to include permit or NOI conditions that comply with Rule 3.1.7(2), necessary information, and shall allow a minimum of ninety (90) ~~e~~D days for the Operator to respond. Following a response from an Operator provided with notice under this Rule 3.1, the Office shall allow a reasonable period to

negotiate appropriate permit or NOI conditions with the Operator pursuant to Rule 3.1.7(2).

- (B) The Office may bring an enforcement action if the Operator fails to respond within the time specified, or the Office and the Operator do not negotiate appropriate permit or NOI conditions within a reasonable period of time, pursuant to Rule 3.1.7(3)(b)(ii)(A). Upon finding a violation of the Act, or Rules promulgated thereunder, the Board may modify the permit or NOI to include groundwater protection provisions in compliance with Rule 3.1.7(2).
 - (C) The pre-enforcement procedures described in this Rule 3.1.7(3)(b)(ii) shall not apply if there is an imminent danger to the health, safety, and general welfare of the people of this state. In such a case, the Office may immediately initiate an enforcement action and may seek a cease and desist order. This provision shall not be construed to prevent the Water Quality Control Division from pursuing its remedies under Section 25-8-307, C.R.S. (1989).
- (4) Procedures for establishing compliance with standards promulgated by the WQCC.
- (a) Existing permits or NOIs affecting groundwater, subject to existing groundwater quality standards. The Office shall provide notice to operations subject to a permit or NOI issued prior to January 31, 1994 if such operation has a reasonable potential to exceed groundwater quality standards promulgated by the WQCC. Such existing groundwater quality standards may include standards applicable to groundwater that has been classified by the WQCC, interim narrative standards and state-wide standards for certain pollutants. The notice shall provide the Operator with a reasonable opportunity to respond and modify the permit or NOI if necessary, to establish permit or NOI conditions adequate to implement such groundwater standards.
 - (b) WQCC standards promulgated after a permit or NOI is issued: If there is a reasonable potential to exceed groundwater quality standards promulgated after the permit or NOI is issued the Office shall provide the Operator with notice of the applicable groundwater quality standards. The Operator shall be afforded a reasonable opportunity to submit an application to modify the permit or NOI as necessary to implement such groundwater quality standards.
 - (c) Permit or NOI conditions established pursuant to Rules 3.1.7(4)(a) and (b) shall include a reasonable schedule of compliance. Such permit or NOI conditions may be in the form of numeric protection levels, practice-based permit or NOI conditions, or both.
 - (d) If an Operator has a reasonable potential to exceed groundwater quality standards promulgated by the WQCC, the Operator shall modify the permit or NOI as necessary to implement such standards in compliance with this Rule 3.1.7, within

a reasonable period of time after receiving a Notice issued pursuant to Rules 3.1.7(4)(a) and (b). If the Operator fails to do so the Office may initiate an enforcement action to enforce compliance with this Rule and establish any necessary permit or NOI conditions.

- (e) Permits, NOIs or applications to modify a permit or a NOI shall not be approved unless such permit, NOI, or modification includes conditions adequate to implement all groundwater quality standards promulgated by the WQCC applicable to such permit, NOI, or modification.
- (5) Any Operator, on a voluntary basis, may submit information concerning the protection of the quality of groundwater affected by the operation to the Office. The Operator may submit such information and a plan for monitoring, where appropriate, including monitoring at points of compliance, for the Office's consideration. The information submitted must satisfy the requirements of Rules 3.1.7(6) and (7). Such voluntary submission by an Operator shall be considered a Technical Revision provided the submittal satisfies Rule 1.8, or NOI modification.
- (6) Points of Compliance:
 - (a) In order to evaluate protection afforded groundwater quality, comply with groundwater standards, or to demonstrate compliance with permit or NOI conditions established by the Office to protect groundwater quality, one or more points of compliance shall be established. Through incorporation into a permit or NOI and on a schedule approved by the Office, an Operator shall comply with groundwater quality standards established by the Water Quality Control Commission at points of compliance.
 - (i) Where the Water Quality Control Commission has not established standards, then any permit or NOI condition established by the Board or Office to protect groundwater quality shall be demonstrated to be met at points of compliance or as specified in the issued NOI or approved permit.
 - (b) Where groundwater quality standards have been established, the point of compliance shall be established according to the following criteria:
 - (i) for existing facilities at which an adverse impact to groundwater quality could occur, the point of compliance will be set as follows:
 - (A) at some distance hydrologically down-gradient from the facility or activity that is causing, or which has the potential to cause, the contamination, and selecting that distance closest to the facility or activity, considering the technological feasibility of meeting the requirements for protecting water quality:
 - (I) a specified distance, as determined by Rule 3.1.7(6)(b)(i)(B) below;

- (II) the hydrologically down-gradient limit of the area in which contamination has been identified; or
 - (III) the facility permit boundary.
- (B) In determining a specified distance the Office shall take into consideration the following factors;
- (I) the classified use, established by the Water Quality Control Commission, for any groundwater or surface water which could be impacted by contamination from the facility;
 - (II) the geologic and hydrologic characteristics of the site, such as depth to groundwater, groundwater flow direction and velocity, soil types, surface water impacts, and climate;
 - (III) the toxicity, mobility, and persistence in the environment of the contaminants used or stored at the facility and which could reasonably be expected to be discharged from the facility;
 - (IV) the potential of the site as an aquifer recharge area; and
 - (V) recommendations submitted by the facility owner or Operator, including technical and economic feasibility.
- (ii) For any new facility or new activity which may cause an adverse impact on groundwater quality, the point of compliance will be set as follows:
- (A) unless modified by the Office as specified in Rule 3.1.7(6)(b)(ii)(B) below, the point of compliance will be set at the hydrologically down-gradient limit of the area below the facility or activity potentially impacting groundwater quality.
 - (B) The point of compliance determined in Rule 3.1.7(6)(b)(ii)(A) above may be modified by the Office on a case-by-case basis with consideration of the following factors:
 - (I) the classified use, established by the Water Quality Control Commission, for any groundwater or surface water which could be impacted by contamination from the facility;
 - (II) the geologic and hydrologic characteristics of the site, such as depth to groundwater, groundwater flow direction and velocity, soil types, surface water impacts, and climate;

- (III) the toxicity, mobility, and persistence in the environment of contaminants used or stored at the facility which could reasonably be expected to be discharged from the facility;
- (IV) the potential of the site as an aquifer recharge area; and
- (V) recommendations submitted by the facility owner or Operators including technical and economic feasibility.

(7) Groundwater Monitoring:

- (a) For existing operations through permit or NOI modifications, and for new permit applications or NOIs, a groundwater monitoring program shall be required on a case-by-case basis where an adverse impact on groundwater quality may reasonably be expected.
- (b) If groundwater monitoring is required, the Operator shall include the following information as part of a permit application, NOI, or permit or NOI modification:
 - (i) a map that accurately locates all proposed groundwater sample points and any locations that are proposed as a point of compliance;
 - (ii) the method of monitoring well completion where monitoring wells are required;
 - (iii) method of sampling, frequency of sampling and reporting to the Office;
 - (iv) parameters analyzed, water quality analysis methods, and quality control and quality assurance methods;
 - (v) formations, aquifers or strata to be sampled;
 - (vi) identify the potential sources of groundwater contamination that will be monitored by each point of compliance monitoring point;
 - (vii) a time-schedule for implementation; and
 - (viii) ambient groundwater quality data sufficient to characterize potentially impacted groundwater quality.

(8) Release of Reclamation Liability: An Operator shall demonstrate, to the satisfaction of the Office, that reclamation has been achieved so that existing and reasonably potential future uses of groundwater are protected. In addition, Operators of any in situ leach mining operations shall reclaim groundwater as required in Rule 3.1.7(1)(e).

(9) An Operator must provide the Office a written report within five (5) ~~w~~Working ~~d~~Days when there is evidence of groundwater discharges exceeding applicable groundwater standards

or permit or NOI conditions imposed to protect groundwater quality ~~when-whether~~ these or other conditions are explicitly identified in the permit or NOI as requiring such notice.

For additional performance standards related to water, see Rules 3.1.5 and 3.1.6.

3.1.8 Wildlife

- (1) All aspects of the mining and reclamation plan shall take into account the safety and protection of wildlife on the mine site, at processing sites, and along all access roads to the mine site with special attention given to critical periods in the life cycle of those species which require special consideration (e.g., elk calving, migration routes, peregrine falcon nesting, grouse strutting grounds).
- (2) Habitat management and creation, if part of the Reclamation Plan, shall be directed toward encouraging the diversity of both game and non-game species, and shall provide protection, rehabilitation or improvement of wildlife habitat. Operators are encouraged to contact Colorado Parks and Wildlife and/or federal agencies with wildlife responsibilities to see if any unique opportunities are available to enhance habitat and/or benefit wildlife which could be accomplished within the framework of the Reclamation Plan and costs.

3.1.9 Topsoiling

- (1) ~~Where it is necessary to remove overburden in order to mine the mineral, T~~opsoil shall be removed and segregated from overburden and other spoil. If such topsoil is not replaced on a backfill area within ~~a time short enough to avoid deterioration of the topsoil the same growing season, not to exceed 180 days,~~ vegetative cover or other means shall be employed so that the topsoil is preserved-protected from wind and water erosion, remains free of any contamination by toxic or acid-forming material, and is in a usable condition for reclamation.
- (2) Where practicable, woody vegetation present at the site shall be removed from or appropriately incorporated into the existing topsoil prior to excavation within the affected areas. The Operator should make a reasonable effort to ensure that existing vegetation is put to a beneficial use such as firewood, mulching, lumber, etc.
- (3) Topsoil stockpiles shall be stored in places and configurations to minimize erosion and located in areas where disturbance by ongoing mining operations will be minimized. Such stockpile areas must be included in the affected areas and subject to all reclamation requirements. The Board may require immediate planting of an annual and/or perennial on topsoil stockpiles for the purpose of stabilization.
- (4) Once stockpiled, the topsoil shall be rehandled as little as possible until replacement on the regraded, disturbed area. Relocations of topsoil stockpiles on the affected land require Board or Office approval. Approval in most cases would be granted by way of technical revision.

- (5) The Operator shall take measures necessary to assure the stability of replaced topsoil on graded slopes such as roughing in final grading to eliminate slippage zones that may develop between the deposited topsoil and heavy textured spoil surfaces.
- (6) If, in the discretion of the Board or Office, such existent topsoil is of insufficient quantity or of poor quality for sustaining vegetation, and if other materials can be shown to be more suitable for vegetation requirements, then the Operator shall remove, segregate, and preserve in a like manner such other materials which are best able to support vegetation.
- (7) When growing media is replaced, it shall be done in as even a manner as possible. Fertilizer or other soil amendments shall be added, if required in the Reclamation Plan or as the soil tests indicate.
- (8) Vegetative piles shall be removed from the area or utilized in accordance with the Reclamation Plan.

3.1.10 Revegetation

- (1) In those areas where revegetation is part of the Reclamation Plan, land shall be revegetated in such a way as to establish a diverse, effective, and long lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer, and is at least equal in extent of cover to the natural vegetation of the surrounding area. Except for certain post mining land uses approved by the Board or Office, the use of species native to the region shall be emphasized. Native plant species that encourage pollinators should receive first consideration, but introduced species may be used in the revegetation process when found desirable and approved by the Board or Office. Greater emphasis on non-native species may be proposed for intensively managed forestry and range uses.
- (2) If the Operator's choice of reclamation is forest planting, they may, with the approval of the department, select the type of trees to be planted. If the Operator is unable to acquire sufficient planting stock of desired tree species from the state or elsewhere at a reasonable cost, they may defer planting until planting stock is available to plant such land as originally planned, or they may select an alternate method of reclamation.
- (3) If the Operator's choice of reclamation is for rangeland, the land shall be restored to slopes commensurate with the proposed land use and shall not be too steep to be traversed by livestock. The area may be seeded either by hand, or power, or by the aerial method.
- (4) The revegetation plan shall provide for the greatest probability of success in plant establishment and vegetation development by considering environmental factors such as seasonal patterns of precipitation, temperature and wind; soil texture and fertility; slope stability; and direction of slope faces. Similar attention shall be given to biological factors such as proper inoculation of legume seed, appropriate seeding and transplanting practices, care of forest planting stock, and restriction of grazing during initial establishment. The Board or Office, in consultation with the Landowner and the local Conservation District, if any, shall determine when grazing may start.

- (5) To ensure the establishment of a diverse and long lasting vegetative cover, the Operator shall employ appropriate techniques of site preparation and protection such as mechanical soil conditioning by discing and ripping; mulching; soil amendments and fertilizers; and irrigation.
- (6) Methods of weed control shall be employed for all prohibited noxious weed species, and whenever invasion of a reclaimed area by other weed species seriously threatens the continued development of the desired vegetation. Weed control methods shall also be used whenever the inhabitation of the reclaimed area by weeds threaten further spread of serious weed pests to nearby areas.
- (7) When necessary, fire lanes or access roads shall be constructed through the area to be planted. These lanes or roads shall provide access for planting crews, supervision and inspection.
- (8) Planting required for reclamation may be delayed, through the period of use related to places of refuse disposal, haulage roads and road cuts. Normal stabilization of surfaces is required. No planting is required:
 - (a) on any affected land being used or proposed to be used by the Operator for the deposit or disposal of refuse until after the cessation of operations productive of such refuse;
 - (b) on lands proposed for future mining;
 - (c) within depressed haulage roads or final cuts while such roads or final cuts are being used or made;
 - (d) where permanent pools or lakes have been formed; and
 - (e) on any affected land so long as the chemical and physical characteristics of the surface and immediately underlying material of such affected land are toxic, deficient in plant nutrients, or composed of sand, gravel, shale, or stone to such an extent as to seriously inhibit plant growth and such condition cannot feasibly be remedied by chemical treatment, fertilization, replacement of overburden, or like measures.
- (9) Where adverse characteristics of the surface, not feasibly remedied by artificial measures, would seriously inhibit plant growth, planting may be delayed or provided on substitute acres, depending upon natural corrective processes over a ten (10) year period.

3.1.11 Buildings and Structures

If the affected land is owned by a legal entity other than any local, state, or federal entity, any buildings or structures including those constructed or placed on the affected lands in conjunction with the mining operations or which are historic structures as determined by the State Historic Preservation Office may, at the option of the Operator and Landowner and with the approval of the Board, remain on the affected land after reclamation if such buildings or structures will not conflict with the post-mining land use and the structures conform to local building and zoning codes.

3.1.12 Signs and Markers

- (1) At the entrance of the mine site the Operator shall post a sign, which shall be clearly visible from the access road, with a minimum size equaling one hundred and eighty-seven (187) square inches, such as eleven (11) inches in height and seventeen (17) inches in width, with appropriate font size, with the following:
 - (a) the name of the Operator and the operation name;
 - (b) a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board and, as determined by the Office, the location where information can be obtained; and
 - (c) the permit number.
- (2) The boundaries of the affected area will be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries.
 - (a) for 110 Limited Impact Operations and Limited Impact 110 Designated Mining Operations the permit boundary for the purposes of this Rule shall be considered the affected area;
 - (b) for 112 Regular Operations and 112 Designated Mining Operations the area proposed to be disturbed by mining operations for which a Financial Warranty and Performance Warranty have been posted shall be the affected area.
- (3) The Office may approve an alternative plan for identifying the boundaries of the affected land if the Operator includes such a plan in the permit application or through a technical revision.

3.1.13 Spill Reporting

The Operator shall notify the Office of a spill of any toxic or hazardous substance, including spills of petroleum products, that occurs within the mined land permit area or area encompassed by a Notice of Intent and which would be required to be reported to any Division of the Colorado Department of Public Health and the Environment, the National Response Center, the Colorado Emergency Planning Commission, any local Emergency Planning Commission, local Emergency Planning Committee, or the State Oil Inspector. The Operator shall:

- (1) within twenty-four (24) hours of the time the spill is reported to any other agency(ies) with jurisdiction over the spill, notify the Division of Reclamation, Mining and Safety, via phone or email;
- (2) include in the notice any relevant information known at the time contact is made with the Office that would assist the Office in assessing spill seriousness, such as:
 - (a) operation name, DRMS permit number and name of person reporting the spill,

- (b) telephone number of a responsible company official for the Office staff to use as a contact,
 - (c) date and time of spill,
 - (d) type of material spilled (CAS number if applicable, from the material safety data sheet (MSDS) form),
 - (e) estimate of the amount spilled, whether any material has left the permit area, and where the spilled material went, and
 - (f) initial measures taken to contain and clean up the spill.
- (3) copy the Office on any correspondence and/or written reports provided to other agencies. Supplement those reports if necessary to include the information outlined in Rule 3.1.13(2).
 - (4) For permits approved prior to the effective date of these Rules, the requirements of Rule 3.13 shall supersede stipulations to permits regarding spill reporting.

3.2 INSPECTION AND MONITORING

- (1) Entry upon lands for inspection: the Board or Office may enter upon the lands of the Operator at all reasonable times for the purpose of inspection to determine whether the provisions of the Act and these Rules have been complied with.
- (2) Persons authorized under the Act and these Rules to conduct inspections shall, prior to entry onto any lands, notify the Operator of their intent to enter and inspectors shall comply with all federal, state, local and company safety rules.
- (3) Any state official or employee of the Office shall promptly report to the Board any possible violation of a permit, law or these Rules of which they have knowledge, whether obtained from personal inspection or from written reports on mining operations.
- (4) Upon an Office determination of a possible violation, the Office shall issue a Notice of Possible Violation(s), and shall mail such notice by certified mail, return receipt to the last known address of the Permittee. The Office shall schedule the matter of possible violation(s) for a Board Hearing according to the provisions of Rules 3.3.1 or 3.3.2.
- (5) All inspections shall include a written report which:
 - (a) describes every possible violation of the permit, law, or these Rules;
 - (b) is personally signed by the Inspector; and
 - (c) is mailed within a reasonable time to the mine office, or other suitable location designated by the Operator.

- (6) A report of how and when a violation is resolved and a report of any subsequent inspection to verify compliance shall be filed.
- (7) All operations applying for a regular permit, conversion, or amendment thereto shall be inspected after the application is filed and prior to Board consideration. Other Applicants shall be so inspected as time and staff resources permit.
- (8) Mining operations shall be inspected a sufficient number of times each year to ensure compliance with the permit, law, and these Rules. The frequency of inspection shall be determined by the extent of the operation, rate of mining, degree of actual or potential environmental impact, the Operator's past record of compliance, and by Board Policy.
- (9) The Board or Office is authorized to inspect any ongoing Prospecting Operation or any Prospecting Operation prior to the request for release of Performance and Financial Warranties, in order to determine compliance with these Rules.

3.3 ENFORCEMENT AND PROCEDURES

3.3.1 Operating Without a Permit or Prospecting Without a Notice of Intent Penalty

- (1) Whenever the Office issues an immediate Cease and Desist Order to an Operator or Prospector for failing to obtain a valid Mined Land Reclamation Board permit or filing a Notice of Intent, the Operator or Prospector shall be afforded an opportunity for a hearing before the Board. The Office shall schedule the matter for a hearing before the Board no sooner than thirty (30) ~~d~~Days after issuance of such Cease and Desist Order; except that an earlier date for a hearing may be requested by the alleged violator and the hearing must be set no later than the next succeeding Board meeting if requested by the alleged violator.
- (2) Operators who mine substantial acreage beyond their approved permit boundary may be found to be operating without a permit and shall be afforded an opportunity for a hearing before any Cease and Desist Order may issue.
- (3) Except as provided in Rule 3.3.1(4) below, any Operator who operates without a permit shall be subject to a Civil Penalty of not less than one thousand dollars (\$1,000.00) per day, nor more than five thousand dollars (\$5,000.00) per day, for each day the land has been affected. Such penalties shall be assessed for a period not to exceed sixty (60) days.
- (4) Any Operator eligible for, but operating without a permit under Section 34-32-110, C.R.S et seq., 1984, as amended, and any Prospector who operates without filing a Notice of Intent, shall be subject to a Civil Penalty of not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00) per day for each day the land has been affected. Such penalties shall be assessed for not less than one (1) day and not more than sixty (60) days.

3.3.2 Operating With a Permit or Prospecting With a Notice of Intent – Failure to Comply

- (1) Whenever the Board or Office has a reason to believe that there has occurred a violation of an Order, Permit, Notice of Intent, or regulation issued under the authority of the Act or

these Rules, written Notice shall be given to the Operator or Prospector of the possible violation at least thirty (30) ~~e~~D days prior to the scheduled Board hearing date, unless such Notice is waived, in writing, by the Operator. Such Notice shall be served personally or by Certified Mail, Return Receipt Requested, upon the possible violator or the possible violator's agent, for service of process. The Notice shall state the provision alleged to be violated and the facts alleged to constitute the violation, and may include the nature of any corrective action proposed to be required. The Notice shall state the date, time and place of the Formal Hearing where the Board will consider the possible violation.

- (2) Following a determination, by the Office, of reason to believe a violation exists, the Board shall hold a hearing on whether or not there is a violation.
 - (a) At the hearing, if the Board determines that a violation of the provisions of a Permit, a Notice of Intent, the Act, or these Rules has occurred, the Board may order the modification, suspension or revocation of the Permit. If the Board suspends or revokes the Permit of an Operator, the Operator may continue mining operations only for the purpose of bringing the mining operations into satisfactory compliance with the provisions of the Operator's Permit and all applicable safety regulations. Once such operations are complete to the satisfaction of the Board, the Board shall reinstate the Permit of the Operator.
 - (b) At the hearing, if the Board determines that a violation of the provisions of a permit, the Act, or these Rules has occurred, the Board shall assess a Civil Penalty of not less than one hundred dollars (\$100.00) per day nor more than one thousand dollars (\$1,000.00) per day for each day during which such violation occurs; except that any Operator who operates under a permit issued under Section 34-32-110, C.R.S., as amended shall be subject to a Civil Penalty of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) per day. Operators who affect substantial acreage beyond their approved permit boundary may be found to be operating without a permit and, in such case, the Civil Penalty shall be assessed according to the schedule in Rules 3.3.1(3) or (4).
 - (c) At the hearing, if the Board determines that a violation of the provisions of a permit, a Notice of Intent, the Act, or these Rules has occurred, the Board may issue a Cease and Desist Order. The order shall:
 - (i) specify the provisions(s) violated;
 - (ii) specify the facts which constitute the violation(s);
 - (iii) set forth the time by which the violations(s), act(s), or practices(s) must be terminated;
 - (iv) include, at the Board's discretion, any corrective action; and
 - (v) be served personally or by Certified Mail, return receipt requested, upon the Operator or their agent for service of process.

- (3) After a finding by the Board of a failure to comply, pursuant to Rule 3.2, any expenses incurred by the Board or Office in carrying out corrective actions, including administrative costs, may be assessed against the violator.

3.3.3 Injunctive Relief

- (1) In the event any Operator fails to comply with a Cease and Desist Order, the Board may request the Attorney General to bring suit for a temporary restraining order, a preliminary injunction, or a permanent injunction to prevent any further or continued violation of such order.
- (2) If the Board determines that the situation is an emergency, the emergency shall be given precedence over all other matters pending in such court.

3.3.4 Violation of a Cease and Desist Order – Surety Forfeiture

The Board shall institute proceedings to have the surety of the Operator forfeited for violation by the Operator of a Cease and Desist Order entered pursuant to Rule 3.3. Such proceedings shall be conducted in accordance with Rule 4.20.

RULE 4: **PERFORMANCE WARRANTIES AND FINANCIAL WARRANTIES**

4.1 **GENERAL PROVISIONS**

- (1) No governmental office of the state, other than the Board, nor any political subdivision of the state shall have the authority to require a Performance or Financial Warranty of any kind for any mining operation.
- (2) No permit may be issued pursuant to the Act until the Board or Office receives and approves the Performance and Financial Warranties required herein. If these Warranties are not received within one (1) calendar year of approval of an application for any new permit, amendment or conversion, the Board shall hold a hearing, in accordance with the notification and comment provisions of Rule 1.6, to reconsider the previous approval. If the Board affirms the original application approval, the Board shall establish a new deadline for submittal of the Financial and Performance Warranties. If the required Warranties are not posted by the date set by the Board, the application shall be denied.
- (3) Whenever two or more persons or entities are named as Operators in a single permit, the Operators may limit the scope of their individual Performance Warranties so long as the warranties, in the aggregate, warrant performance of all requirements of the Act.
- (4) Whenever two or more persons or entities act as Financial Warrantors, they may limit the scope of their individual warranties so long as all Financial Warranties, in the aggregate, equal the amount required by the Board.
- (5) Financial Warranties may be provided by the Operator, by any Third-party, or by any combination of persons or entities.
- (6) Financial Warrantors who provide proof of financial responsibility of any type or types described in Rules 4.3.2 ~~, or 4.3.8, or 4.3.9~~ shall not be required to secure the same by the posting of Third party sureties or otherwise pledging or encumbering property for the benefit of the state.
- (7) Financial Warranties shall be maintained in good standing for the entire life of any permit issued under the Act and these Rules. Financial Warrantors shall immediately notify the Board of any event which may impair their warranties.
- (8) Where one Operator succeeds another at any uncompleted operation, the Office shall release the first Operator from all liability as to that particular reclamation operation and shall release all applicable Performance and Financial Warranties as to such operation if the successor Operator assumes, as part of the obligation under the Act, all liability for the Reclamation of the affected land, and the obligation is covered by replacement Performance and Financial Warranties as to such affected land.
- (9) ~~95%~~100% of the proceeds of all Financial Warranties forfeited under the provisions of Section 34-32-118, C.R.S., shall be deposited in a special account established by the Board for the purposes of reclaiming lands which were obligated to be reclaimed under the permits upon which such Financial Warranties have been forfeited.

- (10) Proof of financial responsibility may be of any type and in such amount authorized herein, subject to approval by the Board or Office.

4.1.1 General Requirements – Performance Warranties

Each application for any Permit or amendments thereto shall be accompanied by a Performance Warranty.

- (a) The Performance Warranty shall be in a form approved and prescribed by the Board.
- (b) A Performance Warranty shall be signed by the Operator and/or by a person or persons authorized to bind the Operator.

4.1.2 General Requirements – Financial Warranties

- (1) A Financial Warranty shall be signed by a person or persons authorized to sign a Financial Warranty.
- (2) No Financial Warranty shall be required where the Operator is a unit of municipal or county government or the State Department of Transportation and the Operator submits a written guarantee, in lieu of a financial warranty, stating that the affected lands will be reclaimed in accordance with the terms of the permit, these Rules, and Section 34-32-116, C.R.S.
- (3) Any proof of financial responsibility submitted or revised on or after July 1, 1993, shall be in compliance with Rules 4.2.1(1) through (7), and 4.1.2(6) and (7).
- (4) If the Board or Office has reason to believe that any proposed Financial Warranty does not fully and accurately reflect the current financial condition of the Financial Warrantor, the Board or Office may decline to accept the Financial Warranty as submitted.
- (5) Each Financial Warrantor providing proof of financial responsibility in a form described in Rules ~~4.3.6, 4.3.8, 4.3.9, or 4.3.10~~ shall annually cause to be filed with the Board or Office a certification by an independent auditor that, as of the close of the Financial Warrantor's most recent fiscal year, the Financial Warrantor continued to meet all applicable requirements of Rule 4. Financial Warrantors who no longer meet said requirements shall comply with Rule 4.15.
- (6) The Board or Office may by permit condition require proof of value on a periodic basis of any Warranty held by the Board.
- (7) The Board or Office may by permit condition limit certain types of Warranties to specific purposes only or require a designated percentage of the total Warranty be held in easily valued and convertible instruments.
- (8) The Board or Office may refuse to accept any type of Financial Warranty if:

- (a) the value of the Financial Warranty offered is dependent upon the success, profitability, or continued operation, of the mine;
 - (b) for Deeds of Trust, ~~First Priority Liens or Salvage Credit~~, the Operator has not complied with Rule 4.9; or
 - (c) the Board determines that the Financial Warranty offered cannot reasonably be converted to cash within one hundred and eighty (180) ~~d~~Days of forfeiture.
- (9) Any Operator/Applicant that desires to utilize a Financial Warranty described in Rules 4.3.6 ~~, or 4.3.8, 4.3.9, or 4.3.10~~ shall pay to the Office an Annual Fee for the reasonable and necessary cost of establishing and reviewing the Financial Warranty.
- (a) No costs may be charged hereunder unless and until the Operator/Applicant signs written fee agreements with the Office. Said agreements shall be in such form as the Board may prescribe. Invoices pursuant to said agreements shall include a statement for services and expenses included in the total amount;
 - (b) rates charged by the Office hereunder may not exceed prevailing rates for similar services, and shall reflect the actual cost of establishing and reviewing the Financial Warranty;
 - (c) the Operator/Applicant shall be responsible for all costs properly charged hereunder, even if no permit issues from the Board; and
 - (d) funds paid to the Office are to be made available for the use of outside legal and financial advice for the purpose of reviewing the Financial Warranty of Operators/Applicants desiring to use the Self-Insurance provision.
- (10) The original bond documents shall be submitted to the Office and held in safekeeping by the State Treasurer's Office.

4.1.3 Provisions for Recovery of Costs

Any instruments offered as a Financial Warranty pursuant to this Rule 4, shall provide that the Board or Office may recover the necessary costs, including attorney's fees or fees incurred in foreclosing on or realizing the collateral used to secure such Financial Warranty in the event such Financial Warranty is forfeited, in the following manner:

- (a) for any Corporate Surety Bond issued by a corporate surety company authorized to do business in this state, the face amount of the bond shall be increased by five hundred dollars (\$500);
- (b) for any irrevocable Letter of Credit issued by a bank authorized to do business in the United States, the face amount of the Letter of Credit shall be increased by five hundred dollars (\$500);
- (c) for any Certificate of Deposit, the face amount of the Certificate of Deposit shall not be increased;

- (d) for any Individual Reclamation Fund, the amount of the trust fund required to be maintained shall be increased by five hundred dollars (\$500);
- (e) for any Cash Escrow Account, the amount of the Cash Escrow Account required to be maintained shall not be increased; and
- (f) for any Deed of Trust or Security Agreement encumbering real or personal property creating a first priority lien in favor of the state, the value of the real or personal property available to secure the amount of the Financial Warranty attributable to costs of reclamation shall be reduced by an amount to be determined by the Board or Office, but in any case, a minimum of five thousand dollars (\$5,000) and up to a maximum amount of two percent (2%) of reclamation costs;
- (g) any monies collected and not used to fulfill the requirements of this Rule 4.1.3, shall be returned to the Financial Warrantor upon completion of reclamation and liability release by the Board or Office.

4.2 FINANCIAL WARRANTY LIABILITY AMOUNT

4.2.1 Adequacy of Financial Warranties

- (1) All Financial Warranties shall be set and maintained at a level which reflects the actual current cost of fulfilling the requirements of the Reclamation Plan; and for Designated Mining Operations, fulfilling the applicable requirements of the reclamation and Environmental Protection Plans during site closure and reclamation.
- (2) Financial Warranty Review - the Office or Board may, in its discretion, review any Financial Warranty for adequacy at any time. In the event the Office or Board determine that the Financial Warranty is insufficient to perform reclamation, the Permittee shall have up to sixty (60) ~~e~~Days to post additional Financial Warranty from the date of written notice from the Office or Board of such insufficiency. If the Permittee disagrees with the Office Notice to Increase the Financial Warranty, the Office shall schedule the matter for a hearing before the Board. The Permittee may be scheduled for a Formal Board Hearing for possible revocation of the permit after sixty (60) ~~e~~Days, from the date of notice of any such adjustment, if the amount of any increased Financial Warranty has not been provided.
- (3) The Board or Office shall prescribe the amount and duration of Financial Warranties, taking into account the nature, extent, and duration of the proposed mining operation, the magnitude, type and estimated cost of planned reclamation, and the requirements of the Act.
- (4) In any single year during the life of the permit, the amount of required Financial Warranties shall not exceed the estimated cost of fully reclaiming all lands to be affected in said year, plus all lands affected in previous permit years and not yet fully reclaimed. For the purpose of this Rule, reclamation costs shall be computed with reference to current reclamation costs. The amount of the Financial Warranty shall be sufficient to assure the completion of

reclamation of affected lands if the Office has to complete such reclamation due to forfeiture. Reclamation includes all measures taken to assure the protection of water resources, including costs to cover necessary water quality protection, treatment and monitoring as may be required by Permit, these Rules or the Act.

- (5) The Financial Warranty amount shall include an amount equal to five percent (5%) of the amount of the cost of reclamation to defray the administrative costs incurred by the Office in conducting the reclamation.
- (6) When mining on federal land and the federal land management agency requires that a Financial Warranty be posted with their agency, the amount of Financial Warranty posted with the state shall be the difference between the amount required to be posted by the federal land management agency, and the amount required by the Mined Land Reclamation Board. In no event shall the amount of Financial Warranty posted with the state be less than one hundred dollars (\$100). In addition, the application shall contain a provision that in the event the federal land management agency reduces the Financial Warranty, the Permittee must post an acceptable replacement Warranty with the state prior to any release by the federal land management agency. The replacement Warranty shall be sufficient to cover the cost of reclamation liability unless the state conducts an inspection and concurs with the federal land management agency finding.

4.2.2 Specific Provisions – 110(1), 110(2) and Non-In Situ Leach Mining 110d Limited Impact Operations

- (1) Except for in situ leach mining permits, the Financial Warranty for any 110 Limited Impact Permit which is filed pursuant to Section 34-32-110(1)(a)(III) or (2), C.R.S., including those which are automatically issued as a result of Office inaction within thirty (30) ~~e~~Days pursuant to Section 34-32-110(6), C.R.S., shall be in an amount determined by the Office pursuant to Section 34-32-117(4), C.R.S. to be equal to the estimated cost of reclamation. By July 1, 2015, any Operator issued a two acre limited impact permit must comply with the financial warranty requirements set forth in Section 34-32-117(4), C.R.S. and Rule 4.
- (2) Divisions of state government and units of municipal and county government are exempt from submitting Financial Warranties and are not required to provide reclamation costs. Quasi-governmental agencies are not entitled to the financial warranty exemption unless otherwise approved by the Board.

4.2.3 Permit Conversion

The conversion of any 110 Permit into any 112 Permit shall require a Financial Warranty in an amount equal to the estimated cost of reclamation.

4.2.4 Reserved

4.2.5 Specific Provisions – 112, 112d, 110 ISL and 112 ISL Reclamation Permit Operations

- (1) The Financial Warranty for any 112, 112d, 110 ISL and 112 ISL Reclamation Permit shall be in an amount to be determined by the Board in accordance with the guidelines set forth herein.
- (2) The Financial Warranty for any 112, 112d, 110 ISL and 112 ISL Reclamation Permit which is automatically issued as a result of Board inaction within two hundred and forty (240) ~~e~~Days for any in situ leach mining application and within the one hundred and twenty (120) ~~e~~D~~a~~y period for non in situ leach mining 112 and 112d permit applications pursuant to the Act shall be in an amount equal to two thousand dollars (\$2,000.00) for each acre of Affected Land, or other such amount as the Board may determine at a subsequent hearing.
- (3) If, at a hearing, the Board determines that the Financial Warranty is not adequate, the Operator shall have sixty (60) ~~e~~D~~a~~y to post the additional Financial Warranty in a form and amount acceptable to the Board.

4.2.6 Specific Provisions – Prospecting Notice

- (1) Upon filing the Notice of Intent to Conduct Prospecting, the person shall provide Financial Warranty in the amount of two thousand dollars (\$2,000.00) per acre of the land to be disturbed, or such other amount as determined by the Office, based on the projected costs of reclamation.
- (2) Statewide Warranties may be submitted for prospecting, provided such warranties are in an amount equal to the estimated cost of reclamation per acre of affected land.

4.3 TYPES OF FINANCIAL WARRANTIES

Proof of financial responsibility may consist of any one or more of the following, subject to approval by the Board:

4.3.1 Cash Bond

Cash or Certified funds assigned to the Board.

4.3.2 Cash Escrow Account

A fund of cash or cash invested in

- (i) securities issued or directly and fully guaranteed or insured by the United States or any agency or instrumentality thereof, including treasury bills, discount notes of the Federal Home Loan Bank, Federal National Mortgage Association, and Federal Farm Credit System (provided that the full faith and credit of the United States is pledged in support thereof) having maturities of not more than one hundred and eighty (180) ~~e~~D~~a~~y from the date of acquisition;
- (ii) time deposits, certificates of deposit and banker's acceptances with maturities of not more than one hundred and eighty (180) ~~e~~D~~a~~y from the date of acquisition by such person of a

commercial bank having, or which is the principal banking subsidiary of a bank holding company having, a long-term unsecured debt rating of at least "AAA" or the equivalent thereof from Standard & Poor's;

- (iii) repurchase obligations with a term of not more than seven (7) ~~4~~Days for underlying securities of the types described in clause (i) above entered into with any bank meeting the qualifications specified in clause (ii) above;
- (iv) investments in money market funds substantially all assets of which are comprised of securities of the types described in clauses (i) through (iii) above; or
- (v) other instruments as approved by the Board established in the form of an escrow account.

4.3.3 Corporate Surety Bonds

A Surety Bond issued by a corporate surety authorized to do business in this state.

4.3.4 Irrevocable Letters of Credit

An Irrevocable Letter of Credit issued by a bank authorized to do business in the United States; the Operator/Applicant must provide evidence that the bank issuing the Letter of Credit is in good financial standing and condition, as may be evidenced by its rating by an appropriate rating system.

4.3.5 Certificates of Deposit

A Certificate of Deposit assigned to the Board.

4.3.6 Deeds of Trust and Security Agreements

A Deed of Trust or security agreement encumbering real or personal property and creating a first lien in favor of the State.

4.3.7 Reserved

4.3.8 Individual Reclamation Fund

A trust fund which shall be funded by periodic cash payments representing a fraction of total receipts, providing assurance that the funds required for reclamation will be available.

~~4.3.9 Salvage Credit~~

~~Credit for the Salvage Value of project-related fixtures and equipment (excluding rolling stock) owned or to be owned by the Financial Warrantor within the permit area, represented by a security agreement creating an equipment lien, less the value of any encumbrances of higher priority, which encumbrances shall be limited to government encumbrances.~~

~~4.3.10 First Priority Lien on Project-related Fixtures and Equipment~~

~~A Deed of Trust or security agreement encumbering specific project-related fixtures and equipment that must remain on-site upon completion of mining operations, or that must be demolished or removed in order for the Reclamation Plan to be performed, creating a first priority lien in favor of the State.~~

~~4.3.11 Negotiable Bonds of the United States Government~~

~~A Treasury note backed by the full faith and credit of the United States Government.~~

4.4 SPECIFIC REQUIREMENTS FOR CASH BONDS

Cash or Certified funds shall be held in trust by the State Treasurer's Office. All interest shall accrue to the benefit of the Financial Warrantor except where a permit is revoked and the Financial Warranty is forfeited, the interest shall accrue to the Division of Reclamation, Mining and Safety. The accrued interest shall be used for reclamation of the site.

4.5 SPECIFIC REQUIREMENTS FOR CASH ESCROW ACCOUNTS

- (1) Cash Escrow Accounts shall be administered by an independent ~~e~~Escrow ~~a~~Agent other than the Office and shall consist of cash and/or cash invested in financial instruments as described in Rule 4.3.2. If the Escrow Agent is a bank, the bank shall be rated as well-capitalized as defined in the Uniform Bank Performance Report.
- (2) The Escrow Agent shall be a United States bank or other financial institution, company, corporation, business or firm.
- (3) Investment of the Cash Escrow Account(s) shall be proportioned as follows:
 - (i) not less than fifty percent (50%) of the Cash Escrow Account(s) shall be convertible into cash or other immediately available funds within twenty-four (24) hours; and
 - (ii) the balances of the Cash Escrow Account(s) shall be convertible into cash or other immediately available funds within one hundred and eighty (180) ~~d~~Days.
- (4) All interest shall accrue for the benefit of the Operator.
- (5) All maintenance fees for the Cash Escrow Account(s) shall be paid for by the Operator.
- (6) The Escrow Agent shall provide to both the Operator and the Board monthly account statement detailing the activities and interests earned on the Cash Escrow Account(s), the cost and market value of the Cash Escrow Account(s), and the balances of the various types of instruments into which the Cash Escrow Account(s) are invested.
- (7) On the anniversary of the Cash Escrow Account(s), the Operator shall report to the Board the status of its activities under the Permit, including, but not limited to, the estimated reclamation costs for the area disturbed to date and the estimated amount of reclamation

costs for the additional area to be disturbed during the following twelve (12) months. Based upon this annual report, the Board may require the balance of the Cash Escrow Account(s) be increased to an amount that is not less than the total amount of estimated reclamation costs. The Board shall notify the Operator in writing of any required increase in the amount of Cash Escrow Account(s) and, within sixty (60) ~~e~~Days of the receipt of such notice, the Operator shall deposit the amount of the increase with the Escrow Agent. The Operator shall submit to the Board the corporation's annual report, which lists the Cash Escrow Account(s) in the report footnotes. The Operator shall also submit an annual report of the Escrow Agent.

- (8) In addition to the above requirements, any agreement establishing the Cash Escrow Account(s) shall provide the following:
- (a) Upon order of forfeiture of the Cash Escrow Account(s) by the Board, the Escrow Agent shall release the principal of the Cash Escrow Account(s) to the Board within five (5) ~~e~~Days after presentment of the Board forfeiture order to the Escrow Agent. The Operator agrees not to contest or otherwise challenge the Escrow Agent's disbursement of the Cash Escrow Account(s) in accordance with this Rule.
 - (b) The Operator may not use the Cash Escrow Account(s) as collateral for any loan, mortgage or other obligation or as a guarantee or security interest for any obligation of the Operator, including any security interest which may be filed under Article 9 of the Uniform Commercial Code as in effect in Colorado.
 - (c) The Board may file a security interest and lien upon the Cash Escrow Account(s) in accordance with Article 9 of the Uniform Commercial Code in effect in Colorado.
 - (d) The Board is not responsible for and is not indemnifying, insuring, or otherwise holding harmless the Escrow Agent or the Operator with respect to the agreement for any loss, liability, cost damage or expense including attorney's fees, the Escrow Agent may suffer or incur by reason of any action, claim or proceeding brought by or against the Escrow Agent arising out of or relating in any way to the agreement or the Cash Escrow Account(s).

4.6 SPECIFIC REQUIREMENTS FOR CORPORATE SURETY BONDS

- (1) The Operator/Applicant shall submit a fully executed Corporate Surety on a form provided by the Office.
- (2) A Power of Attorney authorizing the party signing on behalf of the insurance company shall be submitted with the Corporate Surety.

4.7 SPECIFIC REQUIREMENTS FOR IRREVOCABLE LETTERS OF CREDIT

- (1) The Irrevocable Letter of Credit shall be executed on the issuing bank's letterhead using the language provided by the Office.

- (2) The Irrevocable Letter of Credit shall be automatically renewable. The Letter of Credit shall provide that, in case of non-renewal, the bank must notify the Office and the Operator, by Certified Mail, at least ninety (90) ~~d~~Days prior to the expiration date of the Letter of Credit.
- (3) The bank shall provide documentation in the form of a balance sheet certified by a Certified Public Accountant demonstrating that the Letter of Credit does not exceed ten percent (10%) of the bank's capital surplus accounts. This documentation shall be provided by the Operator, annually, as part of the Operator's Annual Report.

4.8 SPECIFIC REQUIREMENTS FOR CERTIFICATES OF DEPOSIT

- (1) The Certificate of Deposit shall be assigned to the State of Colorado/Mined Land Reclamation Board.
- (2) The Certificate of Deposit shall be automatically renewed.
- (3) The account shall be a public funds account.
- (4) The Certificate of Deposit shall be issued by an eligible public depository under the Public Deposit Protection Act (PDPA), as required by Section 11-10.5-101, C.R.S.

4.9 SPECIFIC REQUIREMENTS FOR DEEDS OF TRUST AND OTHER SECURITY INTERESTS IN REAL OR PERSONAL PROPERTY

4.9.1 General Provisions

- (1) The Board or Office may accept interests in real and personal property as Financial Warranties of not more than ~~eighty-five percent (85%)~~ seventy-five percent (75%) of the ~~estimated appraised~~ value of ~~any such the~~ property. To qualify for the use of Deeds of Trust, an Operator must have reclamation liabilities in excess of thirty (30) million dollars. The total amount of interests in real and personal property shall not exceed twenty-five percent (25%) of the total required financial warranty unless specifically approved by the Board.
- (2) Any person offering such Financial Warranty shall:
 - (a) submit current information necessary to show clear title to the property and the current appraised value ~~of such the~~ property. This information shall contain a completed appraisal in a form approved by the Board.
 - (b) Submit together with the Annual Report as required by Rule 1.15, the following:
 - (i) an update by a qualified independent appraiser indicating any changes in property value;

- (ii) a statement summarizing any circumstances which may affect the adequacy of the Deed if it is a Trust or security agreement; and
 - (iii) proof that there are no past-due property taxes.
- (3) The Board or Office may refuse to accept any Deed of Trust or security agreement if the property or equipment offered is necessary in the functioning of any Environmental Protection Facility at the site of the mining operation, or the completion of the approved Reclamation Plan.

4.9.2 Deed of Trust – Real Estate

- (1) Rules 4.1.2(8)(a) and (c), shall be applicable for new Non-designated Mining Operations on July 1, 1993, and existing Non-designated Mining Operations on January 1, 1996, to Deeds of Trust existing as of July 1, 1993 and subsequent updates of these same Deeds of Trust used as collateral for Financial Warranties; and to any Financial Warranty completed before July 1, 1993 if the value of any such Financial Warranty includes any mineral value or if mineral value is used to update any such Financial Warranty. The value of any Financial Warranty described in this Rule shall include mineral value for the life of the Warranty. Updates shall mean only those changes that adjust the mineral or property value of an existing Deed of Trust, and does not include submissions of new properties.
- (2) Failure to provide the documents required by Rule 4.9.1(2) shall indicate a reason to believe the Financial Warranty is not being maintained in good standing as required by Rule 4.1(7).
- (3) A request for an increase in the bond by the Office shall require a reappraisal of any real property used as security for the bond. Such reappraisal shall be timely, provided by the Operator and shall be completed by an independent appraiser, acceptable to the Office.

~~4.9.3 First Priority Lien – Fixtures and Equipment~~

~~With respect to first priority liens on project-related fixtures and equipment described in Rule 4.3.10, above:~~

- ~~(a) the Board or Office may, in its discretion, accept a first priority lien, in the amount of the Financial Warranty prescribed pursuant to Rule 4.2.1, on any project-related fixtures and equipment that must remain on-site in order for the Reclamation Plan to be performed, in lieu of including the cost of acquiring and installing such fixtures and equipment;~~
- ~~(b) the Board or Office may accept a first priority lien on any project-related fixtures and equipment that must be demolished or removed from the site under the Reclamation Plan. The Board or Office may, in its discretion, accept such a lien as a portion of the proof of financial responsibility if the amount credited for such lien does not exceed the cost of demolishing or removing the subject fixtures and equipment or the market value of such fixtures and equipment, whichever is less; and~~

~~(c) any fixtures and equipment accepted pursuant to this Rule shall be insured, with the MLRB named as the additional insured, and maintained in good operating condition and shall not be removed from the permit area without the prior consent of the Board or Office. Each Operator/Permittee or Applicant providing a lien on such equipment and fixtures shall file an Annual Report with the Office in sufficient detail to fully describe the condition, value and location of all pledged fixtures and equipment. Such Financial Warrantor shall not pledge such equipment and fixtures to secure any other obligation and shall immediately notify the Office of any other interest that arises in the pledged property, and shall comply with the requirements of Rule 4.15.~~

4.10 RESERVED

4.11 SPECIFIC REQUIREMENTS FOR INDIVIDUAL RECLAMATION FUND

4.11.1 Establishment of Fund

- (1) Upon commencement of production or when site conditions change that make it necessary, the Operator may establish an individual reclamation fund, to be held by an independent trustee for the Board, upon such terms and conditions as the Board may prescribe, which trust fund shall be funded by periodic cash payments representing such fraction of receipts as will, in the opinion of the Board, provide assurance that funds will be available for reclamation.
- (2) Prior to issuance of a permit, the Operator will provide another form of Financial Warranty as described herein. As the reclamation fund increases in value, this form of Financial Warranty may be decreased in value so long as the sum of Financial Warranties is that amount specified by the Board or required by the Act.
- (3) In approving the Individual Reclamation Fund as a Financial Warranty, the Board or Office shall:
 - (a) approve the form of the initial Financial Warranty;
 - (b) fix the fraction of receipts to be held in trust;
 - (c) identify the trustee to hold said funds for the Board;
 - (d) prescribe the terms and conditions applicable to the Operator or Warrantor's payment of funds into said trust; and
 - (e) prescribe the terms and conditions governing the trustee's handling of said funds.

4.12 ~~SPECIFIC REQUIREMENTS FOR SALVAGE CREDIT~~RESERVED

~~4.12.1 Requirements for Salvage Credit~~

~~A Financial Warranty based on Salvage Credit must meet the following requirements:~~

- ~~(a) Project related fixtures and equipment (excluding Rolling Stock) owned or to be owned by the Operator/Permittee or Applicant within the permit area will have a Salvage Value at least equal to the amount of the Financial Warranty, or the appropriate portion thereof;~~
- ~~(b) Existing liens and encumbrances applicable to said fixtures and equipment, other than liens in favor of the United States or the State of Colorado, any other state, and any political subdivisions, will be subordinated to the lien described in Section 34-32-118(4)(b) and (c), C.R.S. and Rule 4.20(6).~~
- ~~(c) Said fixtures and equipment will be maintained in good operating condition, be properly insured against theft, loss, fire and vandalism, and will not be removed from the permit area without the prior consent of the Board. In addition, the Warrantor shall ensure that insurance premiums are always paid two (2) years in advance on said fixtures and equipment.~~

~~4.12.2 Determination of Salvage Credit~~

- ~~(1) The Operator/Permittee or Financial Warrantor shall provide the Office with appraisals, information regarding invoice price, current value, cost of demolition and/or removal, and any other information as is necessary to establish the Salvage Value of the particular Project related fixtures and/or equipment for which Salvage Credit is sought as all or part of the Financial Warranty for a Permit.~~
- ~~(2) The Operator/Permittee or Financial Warrantor shall provide the Office with a list of all encumbrances, and shall affirm that no other encumbrances exist to the best of the Operator's or Financial Warrantor's knowledge and belief.~~
- ~~(3) The Office may request the Operator/Permittee or Financial Warrantor to provide additional reasonable information to support the claimed Salvage Value and/or costs associated with any Project related fixture or equipment for which Salvage Credit is sought.~~
- ~~(4) Ten (10) days prior to any Board hearing regarding a Permit application for which Salvage Credit is offered as all or part of the Financial Warranty, the Office shall inform the Operator/Permittee or Financial Warrantor of its opinion as to the amount or estimate of the amount of the Salvage Value attributable to the Project related fixtures and equipment for which Salvage Credit is sought.~~
- ~~(5) At the hearing before the Board, the Office shall recommend an amount for Salvage Credit value.~~
- ~~(6) The Board shall, after considering the Office's recommendation, testimony offered by the Operator, Warrantor, or any other person, and facts adduced at the hearing, fix the amount of the Salvage Credit for the Project related fixtures and equipment, and attach conditions, as may be appropriate, to annually verify the value of the Salvage Credit.~~

4.13 ~~SPECIFIC REQUIREMENTS FOR NEGOTIABLE BONDS OF THE UNITED STATES GOVERNMENT RESERVED~~

- ~~(1) The Treasury note shall be purchased from a U.S. bank or broker.~~
- ~~(2) The Treasury note shall be for a period of five (5) years.~~
- ~~(3) The Treasury note shall be registered to the custody agent (bank or broker) and pledged to the Board and held in a joint account with the bank or broker.~~
- ~~(4) All interest shall be paid to the operator.~~
- ~~(5) The Board shall accept the value of the Treasury note at ninety percent (90%) of face value.~~
- ~~(6) The only authorized signatory on the account is that of the Board.~~
- ~~(7) The operator shall provide to the Board:
 - ~~(a) Book Entry receipt.~~
 - ~~(b) An Assignment of U.S. Treasury Note to the Board.~~~~
- ~~(8) Fees associated with the purchase and maintenance of Treasury Notes are the responsibility of the Permittee.~~
- ~~(9) The custody agent shall provide monthly statements of the account to the Board.~~
- ~~(10) If the market value of the U.S. Treasury Note drops below the required ninety percent (90%) of face value, the Permittee will supply the Board with additional funds or post an additional or replacement bond up to the required bond amount.~~

4.14 REDUCTION OF WARRANTY AMOUNT

4.14.1 Operator's Request for Reduction

- (1) An Operator may request that the Office reduce the amount of the Financial Warranty required.
- (2) Such a request must:
 - (a) be made in writing or via electronic submission, per the Office designation, separate from other correspondence;
 - (b) include an estimate of the actual cost to reclaim the site based on what it would cost an independent contractor to complete reclamation, including unit costs for

reclamation activities as appropriate to the operation to comply with the provisions of Rule 3.1 and the Permit's Reclamation Plan.

- (3) Such request shall be processed as described in Rule 4.16, for Prospecting operations, or Rule 4.17, for all other operations.

4.15 IMPAIRMENT OF FINANCIAL WARRANTIES

- (1) Each Financial Warrantor providing proof of financial responsibility in a form described in Rules ~~4.3.6, 4.3.8, 4.3.9, and 4.3.10~~ shall notify the Board within sixty (60) ~~e~~Days of any net loss incurred in any quarterly period.
- (2) Whenever the Board receives a notice under Rule 4.15(1) or fails to receive a certification or a substitute Warranty as required by Rule 4.1.2(5), or otherwise has reason to believe that a Financial Warranty has been materially impaired, it may convene a hearing for the purpose of determining whether impairment has in fact occurred.
- (3) Whenever the Board elects to convene a hearing pursuant to Rule 4.15(2), it may hire an independent consultant to provide expert advice at the hearing. The fees for any such consultant shall be paid by the Financial Warrantor, and no consultant shall be hired until the Financial Warrantor signs a written fee agreement in such form as the Board may prescribe. In the event that a Financial Warrantor refuses to sign such an agreement, the Board may, without hearing, order the Financial Warrantor to provide an alternate form of Financial Warranty.
- (4) At any such hearing, if the Board finds that a Financial Warranty has been materially impaired, it may order the Financial Warrantor to provide an alternate form of Financial Warranty.
- (5) A Financial Warrantor shall have ninety (90) ~~e~~Days to provide an alternate warranty required under Rule 4.15(4).

4.16 RELEASE OF WARRANTIES – PROSPECTING OPERATIONS

4.16.1 Prospector Application for Release of Warranties

- (1) Upon the completion of reclamation, any person that filed with the Board or Office a Prospecting Notice of Intent and Financial Warranties shall submit to the Office via electronic form and separate from other types of communication to the Board or Office a Reclamation Report and request for reclamation responsibility release stating that reclamation is finished.
- (2) Such report shall contain, at a minimum:
 - (a) the name of the operation, the name of the person or organization responsible for the prospecting (the "Prospector"), file number of the Prospecting Notice of Intent

- and the name, mailing address, e-mail address, and phone number of the contact person;
 - (b) a signed statement, or other certification as designated and approved by the Office, by the Prospector that all reclamation requirements of the prospecting notice have been satisfied;
 - (c) a narrative describing site grading, topsoil replacement, successful revegetation and other stabilization activities, as appropriate;
 - (d) suitable photographs of the reclaimed area; and
 - (e) a map of sufficient detail to determine the location of the prospecting activity.
- (3) The Office shall, within thirty (30) ~~e~~Days after receiving said report, or as soon thereafter as weather conditions permit, inspect the lands and reclamation described in the notice to determine if the Prospector has complied with all applicable requirements.
- (4) If the Office finds the reclamation to be in compliance with the requirements of the Notice of Intent, Rules and Regulations, and the StatuteAct, the Office shall release all applicable performance and financial warranties. The financial warranty shall not be held for more than thirty (30) ~~e~~Calendar ~~e~~Days after the Office finds that the Prospector has successfully completed reclamation. However, an appeal to the release of the Financial Warranties shall stay the release on the thirtieth (30th) ~~e~~Day pending a Formal Board Hearing.

4.17 RELEASE OF PERFORMANCE AND FINANCIAL WARRANTIES FOR MINING OPERATIONS

4.17.1 Operator Requirements

- (1) The Operator of any mining operation may file a written notice of completion of reclamation and request for release of reclamation responsibility with the Office whenever an Operator believes any or all requirements of the Act, the Rules and Regulations, and the approved reclamation plan have been completed with respect to any or all of the Affected Lands.
- (2) The Operator shall include in the notice to the Office the names and addresses and phone numbers of all owners of record to the affected land.
- (3) The written notice requesting release shall be sent by Certified Mail or e-permitting and be separate from other types of communication to the Office.
- (4) Such notice shall contain a signed statement, or other certification as designated and approved by the Office, by the Operator or their agent that all applicable portions of the Reclamation Plan requirements have been satisfied in accordance with these Rules and all applicable requirements under the Act.

4.17.2 Office Requirements

- (1) The Office, upon receipt of said notice of completion of reclamation, shall immediately provide notice to all owners of record to the affected land, ~~and to the county(s) the local Board of County Commissioners, and the County planning commission.~~
- (2) The Office shall, within sixty (60) calendar ~~d~~Days after receiving said notice, or as soon thereafter as weather conditions permit, inspect the lands and reclamation described in the notice to determine if the Permittee has complied with all applicable requirements.
- (3) If the Office fails to conduct an inspection within the time specified in Rule 4.17.2(2), or fails to advise the Permittee of deficiencies within the time specified in Rule 4.17.2(4), then all Financial Warranties applicable to reclamation described in the notice shall be deemed released as a matter of law.
- (4) Where the Office finds that a Permittee has not complied with the applicable requirements of the Act, Rules and Regulations, or the approved reclamation plan, it shall advise the Permittee of such non-compliance not more than sixty (60) ~~e~~Calendar ~~d~~Days after the date of the inspection.
- (5) Where the Office finds that a Permittee has successfully complied with the requirements of the Act, Rules and Regulations, and the approved reclamation plan, the Office shall release all applicable performance and financial warranties. Release (pending an appeal) shall be in writing and mailed within thirty (30) ~~e~~Calendar ~~d~~Days to the Permittee after the date of such findings. However, an appeal to the release of the financial and performance warranties shall stay the release on the thirtieth (30th) ~~d~~Day pending a Formal Board Hearing.

4.17.3 Reserved

4.17.4 Specific Provisions – Designated Mining Operations

- (1) Public Notice Requirements – Request for Release of Financial Warranty
 - (a) Upon filing an electronic Notice of Completion and a Request to Release Financial Warranty for a Designated Mining Operation, the Operator shall publish a Public Notice according to the following guidelines.
 - (b) At the time of filing a written Notice of Completion or Request for Release of Financial Warranty, the Operator shall publish once in a newspaper of general circulation in the area of the mining operation for which a reduction or release of Performance and Financial Warranties is sought. The Notice shall specify the following:
 - (i) the name of the mining operation;
 - (ii) the location of the mining operation in relation to the nearest municipality, giving direction and miles;

- (iii) a brief statement of what is being requested and that public comments concerning the appropriateness of the requested release should be sent within thirty (30) ~~e~~Days of the date of publication to the Office to the address for the Division of Reclamation, Mining and Safety, listed on the cover of these Rules.
- (iv) the Operator shall submit proof of publication as provided for in Rule 1.6.2(1)(a)(ii).

(2) Partial and Final Release of Financial Warranty

- (a) The Operator shall request release of any remaining reclamation bond funds at or after such time as is prescribed by the Board or Office which shall be no more than five (5) years after submitting the initial Request for Release of Financial Warranty, and subsequent Office inspection, as per the following:
 - (i) upon completion of the performance requirements of the Permit and Reclamation Plan, the Operator may file a written Notice of Completion with the Office;
 - (ii) the Office shall inspect the affected land within sixty (60) ~~e~~Days after receiving such notice, or as soon thereafter as weather permits to determine if the affected land has been reclaimed for a beneficial use and is in compliance with all applicable Performance Standards;
 - (iii) upon a finding by the Board or Office that the Operator has complied with all the Permit performance requirements, the Office shall deliver a written release of all, or portion of, the Financial Warranty, as appropriate, for the applicable Permit area. This release shall be according to a schedule prescribed by the Board;
 - (iv) if the Office or Board finds that the performance requirements have not been met, the Office shall advise the Operator, in writing, of such finding and noted deficiencies within sixty (60) ~~e~~Days of the inspection conducted pursuant to Paragraph Rule 4.17.4(2)(a)(ii);
 - (v) if the Operator is not entitled to release, or a portion thereof, of the Financial Warranty, the Board or Office may specify a reclamation schedule and adjust the amount of the bond and Financial Warranty, accordingly;
 - (vi) if the Office fails to conduct an inspection, pursuant to Rule 4.17.4(2)(a)(ii), or fails to notify the Operator of any deficiencies within sixty (60) ~~e~~Days of the inspection conducted pursuant to Rule 4.17.4(2)(a)(iv); then that portion of the Financial Warranty applicable to the reclamation described in the Notice of Completion or Request for Release shall be deemed released as a matter of law;

- (vii) within five (5) years after the release of a portion of the Financial Warranty, pursuant to Rule 4.17.4(2)(a)(iii) the Operator may file, in writing, a Request for Financial Warranty Release for release of the balance of the Financial Warranty according to the provisions of Rule 4.17.4(2). The Office shall inspect the affected land within sixty (60) ~~e~~Days of such request, or as soon thereafter as weather permits, to determine if the affected land has been reclaimed for a beneficial use and is in compliance with all applicable Performance Standards.

4.18 PUBLIC NOTICE AND FILING OF WRITTEN OBJECTIONS REGARDING A REQUEST FOR RELEASE OF FINANCIAL WARRANTY

- (1) Any person who demonstrates that they are directly and adversely affected or aggrieved and whose interest is entitled to legal protection under the Act may submit written objections on the request for reclamation responsibility release so long as such comments are received by the Office no more than fifteen (15) ~~e~~Days after notice by the Office to the county(s) and all owners of record to the affected land.
- (2) Notice of the Office's decision to release the Permittee from further reclamation responsibility shall be published in the next monthly agenda of the Board.

4.19 GENERAL PROVISIONS – APPEALS TO DECISION – RELEASE OF FINANCIAL WARRANTY

- (1) Any person directly and adversely affected or aggrieved by an Office decision to approve or deny the request for reclamation responsibility release and whose interest is entitled to protection under the Act may appeal the decision to the Board by submitting a request for Administrative Appeal to the Office according to the provisions of Rule 1.4.11. The request for Administrative Appeal must specify the basis for being directly and adversely affected or aggrieved, a statement of why the person's interest is protected by the Act, the permit number assigned by the Office and include a statement of the factual and legal issues presented by the appeal.
- (2) If the Office decision to release a Permittee from reclamation liability is reversed by the Board on appeal, all outstanding obligations under the permit the financial warranty, and the performance warranty shall remain in effect.

4.20 FORFEITURE OF FINANCIAL WARRANTY

- (1) A Financial Warranty shall be subject to forfeiture whenever the Board shall determine at a hearing that any one or more of the following circumstances exist:
 - (a) the Operator has violated a Cease and Desist order entered pursuant to Section 34-32-124, C.R.S. 1984, as amended, and, if corrective action was proposed in

- such order, has failed to complete such corrective action although ample time to have done so has elapsed; or
- (b) the Operator is in default under the Performance Warranty and has failed to cure such default although they have been given written notice thereof and has had ample time to cure such default;
 - (c) the Financial Warrantor has failed to maintain the Financial Warranty in good standing as required by Section 34-32-117, C.R.S. 1984, as amended; or
 - (d) the Financial Warrantor no longer has the financial ability to carry out the obligations under the Act.
- (2) Whenever the Board, based on information and belief, has reason to believe that a Financial Warranty is subject to forfeiture, the Board shall so notify the Operator and all Financial Warrantors. The Board shall afford the Operator and all Financial Warrantors the right to appear before the Board at a hearing to be held not less than thirty (30) ~~4~~ days after the parties' receipt of said Notice.
- (3) At any such hearing, the Board shall be empowered to:
- (a) withdraw or modify any determination that the Financial Warranty is subject to forfeiture;
 - (b) settle or compromise the determination; or
 - (c) confirm its determination that the Financial Warranty should be forfeited.
- (4) Upon finding that a Financial Warranty should be forfeited, the Board shall issue written findings of fact and conclusions of law to support its decision and shall issue an order directing affected Financial Warrantors to immediately deliver to the Board all amounts warranted by applicable Financial Warranties.
- (5) The Board, upon issuing any order pursuant to Rule 4.20(3), may request the Attorney General to institute proceedings to secure or recover amounts warranted by forfeited Financial Warranties. The Attorney General shall have the power, inter alia, to:
- (a) foreclose upon any real and personal property encumbered for the benefit of the state;
 - (b) collect, present for payment, take possession of, and otherwise reduce to cash any property held as security by the Board;
 - (c) dispose of pledged property.
- (6) The amount of any forfeited Financial Warranty shall be a lien in favor of this state upon any project related fixtures or equipment offered as proof of financial responsibility pursuant to Section 34-32-117(3)(f)(V)(C)-(E), C.R.S. 1984, as amended.

- (7) Said lien shall have priority over all other liens and encumbrances irrespective of the date of recordation, except liens of record on the effective date of this Act and liens of the United States, the state, and political subdivisions thereof for unpaid taxes, and shall attach and be deemed perfected as of the date the Board approves issuance of the Permit.
- (8) Funds recovered by the Attorney General in proceedings brought pursuant to Rule 4.20 shall be held in the account described in Section 34-32-122, C.R.S 1984, as amended, and shall be used to reclaim lands covered by the forfeited warranties. ~~_, except that, five percent (5%) of the amount of the Financial Warranty forfeited and recovered shall be deposited in the Mined Land Reclamation Fund, created in Section 34-32-127, C.R.S. 1984, as amended, to cover the administrative costs incurred by the Office in performing reclamation.~~
- (9) The Board shall have a right of entry to reclaim said lands. Upon completion of such reclamation, the Board shall present to the Financial Warrantor a full accounting and shall refund all unspent moneys.
- (10) Defaulting Operators/Permittees shall remain liable for the actual cost of reclaiming Affected Lands, ~~less any amounts expended by the Board pursuant to Rule 4.20(8), notwithstanding any discharge of applicable Financial Warranties.~~
- (11) Notwithstanding any provision of this Rule 4.20 to the contrary, a corporate surety may elect to reclaim Affected Lands in accordance with an approved plan in lieu of forfeiting a bond penalty, or in accordance with the approved Plan acceptable to the Board or Office, otherwise the Board may forfeit the fund and perform reclamation.

RULE 5: PROSPECTING OPERATIONS

5.1 NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS

5.1.1 General Provisions

- (1) Any person or organization desiring to conduct prospecting, or construct monitoring wells for establishment of baseline groundwater characterization for a future mine reclamation permit as defined in Rule 1.1(~~5760~~), shall, prior to entry upon the prospecting lands, file with the Office a Notice of Intent to Conduct Prospecting (NOI) on a form provided by the Board. A separate prospecting notice shall be filed with the Office for each non-contiguous Land Survey Quarter Section in which a proposed prospecting activity is to occur. The requirement for separate notices may be waived by the Office for good cause.
- (2) If the Office determines that the prospecting proposed in the NOI is instead “mining,” the Office shall notify the person or organization in writing. Any appeal of this determination shall follow the procedures set forth in Rule 1.4.11.
- (3) Modifications to an existing NOI must be submitted in writing and approved in advance of such activity. Modifications shall be reviewed by the Board or Office in the same manner as new NOIs. use the same NOI form, submit the same application fee, and include confidentiality designations. Prospectors must fill out sections of the NOI form that will change and indicate the sections that will not change. Prospectors must designate each portion of the modified NOI they believe are to remain confidential. Please note that under Section 34-32-113, C.R.S., all information provided to the Board in an NOI or a modification of an NOI is a matter of public record including, in the case of a modification, the original notice of intent, unless that information relates to the mineral deposit location, size, or nature or is designated by the Prospector as proprietary or trade secrets or that would cause substantial harm to the competitive position of the Prospector. Accordingly, the Prospector must also designate the information in the original NOI that it believes is confidential if it has not already done so.

5.1.2 Application Requirements

The NOI form (Rule 5.1.1(1)) shall, at a minimum, contain the following:

- (a) date of filing of the ~~Notice of Intent~~NOI;
- (b) the name, mailing address, e-mail address, and telephone number of person or organization responsible for the prospecting (the “Prospector”);
- (c) the name, mailing address, e-mail address, and telephone number of a person to contact concerning the information in the NOI and reclamation of lands affected by prospecting;
- (d) a description of lands, including:
 - (i) the site name, if applicable;

- (ii) the location, by each quarter section, section, township and range;
- (iii) where Public Land is involved, specify the land management agency, mailing address and telephone number;
- (iv) the estimated acreage of land surface to be affected by the prospecting activities to include areas affected by access along routes for which reclamation is the responsibility of the Prospector; and
- (v) a U.S.G.S. 7.5-minute quadrangle, or similar map of adequate scale, that
 - (A) identifies the proposed prospecting site(s) or activity areas involving surface disturbance. Activity areas may include all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps and prospecting roads; and
 - (B) includes sufficient detail to identify and locate all known prospecting features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, adits, shafts, tunnels, rock dumps and prospecting roads;
- (vi) provide documentation of the legal right to enter to conduct prospecting and reclamation for all Owners of Record of the surface and mineral rights of the affected land, for Owners of Record described in Rule 1.6.2(1)(e)(i). This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Prospector has legal right to enter to conduct prospecting and reclamation.
- (e) the approximate date of anticipated commencement and the date of completion of the above-described prospecting activity. Such activity must be completed within five (5) years of the NOI approval unless otherwise approved by the Office or Board;
- (f) a narrative description of the methods to be used to conduct the prospecting operation, including, but not limited to, the types and uses of equipment, drilling, surface blasting, road or other access route construction, excavations, and other site disturbance activities;
- (g) the measures to be taken to reclaim any affected land consistent with the applicable requirements of Rule 3.1. Such reclamation must be completed within five (5) years of the completion of prospecting activities notice provided for in Rule 5-75.3.4; and
- (h) (i) Designation of information believed by the applicant to be confidential including information relating to the mineral deposit location, size or nature, and information believed by the applicant to be proprietary or trade secret or that would cause substantial harm to the competitive position of the applicant. The applicant may designate its identity as confidential if the applicant believes that disclosing its identity would cause substantial harm to its competitive position. The requirements and provisions of Rule 1.3(4)(c) shall apply to any designation as to identity. The applicant shall distinguish in the submittal between those portions of the NOI that

are confidential because they relate to mineral deposit location, size or nature and those portions of the NOI the applicant believes are proprietary, trade secret or harmful to its competitive position. Those portions of the NOI that are not designated as confidential will be available as public record.

- (ii) The applicant must submit two (2) separate forms. One form will contain all information, including both public and confidential information (with confidential information designated as such). This complete form will be used by the Office for review and will be held confidential. The second form will contain only the information the applicant believes is public with the applicant redacting all information to be held as confidential.
- (i) The applicant must submit the NOI ~~in both paper and electronic form~~ through e-permitting or by electronic form as designated by the Office. The Office shall post on its website the NOI within five (5) ~~d~~Days of submittal except those portions of the submittal designated by the applicant as confidential.
- ~~(j) Modifications to an existing NOI must be submitted in writing and approved in advance of such activity. Modifications shall be reviewed by the Board or Office in the same manner as new NOIs, use the same NOI form, and include confidentiality designations. Prospectors must fill out sections of the NOI form that will change and indicate the sections that will not change. Prospectors must designate each portion of the modified NOI they believe are to remain confidential. Please note that under Section 34-32-113, C.R.S., all information provided to the Board in an NOI or a modification of an NOI is a matter of public record including, in the case of a modification, the original notice of intent, unless that information relates to the mineral deposit location, size, or nature or is designated by the Prospector as proprietary or trade secrets or that would cause substantial harm to the competitive position of the Prospector. Accordingly, the Prospector must also designate the information in the original NOI that it believes is confidential if it has not already done so.~~
- ~~(k)~~ Any dispute concerning whether information in a NOI is confidential or public shall be resolved by following the procedures set forth in Rule 1.3.
- ~~(l)~~ a statement that prospecting will be conducted pursuant to the terms and conditions listed on the approved NOI form.
- ~~(m)~~ Concurrent with submitting the NOI to the Office, the prospector shall send a notice to the local Boards of County Commissioners in the counties where the proposed prospecting activities occur.
 - (i) The Prospector shall ~~provide proof~~ certify that such notice was ~~submitted~~ provided. Proof of notice shall be in the form of a return receipt of a Certified Mailing, e-receipt, or a date-stamped copy of the notice acknowledging receipt by the local Board(s).
 - (ii) Such notice shall state that non-confidential information regarding the proposed prospecting activities will be available for review at the Office's website.
- ~~(m)~~ An application fee as specified in Section 34-32-127(2)(a)(I)(K).

5.1.3 Office Review

Upon receipt by the Office of a NOI to Conduct Prospecting, the Office shall timely notify the prospector, in writing or via electronic means, of receipt of the NOI. The Office shall post on its website the NOI within five (5) ~~e~~Days of submittal except those portions of the submittal designated by the applicant as confidential. Any public comment or request for disclosure of information designated as confidential filed pursuant to Rule 1.3(4)(f) regarding the NOI must be received by the Office no later than ten (10) ~~w~~Working ~~e~~Days after the notice is posted on the Office website.

- (a) Review of a NOI and associated Financial Warranty information is required by the Office within twenty (20) ~~w~~Working ~~e~~Days of receipt by the Office. If the Prospector has not been notified of any deficiencies of the NOI form, including notice of a dispute regarding confidentiality pursuant to Rule 1.3 which will be treated as a deficiency of the NOI, or Financial Warranty by the Office within twenty (20) ~~w~~Working ~~e~~Days of receipt by the Office of the NOI, prospecting operations may commence. For activities on BLM or USFS lands, the twenty (20) ~~w~~Working ~~e~~Day period begins when the Office has received notification from the appropriate federal land management agency that they have received the notice of proposed activities, or the Office has otherwise determined that the appropriate federal land management agency has received the notice.
- (b) If a challenge to confidentiality has occurred pursuant to the process set forth in Rule 1.3, and the Board has determined that certain information is public rather than confidential, upon the expiration of the thirty (30) ~~e~~Day delay period under Rule 1.3 (4)(a)(v)(b)(ii), the Office shall post the newly released information on the Office website within five (5) working days. Any public comment regarding the newly released information must be received by the Office no later than ten (10) ~~w~~Working ~~e~~Days after the new information is posted on the Office website.
- (c) If the Office has notified a Prospector within twenty (20) ~~w~~Working ~~e~~Days of receipt of a NOI that it has not been filed in accordance with Rule 5.3, has been deemed complex, or of deficiencies in the Financial Warranty, the Prospector shall address all identified deficiencies or complexities within sixty (60) ~~e~~Days of the Office notification. If the NOI deficiencies or complexities are not addressed within sixty (60) ~~e~~Days, the Office may terminate the NOI file. The Office shall notify the ~~person who submitted the NOI~~ Prospector of such termination.
- (d)
 - (I) The Office shall send notice of its decision on a NOI to the prospector and any person who filed a timely comment.
 - (II) Any prospective prospector or person who filed a timely comment and who meets the definition of party may appeal an Office determination within five (5) ~~business~~ Working ~~e~~Days from the date the Office sends notice of its decision.
 - (III) The Board shall hear any such appeal at its next regularly scheduled meeting that is at least ten (10) ~~e~~Calendar ~~e~~Days from the date of such appeal.
 - (IV) The Office's determination shall not take effect until the expiration of the five (5) ~~business-Working~~ eDays allowed for an appeal, or, in the case of an appeal, until the Board issues its decision.

5.2 CONFIDENTIALITY

5.2.1 NOI Information

- (1) For NOIs submitted or approved on or before June 2, 2008, all information provided to the Office in a NOI shall be protected as confidential information by the Board and not be a matter of public record in the absence of written release from the Prospector or upon a finding by the Board that reclamation is satisfactory, or the site has been abandoned as set forth in Rule 5.6(2). If the site is abandoned, the information in the NOI not subject to the provisions of Rule 5.2.2 may be used by the Office to ensure that the reclamation requirements of the NOI have been met. Notice of a Board determination that a prospect site under a NOI has been abandoned will be sent by certified mail to the prospector at the last known address.
- (2) For Notices of Intent to Conduct Prospecting or modifications thereof submitted or approved on or after June 2, 2008, all information in a notice of intent or modification of such notice is a matter of public record including, in the case of a modification, the original notice of intent; except that, information relating to the mineral deposit location, size or nature, and other information designated by the applicant or prospector and determined by the Board as proprietary or trade secrets or that would cause substantial harm to the competitive position of the applicant or prospector shall be protected as confidential and shall not be a matter of public record in the absence of a written release from the applicant or prospector, until a finding by the Board that reclamation is satisfactory, or until the Board releases the information pursuant to the provisions of Rule 1.3.

5.2.2 Portions of NOI File to Remain Permanently Confidential

- (1) For NOIs filed before June 2, 2008, the following drillhole information remains permanently confidential:
 - (a) all drillhole information contained within the temporary abandonment reports, required in accordance with Rule 5.4.3;
 - (b) all drillhole information contained in the final reports in accordance with Rule 5.7(1);
 - (c) all drillhole information contained in the annual reports in accordance with Rule 5.6; and
 - (d) all drillhole information contained in inspection reports.
- (2) For NOIs or modifications thereof filed on or after June 2, 2008, the information described in this Rule 5.2.2, including in the case of a modification, the information in the original NOI, shall be publicly available unless designated by the prospector as confidential. The provisions of Rule 1.3 shall apply for a requested Board determination as to whether information designated by the prospector as confidential should remain confidential.

5.3 TERMS AND CONDITIONS FOR PROSPECTING

5.3.1 Protection of Surface Areas

Prospecting will be conducted in such a manner as to minimize surface disturbances and protect public health, safety, and the environment. The Prospector shall:

- (a) address the standards required in Rule 5;
- (b) address all relevant reclamation performance standards of Rule 3.1;
- (c) confine prospecting to areas near existing roads or trails where practicable. Any new road used for prospecting, or any existing road which is significantly upgraded must be included as part of the affected acreage. A road is significantly upgraded if it is significantly widened, or the route or gradient are significantly altered;
- (d) conduct drilling in such a way as to prevent cuttings and fluids from entering any drainage way;
- (e) timely abandon drill holes upon completion as required by Rule 5.4;
- (f) safeguard mine entries, mud pits, trenches, and excavations from unauthorized entry at all times as necessary to provide for public safety;
- (g) timely reclaim affected lands upon completion of prospecting operations or phases of the prospecting operation. Prospecting activities must be completed within five (5) years of the NOI approval unless otherwise approved by the Office or Board, and reclamation must be completed within five (5) years of the completion of prospecting activities; and
- (h) backfill and revegetate trenches and other excavations upon completion of the prospecting activities.

5.3.2 Protection of Wildlife

Prospecting shall be conducted to minimize adverse effects on wildlife, including, where appropriate but not limited to, escape ways, fencing, or other acceptable wildlife barriers.

5.3.3 Financial Warranty

- (1) Upon filing the NOI, the Prospector shall provide Financial Warranty in the amount of two thousand dollars (\$2,000.00) per acre of the land to be disturbed, or such other amount as determined by the Office, based on the projected costs of reclamation, taking into account the nature, extent, and duration of the prospecting operation and the magnitude, type and estimated cost of the planned reclamation.
- (2) A Prospector may submit statewide Financial Warranties for prospecting if Financial Warranties are in an amount fixed by the Office, based on the projected costs of reclamation, and such Prospector otherwise complies with the provisions of this Rule for

every area to be prospected. (Further information on Performance and Financial Warranty procedures may be found in Rule 4.)

- (3) The Board or Office shall take reasonable measures to ensure the continued adequacy of any Financial Warranty.

5.3.4 Notice of Completion of Prospecting Prior to Initiating Reclamation

(1) Upon completion of the prospecting or the establishment of monitoring wells, the Prospector shall submit to the Office a Notice of Completion of Prospecting Operations ("Notice of Completion"). Such notice shall be sent via electronic submission or certified mail separate from all other correspondence.

(2) Within ninety (90) Days after the submittal of the Notice of Completion the Office shall notify the Prospector of the steps necessary to reclaim the land. (In most cases, this will simply involve a conference to discuss the Reclamation Plans outlined in the NOI that was previously submitted by that Prospector.)

5.3.5 Post-Reclamation – Inspection and Release of Warranties

(1) The Office shall inspect the lands prospected within thirty (30) ~~e~~Days, or as soon thereafter as weather conditions permit, after the ~~person prospecting the lands~~ Prospector submits a Reclamation Report and requests a reclamation responsibility release that meets the requirements of Rule 4.16.1(2), including permanent abandonment of all prospecting drill holes as required by Rule 5.4.2 or 5.4.5. If the Office finds the reclamation satisfactory, the Office shall release the applicable Financial Warranty.

(2) The Financial Warranty shall not be held for more than thirty (30) ~~e~~Days after the date the Office determines that reclamation has been completed satisfactorily (including permanent abandonment of all prospecting drill holes).

5.3.6 Compliance with State and Federal Laws

All Prospecting shall be conducted in such a manner as to comply with all applicable local, state and federal laws, including but not limited to air and water quality laws and regulations, the Act, and these Rules and Regulations.

5.4 ABANDONMENT OF PROSPECTING DRILL HOLES

5.4.1 General Provisions

(1) ~~Without regard to the one thousand six hundred (1,600) square foot limitation in Section 34-32-103(12), all~~All prospecting drill holes shall be permanently plugged, sealed or capped pursuant to the requirements of these Rules immediately following the drilling of the hole and the collection of drill hole information; unless provision is made to temporarily abandon the hole, pursuant to Rule 5.4.3, to maintain the hole for purposes of monitoring pursuant to Rule 5.4.4, or to convert the hole to a water well pursuant to Rule 5.4.5.

- (2) This Rule shall not apply to holes drilled within the affected area in conjunction with a mining operation for which the Board or Office has issued a permit, nor to wells or holes drilled for the purposes of coal exploration, exploration or removal of oil and gas, nor to geothermal wells or water wells, nor to holes drilled from within underground mine workings. For purposes of this Rule, "permanent abandonment" of a prospecting drill hole shall be defined as abandonment in conformance with the requirements of Rules 5.4.2 or 5.4.5, or inclusion within the permit boundary of a mining operation for which the Board or Office has issued a Permit.
- (3) Permanent abandonment shall be attested by the submission of a final report, as described in Rule 5.7.

5.4.2 Permanent Abandonment of Prospecting Drill Holes

- (1) Any drill hole which evidences artesian flow of groundwater to the surface shall be plugged with neat cement grout, or a similar material sufficient to prevent such artesian flow, as approved by the Office. The Prospector shall exercise care in evaluating the existence of artesian flow in fluid, cuttings, rock flour, or mud drilled holes, in which artesian flow may be temporarily inhibited by the presence of the drilling fluid or mud.
- (2) Any drill hole which encounters an aquifer in consolidated rock formations, shall be sealed, utilizing a high quality sodium bentonite type gel, specifically developed for use as an abandonment fluid, or an equivalent material or technique as approved by the Office.
- (3) Any drill hole limited to unconsolidated material and penetrating less than ten (10) feet into bedrock, shall be backfilled with materials removed from the drill hole, or an equivalent material or technique as approved by the Office. If the materials removed from the hole during drilling are inadequate to backfill the drill hole, materials representative of the undisturbed unconsolidated materials shall be backfilled into the drill hole.
- (4) Any drill hole that penetrates saturated unconsolidated materials and continues more than ten (10) feet into bedrock shall be abandoned in a manner sufficient to prevent inter mixture of aquifers.
- (5) Any drill hole that penetrates unsaturated unconsolidated materials and continues deeper than ten (10) feet into bedrock, but does not encounter an aquifer, shall be securely capped, as approved by the Office.
- (6) The Prospector shall submit to the Office a copy of the final report required under Rule 5.7.

5.4.3 Temporary Abandonment of Prospecting Drill Holes

A prospecting drill hole may be temporarily abandoned without being permanently plugged or sealed. However, no drill hole which is to be temporarily abandoned without being plugged or sealed shall be left in such a condition as to allow fluid communication between aquifers, consistent with the Rules and Regulations for Water Well Construction, Pump Installation, and Monitoring and Observation Hole/Well Construction ("Water Well Construction Rules"), 2 CCR 402-2, and

specifically Rules 10.1 and 10.4.5 of the Water Well Construction Rules, and their applicable ~~subparagraphs-subsection~~ therein. Such temporarily abandoned drilled holes shall be securely capped in a manner ~~that-which~~ prevents unauthorized entry and injury to persons and animals. (Copies of the above-referenced Rules may be reviewed at the Division of Water Resources.)

5.4.4 Establishment of or Conversions to a Monitoring Well

A prospecting drill hole may be established as or converted to a monitoring well for the purpose of groundwater or geophysical monitoring, if the Prospector ~~conducting the prospecting~~:

- (a) has obtained the necessary permit from the State Engineer (Division of Water Resources);
- (b) cases and seals the drill hole in accordance with the requirements of the Water Well Construction;
- (c) caps the drill hole to prevent unauthorized entry and injury to persons and animals; and
- (d) submits to the Office a copy of the "Well Construction and Test Report" submitted to the Division of Water Resources describing the method and materials used in casing and sealing the drill hole to prevent commingling of aquifer waters.

(e) If the monitoring well was constructed for the purpose of hydrological investigations to acquire baseline monitoring data for a future mine reclamation permit and will remain as a part of the permit's monitoring program, the monitoring well and associated reclamation liability shall be included in the affected lands and reclamation plan of such permit. When a permit is not issued within the timeframes of the prospecting activities of Rule 5.3.1(g), the Prospector shall proceed with abandonment in conformance with the requirements of Rules 5.4.2 unless the monitoring well is converted to a water well under Rule 5.4.5.

5.4.5 Use as, or Conversion to, a Water Well

- (1) If any prospecting drill hole or monitoring well will ultimately be used as, or converted to, a water well:
 - (a) the user of the water well must have obtained an approved well permit from the Colorado Division of Water Resources, in accordance with Articles 90, 91 and 92 of Title 37, C.R.S., prior to drilling and construction of the well; and
 - (b) the Prospector shall submit to the Office the permanent abandonment report required by Rule 5.7 with an attached copy of the completely executed "Well Construction and Test Report," submitted to the Colorado Division of Water Resources as required by the Board of Examiners of the Water Well Construction and Pump Installation Contractors.
 - (i) The Prospector need not complete those portions of the permanent abandonment report ~~duplicating which duplicate~~ information contained on the "Well Construction and Test Report."

- (2) The user of the water well may assume the Prospector's responsibility for maintenance of the temporary abandonment and completion of the permanent abandonment of a prospecting drill hole or monitoring well proposed to be converted to a water well, if the following requirements are satisfied:
- (a) the user of the water well submits a copy of the completely executed well permit to the Mined Land Reclamation Office; and
 - (b) the user of the water well and the Prospector submit a completely executed "Request for Transfer of Responsibility for Abandonment of a Exploration Drill Hole Converted to a Water Well" to the Office.

5.5 SURFACE RECLAMATION

5.5.1 General Requirements

All lands affected by drilling must be reclaimed to a condition appropriate for the land use existing prior to prospecting, or other beneficial use, upon completion of prospecting.

5.5.2 Specific Requirements

Reclamation shall be completed consistent with all applicable requirements of Rule 3.1 and the following:

- (a) trash must be removed from the site;
- (b) vegetation cleared from the site must be properly disposed of or dispersed;
- (c) drill cuttings must be spread to a depth no greater than one half (1/2) inch or buried in an approved disposal pit;
- (d) mud pits, excavations, trenches, or other disturbance shall be backfilled and graded to blend with the surrounding land surface;
- (e) if vegetative cover was destroyed, an appropriate seed mix shall be used in the first normal period favorable for planting;
- (f) if necessary to assure successful revegetation, the drill site area shall be scarified, mulched and the seed covered;
- (g) noxious weeds shall be controlled within the area affected by the ~~p~~Prospector; and
- (h) existing roads which are to remain as permanent roads after prospecting activities are completed, shall be left in a condition equal to or better than the pre-prospecting condition.

5.6 ANNUAL REPORT

- (1) An annual report must be submitted by the anniversary date of the ~~Notice of Intent (NOI)~~ approval for each year until a reclamation responsibility release is granted. The Annual Report shall include all information specified on the Annual Report Form, in the format required by the Office, and specifically:
 - (a) the ~~p~~P prospector and contact person's name, address, e-mail, and telephone number, as set forth in Rules 5.1.2(b) and (c);
 - (b) the name, address and telephone number of the surface landowner where prospecting has occurred;
 - (c) a description of the prospecting activity that has occurred during the preceding year, to include the location of new surface drill holes, mud pits, excavations, rock dumps, adits, shafts, trenches, pits, roads and structures;
 - (i) if applicable, a description of the manner in which shafts, adits and other mine openings are safeguarded from unauthorized entry both during and after prospecting;
 - (d) a description of reclamation that has occurred during the year and during the preceding years;
 - (e) the date that the prospecting activity has ended or will end;
 - (f) an updated map showing the location of all holes drilled, mine openings, any roads constructed, areas disturbed and areas reclaimed to date, including identification of disturbance and reclamation activities which have occurred in the preceding year. Prospecting disturbance and reclamation must be identified on a site map of adequate scale to field locate these areas, which may include;
 - (i) coordinates reported in latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W); or
 - (ii) coordinates based on the Universal Transverse Mercator (UTM) North American Datum (NAD). For UTM, the Prospector will need to specify NAD 1927, NAD 1983 or WGS 84, and the applicable zone, measured in meters.
 - (g) documentation, in a manner acceptable to the Office, showing that the Financial Warranty remains in place and is adequate to fully reclaim the approved prospecting site disturbance.
 - (h) signature(s) and signature date(s), or other certification as designated and approved by the Office, of the ~~person or organization responsible for prospecting~~ Prospector, as set forth in Rule 5.1.2(b), attesting to the accuracy of the information contained therein.

- (2) Failure to submit an annual report for two (2) consecutive years shall constitute evidence of abandonment of the prospecting activities. The Office may issue a letter stating its reason(s) to believe a site has been abandoned where the annual report has not been received within sixty (60) ~~d~~Days following the due date of the second annual report. Any appeal of this determination shall follow the procedures set forth in Rule 1.4.11.
- (3) Annual reports filed before June 2, 2008, shall be confidential. Annual reports filed on or after June 2, 2008, shall be a matter of public record unless designated by the prospector as confidential pursuant to the provisions of Rule 1.3. The provisions of Rule 1.3 shall apply to a request for a Board determination as to whether information designated by the prospector as confidential should remain confidential.
- (4) On the anniversary date of the Notice of Intent approval, the Prospector shall submit to the Office an annual fee as specified in Section 34-32-127(2)(a)(IV)(G), C.R.S.

5.7 FINAL DRILL HOLE ABANDONMENT REPORT

- (1) No later than sixty (60) ~~d~~Days after the completion of the abandonment of any drill hole which has artesian flow at the surface, or no later than twelve (12) months after the completion of the abandonment of any other drill holes, the Prospector shall submit to the Office a final drill hole abandonment report containing:
 - (a) the date of completion of ~~prospecting activity~~abandonment of any drill hole;
 - (b) the location of prospecting disturbance and reclamation at a scale adequate to accurately field locate these areas, as provided for in Rule 5.6(f);
 - (c) for holes having artesian flow at the surface, the estimated rate of flow (if such is known); and
 - (d) a description of the plugging, sealing, and capping techniques used, including the following information when applicable:
 - (i) When mud is used for abandonment, the description shall include the viscosity (marsh funnel viscosity) of the mud when the drill hole reached bottom, the trade name of the abandonment mud utilized, and the final viscosity (marsh funnel viscosity) of the abandonment mixture; or
 - (ii) When cement is used to abandon the drill hole, the description shall include a description of the cement grout mixture utilized to seal and plug the hole.
- (2) In the case of closely spaced drill holes having similar geologic and hydrologic characteristics, the Prospector may, with the approval of the Office, submit a single consolidated final report including the locations of all drill holes, and the abandonment technique.

- (3) As to final reports filed before June 2, 2008, the final report and all information contained therein shall be confidential in nature and shall not be matter of public record. As to final reports filed on or after June 2, 2008, the final report and all information contained therein shall be a matter of public record unless designated by the prospector as confidential pursuant to the provisions of Rule 1.3. The provisions of Rule 1.3 shall apply to a request for a Board determination as to whether information designated by the prospector as confidential should remain confidential.
- (4) The final report shall be signed, or other certification as designated and approved by the Office, by the Prospector or the ~~p~~PProspector's authorized contact, as set forth in Rule 5.1.2(c), attesting to the accuracy of the information contained therein.

5.8 NO WAIVER OF ADMINISTRATIVE REQUIREMENTS

The Director of the Office may not waive any of the administrative reporting provisions of this Rule 5.

RULE 6: PERMIT APPLICATION EXHIBIT REQUIREMENTS

6.1 REQUIREMENTS FOR SPECIFIC OPERATIONS

6.1.1 General Provisions

This Rule provides for the specification of Exhibits required to be submitted along with each type of Permit application.

6.1.2 110 or Non-In Situ Leach Mining 110d Limited Impact and 112, 112d, 110 ISL or 112 ISL Reclamation Operations and 110r Reclamation-Only Operations

These operations shall provide all the Exhibits, as described in Rules 6.3, ~~and~~ 6.4, and 6.6, as applicable to the operation type. However, such operations may also be required to comply with Rules 6.5 (Geotechnical Stability Exhibit) and 7.3 (Environmental Protection Facilities - Design and Construction Requirements) on a case-by-case basis. Where such compliance may be required, such operations shall not be Designated Mining Operations nor be required to submit an Environmental Protection Plan, however, the provisions of Rules 6.5 and 7.3, required to be submitted, shall be incorporated into the operation's Permit as enforceable Permit conditions.

6.1.3 Reserved

6.1.4 Requirements for All Designated Mining Operations and Requirements for All In Situ Leach Mining Operations

In addition to all other required Exhibits, as described in Rules 6.3 and 6.4, all Designated Mining Operations shall also provide an Exhibit U - Environmental Protection Plan pursuant to Rule 6.4.21. Exhibit U may be modified as provided in Rule 7.2.5. Also, in addition to the Exhibits described in Rules 6.3, 6.4 and 6.4.21, all In Situ Leach Mining Operations shall also provide the Exhibits in Rules 6.4.22, 6.4.23, 6.4.24 and 6.4.25.

6.2 GENERAL REQUIREMENTS OF EXHIBITS

6.2.1 General Requirements

- (1) This Rule provides for the guidelines for, and information requirements of, each Exhibit required to be submitted with the permit application, as specified according to Rule 6.1.
- (2) Maps and Exhibits
Maps, except the index map, must conform to the following criteria:
 - (a) show name of Applicant and the operation name;
 - (b) must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;

- (c) give date prepared;
- (d) identify and outline the area ~~that~~ which corresponds with the application;
- (e) with the exception of the map of the affected lands required in Section 34-32-112(3)(e), C.R.S. 1984, as amended, shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet.; and
- (f) ~~Also, that~~ include a map scale, appropriate legend, map title, ~~date~~ and a north arrow ~~shall be included~~.

6.3 SPECIFIC PERMIT APPLICATION EXHIBIT REQUIREMENTS – 110(1), 110(2), AND NON IN SITU LEACH MINING OPERATIONS 110d LIMITED IMPACT OPERATIONS

- (a) The following exhibits may be required for 110(1) Limited Impact Permits based on consideration of site-specific conditions.
- (b) The following exhibits shall be required for 110(2) and Non In Situ Leach Mining 110d Limited Impact Operations; 110 in situ leach mining permit applications shall comply with 112d permit applications including complying with the requirements of Rule 6.4. If an in situ leach mining operation has been exempted from designated mining operation status, it still must comply with all exhibits required for in situ leach mining operations.

6.3.1 EXHIBIT A – Legal Description and Location Map

- (1) The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by (A) township, range, and section, to at least the nearest quarter ~~–~~ quarter section, and (B), location of the main entrance to the mine site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. A metes and bounds survey description is acceptable in lieu of Township, Range, and Section. Where available, the street address or lot number(s) shall be given. This information may be available from the County Assessor's office or U.S. Geological Survey (USGS) maps.
- (2) The main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.
- (3) A map showing information sufficient to determine the location of the affected land on the ground and existing and proposed roads or access routes to be used in connection with the mining operation. Names of all immediately adjacent surface owners of record shall also be shown. A standard U.S. Geological Survey topographic quadrangle or equivalent

is acceptable. The location of the proposed operation shall be shown and labeled with the mine site name.

6.3.2 EXHIBIT B – Site Description

Items (a)-(c) below must be addressed to the extent necessary to demonstrate compliance with the applicable performance standard requirements of Rule 3. At a minimum, the Operator/Applicant shall include the following information:

- (a) a description of the vegetation and soil characteristics in the area of the proposed operation. The local office of the Natural Resources Conservation Service (NRCS) may provide ~~you with~~ this information as well as recommendations for Exhibit D - Reclamation Plan;
- (b) identify any permanent man-made structures within two hundred (200) feet of the affected area and the owner of each structure. Each structure should be located on Exhibit E - Map;
- (c) a description of the water resources in the area of the proposed operation. Identify any streams, springs, lakes, stock water ponds, ditches, reservoirs, and aquifers that would receive drainage directly from the affected area. Provide any information available from publications or monitoring data on flow rates, water table elevations and water quality conditions; and
- (d) a wildlife statement prepared by Colorado Parks and Wildlife (CPW) is not required for 110 Limited Impact Operations. However, such a statement is required for 110d Limited Impact Operations. The Operator/Applicant may contact the local CPW representative to verify that no critical or important wildlife habitats or wildlife species will be impacted by the proposed operation.

6.3.3 EXHIBIT C – Mining Plan

- (1) The purpose of the mining plan is to describe how mining will affect the permit area for the duration of the operation. This plan must be correlated to Exhibit E - Map. The description of the mining plan must be adequate to satisfy the requirements of Rule 3.1 and demonstrate compliance with Rule 3. At a minimum, the Operator/Applicant must include the following information:
 - (a) specify the estimated dates that mining will commence and end. If the operation is intended to be an intermittent operation as defined in C.R.S. 34-32-103(6)(a)(II), the Applicant should include in this exhibit a statement that conforms to the provisions of Section 34-32-103(6)(a)(II), C.R.S.;
 - (b) the estimated depth to which soil, suitable as a plant growth medium, will be salvaged for use in the reclamation process. This description must be consistent with information provided in Exhibit B. Sufficient soil must be salvaged to meet the vegetation establishment criteria of Rule 3.1.10. If plant growth medium is not reapplied on a graded area within the same growing season, not to exceed 180 days, immediately after salvage, then the Operator/Applicant must specify how the topsoil will be stockpiled and stabilized with a vegetative cover or other means until used in reclamation. Plant growth medium stockpiles must be located separate from other stockpiles, out of the way of mine traffic and out of

stream channels or drainage ways. The location of plant growth medium stockpiles must be shown on Exhibit E - Map;

- (c) specify the thickness of overburden or quantity of waste rock, if any, to be removed to reach the deposit. The location of any overburden stockpiles or waste rock fills must be shown on Exhibit E- Map;
- (d) specify the thickness of the deposit to be mined;
- (e) describe the major components of the mining operation such as: roads and access routes, pit, office, shop/maintenance buildings, plant, processing facilities, and any underground workings and openings such as adits or ventilation facilities. These components must be located on Exhibit E- Map;
- (f) specify the dimensions of any significant disturbances to the land surface such as pit excavations, mine benches, impoundments, stockpiles, waste rock disposal areas, etc. In addition, provide the maximum anticipated highwall height, length, and slope;
- (g) specify the dimensions of any existing or proposed roads that will be used for the mining operation. Describe any improvements necessary on existing roads and the specifications to be used in the construction of new roads. New or improved roads must be included as part of the affected lands and permitted acreage. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation. Describe any associated drainage and runoff conveyance structures ~~to~~ and include sufficient information to evaluate structure sizing;
- (h) specify how much water will be used in conjunction with the operation, and the source of this water;
- (i) if groundwater will be encountered and/or surface water intercepted or disturbed, describe how mining will affect the quantity and quality of the surface or groundwater and the methods to be used to minimize disturbance to the surface and groundwater systems including proposed dewatering, sediment-containment or chemical treatment systems, storm water runoff controls, and groundwater points of compliance;
- (j) specify how ~~you~~ the Operator/Applicant will comply with applicable Colorado water laws and regulations governing injury to existing water rights;
- (k) regardless of DMO status, if refuse ~~and acid or toxic producing or toxic or acid-forming~~ materials are exposed during mining, describe how they shall be handled and disposed of in a manner that will control unsightliness and protect the drainage system from pollution;
- (l) describe what measures will be taken to minimize disturbance to the hydrologic balance, prevent off-site damage, and provide for a stable configuration of the reclaimed area consistent with the proposed future land use; ~~and~~
- (m) specify whether the deposit/ore will be processed on ~~the~~ site. Processing includes but not limited to crushing, screening, washing, concrete or asphalt mixing, leaching or milling. If the deposit/ore will be processed, then describe the nature of the process, facilities and chemicals utilized. The process area and any

structures must be described on Exhibit E - Map~~;~~

- (n) identify the primary, and if applicable, secondary and incidental commodities to be mined/extracted by the proposed operation; ~~and if not to be used as construction material; and~~ describe the intended use~~;~~
- (o) ~~s~~Specify if explosives will be used in conjunction with the mining or reclamation operation. In consultation with the Office the Applicant must demonstrate, pursuant to Rule 6.5(4), ~~under the~~ Geotechnical Stability Exhibit, that off-site areas will not be adversely affected by blasting during mining or reclamation operations~~;~~ ~~and~~
- ~~(p) state whether petroleum products will be stored on-site, provide the maximum quantities stored on-site at any one time, and specify the size and material of the storage container(s) and associated secondary containment structure(s) if applicable; if the operation has created a Spill Prevention Control and Countermeasure Plan (SPCC Plan) under the federal Clean Water Act and Colorado Water Quality Act, that plan shall be referenced with a brief description of how it minimizes disturbance to the hydrologic balance from the presence of petroleum products stored on-site; if the operation does not have a SPCC Plan, state what measures will be taken to minimize disturbance to the hydrologic balance from the storage of petroleum products.~~

- (2) If tailing ponds are part of the milling process, the mine plan description should address the following:
 - (a) Plant Facilities: Describe the chemical types and quantities to be utilized, chemical storage and spill containment and emergency response plans for on-site spills. Plant operation details should include tank capacities and operating solution volumes.
 - (b) Tailings: Describe the geochemical constituents of the tailing or leached ore, the chemistry of any leachate, anticipated impacts to ground or surface waters and design details such as liners, ponds and embankments, diversions or chemical treatment facilities to be used to control these impacts, and ground and surface water monitoring systems, to include proposed groundwater points of compliance.
 - (c) Drainage Control: Describe the measures used to divert upland drainage away from the site both during and after operation. This must include design details demonstrating the capacity of ditches and impoundment structures to contain operating solutions and the volume of water generated by a one hundred (100) year 24-hour rainfall event.
 - (d) Maps and Plans: Design drawings must be prepared by a professional engineer or other qualified person, and at a minimum meet the requirements of Rule 7.3. In addition, maps and plans should describe specific design details for tailing ponds and embankments, ponds and ditches, ore and tail transport systems, and ground and surface water monitoring systems.

6.3.4 EXHIBIT D – Reclamation Plan

- (1) The purpose of the Reclamation Plan is to describe the timing, procedures, criteria and materials that will be used to reclaim the affected land to the proposed future land use. This plan must be correlated to Exhibit E - Map. The description of the Reclamation Plan must

be adequate to satisfy the requirements of Rule 3.1 and demonstrate compliance with Rule 3. At a minimum, the Application shall include the following information:

- (a) specify at what point in the mining plan and to what depth(s) overburden will be replaced in relation to ongoing extraction.
- (b) specify the maximum gradient of reclaimed slopes (horizontal: vertical). If the Application proposes slopes steeper than 3:1, the Operator/Applicant must include a justification that supports steeper slopes for the proposed post mining land use, and demonstrates compliance with the applicable performance standards of Rule 3.1.
- (c) specify the measures that will be taken to revegetate the site, if applicable, including:
 - (i) state the thickness of plant growth medium to be replaced. Sample and analyze available soils sufficiently to establish quantity and quality;
 - (ii) state at what point in the mining plan the site will be seeded. Explain how the seedbed will be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced). State the type, application rate, and soil incorporation methods of fertilizer application, if any. NOTE: Soil amendments shall only be applied where soil tests indicate nutrient deficiencies for the plant species to be established;
 - (iii) state the grass, forb, shrub and tree species to be planted and the applicable quantities. Specify the quantity of each grass and forb species as pounds of pure live seed per acre;
 - (iv) specify the application method for grass and forb seeding. If the seed is to be broadcast, either provide the broadcast application rate or the application rate shall be twice the rate required for seed drilling. If the seedbed has not been adequately roughened prior to seeding, the seed shall ~~be raked or harrowed after broadcast application~~ incorporated into the seedbed by raking, harrowing or by other means of stabilization such as hydromulching;
 - (v) state what type of mulch to be used, the application rate per acre, and the crimping method if applicable, or provide a technical justification for when mulch will not be used (i.e., the use of other soil stabilizing practices, planting a sterile cover crop, site-specific limitations, etc.)if a mulch is needed, specify the kind to be used, the crimping method, and rate of application; and
 - (vi) explain the establishment methods for each species of shrub and/or tree, and state the number of each to be established per acre.
- (d) Specify which ponds, streams, roads and buildings, if any, will remain after reclamation. These features must be shown on the Exhibit E - Map. If ponds are

part of the Reclamation Plan, slopes from five (5) vertical feet above to ten (10) vertical feet below the expected average water level cannot be steeper than 3H:1V; remaining slope lengths may not be steeper than 2H:1V. Where wildlife habitat is the proposed future land use, shorelines should be irregularly shaped to promote a diverse wildlife habitat. Colorado Parks and Wildlife (CPW) must be consulted where wildlife ~~use-habitat~~ is the proposed future land use.

- (e) Specify the reclamation treatment of any waste rock dumps, tailing impoundments, underground mine openings, ditches, sediment control facilities, buildings and other features specified in ~~your-the~~ mine plan but not previously addressed in the Reclamation Plan narrative. These features must be shown on Exhibit E - Map. This should describe the measures taken to minimize disturbance to the hydrologic balance, prevent off-site damage, and provide for a stable configuration consistent with the proposed future land use.
 - (f) Demonstrate a reasonably foreseeable end date respecting water quality treatment as required in Rule 3.1.6(1)(f)-(h).
- (2) All 110 or Non In Situ Leach Mining 110d Limited Impact applications must provide an estimate of the actual costs to reclaim the site based on what it would cost the State of Colorado using an independent contractor to complete reclamation. ~~(Such estimates are not required for activities contemplated by the operator and approved by the Office to be outside the scope of the proposed reclamation plan.)~~ The unit costs should include estimates for the following activities as appropriate to the operation: backfilling, grading, topsoil application, seeding, mulching, fertilization, and labor to complete reclamation. Determine and specify the point during the operation when the site has reached a point of maximum disturbance. The cost to reclaim the site to the specifications of the Reclamation Plan at this point must be estimated. Unit costs (cost per cubic yard), volumes, haul or push distances, and grades must be included when backfilling and grading are part of the Reclamation Plan. Volume and unit costs for finish grading, subsoil and topsoil application must be provided in terms of cost per cubic yard. The estimated cost for fertilizer, seed and mulch acquisition and application must be provided as cost per acre.
- (a) Equipment costs must include such factors as equipment operator wages and benefits, fuel and lubricant consumption and depreciation. The cost to mobilize and demobilize the equipment from the nearest population center known to have the required equipment availability should be estimated.
 - (b) All items referenced in the Reclamation Plan must be included in the cost calculation. These items in addition to earthwork, such as building demolition, fencing, monitoring well sealing or stream channel reconstruction must also be included in the reclamation cost estimate.
 - (c) After the direct costs noted above have been estimated, the Office may add up to an additional maximum ~~eighteen-twenty~~ and one-half percent (~~18.520.5%~~) of that total, which includes private contract, typical overhead costs, and a standard contingency. This additional cost is required to cover indirect costs that an independent contractor would incur when performing reclamation of the site. Based on site-specific conditions and for good cause shown by the Office, the

percentage of indirect costs may be adjusted above the rate identified above. Five percent (5%) additional cost shall also be added to cover Office administration cost in the event of bond forfeiture and permit revocation.

6.3.5 EXHIBIT E – Maps

- (1) ~~In addition to the requirements of Rule 6.2.1(2), the~~ The Operator/Applicant must provide ~~a maps which meet the requirements of Rule 6.2.1(2)~~ that clearly describes the features associated with the mining plan and the components of the Reclamation Plan. Include at least one (1) map for the mine plan and one (1) map for the Reclamation Plan. ~~The map(s) must be drawn to a scale no smaller than appropriate to clearly show all elements that are required to be delineated by the Act and these Rules; show a north arrow, note any section corners adjacent to the proposed operation, and indicate the date illustrated.~~ At a minimum, maps must include the following information:
 - (2) Mining Plan Map
 - (a) outline and label the permit boundaries, described in Exhibit A - Legal Description, and provide latitude and longitude for each boundary corner as labels on the map or as a separate table; if available, the Operator/Applicant may also provide a digital file type, as determined by the Office, of the permit boundaries; for all 110 and Non In Situ Leach Mining 110d Limited Impact Operations, the Office considers the area bounded by the permit boundary to be analogous to the affected area;
 - (b) label the names of owner(s) of record of the surface of the affected area and of the land within two hundred (200) feet of the affected area, identify the owner of the substance to be mined, ~~and the type of structure and owners of record of any permanent or man-made structures within two hundred (200) feet of the affected area;~~
 - (c) outline and label all major surface features to be used in connection with the proposed operation such as: existing and proposed roads, pit boundary, topsoil stockpiles, overburden stockpiles, product stockpiles, waste rock fills, stream channels, buildings, processing plant, underground workings and openings such as adits or ventilation facilities, ponds, impoundments, dewatering pumps, diversions, tail tailings or waste disposal areas;
 - (d) indicate the direction that mineral extraction will proceed;
 - (e) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land. ~~note the location of any significant, valuable, and permanent man-made structures within two hundred (200) feet of the affected area.~~ A narrative description must also be provided in Exhibit-B - Site Description; and
 - (f) outline and label existing disturbance within and/or adjacent to the permit boundary (e.g., previously mined areas, roads or excavations resulting from utility

construction). Re-disturbance of previously disturbed areas, by the proposed mining operation, must be included in the permit area and addressed in Exhibit–D - Reclamation Plan.

(3) Reclamation Plan Map

- (a) show the gradient of all reclaimed slopes (horizontal: vertical) sufficient to describe the post mine topography;
- (b) indicate where vegetation will and will not be established and the general area(s) for shrub or tree planting; and
- (c) if ponds are a part of the Reclamation Plan, outline the final shore configuration of the ponds and identify shallow areas if the future land use is for wildlife;
- ~~(d) state the average thickness of replaced overburden by reclamation area or phase; and~~
- ~~(e) state the average thickness of replaced topsoil by reclamation area or phase.~~

6.3.6 EXHIBIT F – List of Other Permits and Licenses Required

Provide a statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds which are held or will be sought in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source materials licenses, ~~disposal of~~ dredge and fill ~~material (404)~~ permits, permit to construct a dam, well permits, explosives permits, State Historic Preservation Office clearance, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

6.3.7 EXHIBIT G – Source of Legal Right to Enter

Provide documentation of the legal right to enter to conduct mining and reclamation for all Owners of Record of the surface of the affected land and the mineral rights of the substance to be mined ~~Owners of Record described in Rule 1.6.2(1)(e)(i)~~. This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

6.3.8 EXHIBIT H – Municipalities within a Two-m-Mile Radius

List the mailing address and telephone number of the governing body for all municipalities within a two (2) mile radius of the proposed mining operation.

6.3.9 EXHIBIT I – Proof of Filing with County Clerk

An affidavit or e-receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c).

6.3.10 EXHIBIT J – Proof of Mailing of Notices to Board of County Commissioners and Conservation District

Proof that notice of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local Conservation District, pursuant to Rule 1.6.2(1)(a)(ii).

6.3.11 EXHIBIT K – Reserved

6.3.12 EXHIBIT L – Permanent Man-Made Structures

(1) Provide a list of the owner's name and type of structure for of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.

(2) Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall:

- (a) provide a notarized or other legally accepted agreement between the aApplicant and the person(s) having an interest in the structure, that the aApplicant is to provide compensation for any damage to the structure; or
- (b) where such an agreement cannot be reached, the aApplicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- (c) where such structure is a utility, the aApplicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

6.4 SPECIFIC EXHIBIT REQUIREMENTS – 112, 112 ISL or 110 ISL RECLAMATION OPERATION AND 112d DESIGNATED MINING OPERATIONS

The following exhibits are required for all applications for any in situ leach mining operation, 112 mining operation and non in situ leach mining 112d designated mining operation. If any in situ leach mining operation is exempted from designated mining operation status, the application must still comply with this Rule:

6.4.1 EXHIBIT A – Legal Description

- (1) The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by (a), township, range, and section, to at least the nearest quarter-quarter section and (b), location of the main entrance to the site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. A metes and bounds survey description is acceptable in lieu of township, range, and section. Where available,

the street address or lot number(s) shall be given. This information may be available from the County Assessor's office or U.S. Geological Survey (USGS) maps.

- (2) The main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.

6.4.2 EXHIBIT B – Index Map

An index map showing the regional location of the affected land and all roads and other access to the area. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. Scale criteria need not be followed for this map. The location of the proposed operation shall be shown and labeled with the mine site name.

6.4.3 EXHIBIT C – Pre-mining and Mining Plan Map(s) of Affected Lands

One or more maps may be necessary to legibly portray each of the following information:

(1) Pre-mining Map(s)

- (a) all ~~immediately adjoining surface owners of record;~~ Owners of Record described in Rule 1.6.2(1)(e);
- (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;
- (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
- (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land"), and provide latitude and longitude for each boundary corner as labels on the map or as a separate table; if available, the Operator/Applicant may also provide a digital file type, as determined by the Office, of the permit boundaries;
- (e) the type of present vegetation covering the affected lands; and
- (f) in conjunction with Exhibit G - Water Information, Rule 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.
- (g) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.

- (h) In conjunction with Exhibit I - Soils Information, Rule 6.4.9, soils information may be presented on a map in this section;
- (i) Aerial photos, if available, may be included in this section.

(2) Mining Plan Map(s)

- (a) outline and label all major surface features to be used in connection with the proposed operation such as: existing and proposed roads, pit boundary, topsoil stockpiles, overburden stockpiles, product stockpiles, waste rock fills, stream channels, buildings, processing plant, underground workings and openings such as adits or ventilation facilities, ponds, impoundments, dewatering pumps, diversions, tailings or waste disposal areas;
- (b) indicate the direction that mineral extraction will proceed;
- (c) outline and label existing disturbance within and/or adjacent to the permit boundary (e.g., previously mined areas, roads or excavations resulting from utility construction). Re-disturbance of previously disturbed areas, by the proposed mining operation, must be included in the permit area and addressed in Exhibit E - Reclamation Plan.

6.4.4 EXHIBIT D – Mining Plan

The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:

- (a) description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands and describe the major components of the mining operation such as: roads and access routes, pit, office, shop/maintenance buildings, plant, processing facilities, and any underground workings and openings such as adits or ventilation facilities. These components must be located on Exhibit C – Mine Plan Map;
- (b) the estimated depth to which soil, suitable as a plant growth medium, will be salvaged for use in the reclamation process. This description must be consistent with information provided in Exhibit I. Sufficient soil must be salvaged to meet the vegetation establishment criteria of Rule 3.1.10. If plant growth medium is not reapplied on a graded area within the same growing season, not to exceed 180 days, then the Operator/Applicant must specify how the topsoil will be stockpiled and stabilized with a vegetative cover or other means until used in reclamation. Plant growth medium stockpiles must be located separate from other stockpiles, out of the way of mine traffic and out of stream channels or drainage ways. The location of plant growth medium stockpiles must be shown on Exhibit C – Mine Plan Map.
- (c) all water diversions and impoundments; and

- (d) the size of area(s) to be worked at any one time and specify the dimensions of any significant disturbances to the land surface such as pit excavations, mine benches, impoundments, stockpiles, waste rock disposal areas, etc. In addition, provide the maximum anticipated highwall height, length, and slope.
- (e) An approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. An Operator/Applicant shall not be required to meet specific dates for initiation, or completion of mining in a phase as may be identified in the timetable. This does not exempt an Operator/Applicant from complying with the performance standards of Rule 3.1. If the operation is intended to be an intermittent operation as defined in Section 34-32-103(6)(a)(II), C.R.S., the ~~a~~Applicant should include in this exhibit a statement that conforms to the provisions of Section 34-32-103(6)(a)(II), C.R.S. Such timetable should include:
- (i) an estimate of the periods of time which will be required for the various stages or phases of the operation;
 - (ii) a description of the size and location of each area to be worked during each phase; and
 - (iii) outlining the sequence in which each stage or phase of the operation will be carried out.
- (Timetables need not be separate and distinct from the mining plan, but may be incorporated therein.)
- (f) A map (in Exhibit C - Pre-Mining and Mining Plan Maps(s) of Affected Lands, Rule 6.4.3) may be used along with a narrative to present the following information:
- (i) thickness of overburden or quantity of waste rock, if any, to be removed to reach the deposit. The location of any overburden stockpiles or waste rock fills must be shown on Exhibit C – Mine Plan Map;
 - ~~(ii) nature, depth and thickness of the ore body or deposit to be mined and the thickness and type of overburden to be removed~~ (may be marked "CONFIDENTIAL," pursuant to Rule 1.3(3)); and
 - (iii) nature of the stratum immediately beneath the material to be mined in sedimentary deposits.
- (g) Identify the primary, and if applicable, the secondary and incidental commodities to be mined/extracted and describe the intended use; and
- (h) specify whether the deposit will be processed on-site. Processing includes but not limited to crushing, screening, washing, or concrete or asphalt mixing. If the deposit will be processed, then describe the nature of the process, facilities and chemicals utilized. The process area and any structures must be depicted on Exhibit C – Mine Plan Map;~~name~~

~~and describe the intended use of all expected incidental products to be mined/extracted by the proposed operation.~~

- (i) Specify if explosives will be used in conjunction with the mining (or reclamation). In consultation with the Office, the Applicant must demonstrate, pursuant to Rule 6.5(4), Geotechnical Stability Exhibit, that off-site areas will not be adversely affected by blasting.
- (j) Specify the dimensions of any existing or proposed roads that will be used for the mining operation. Describe any improvements necessary on existing roads and the specifications to be used in the construction of new roads. New or improved roads must be included as part of the affected lands and permitted acreage. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation. Describe any associated drainage and runoff conveyance structures ~~to~~ and include sufficient information to evaluate structure sizing.
- ~~(k) If refuse or toxic or acid-forming materials are exposed during mining, describe how they shall be handled and disposed of in a manner that will control unsightliness and protect the drainage system from pollution.~~
- ~~(l) State whether petroleum products will be stored on-site, provide the maximum quantities stored on-site at any one time, and specify the size and material of the storage container(s) and associated secondary containment structure(s) if applicable; if the operation has created a Spill Prevention Control and Countermeasure Plan (SPCC Plan) under the federal Clean Water Act and Colorado Water Quality Act, that plan shall be referenced with a brief description of how it minimizes disturbance to the hydrologic balance from the presence of petroleum products stored on-site; if the operation does not have a SPCC Plan, state what measures will be taken to minimize disturbance to the hydrologic balance from the storage of petroleum products.~~

6.4.5 EXHIBIT E – Reclamation Plan

- (1) In preparing the Reclamation Plan, the Operator/Applicant should be specific in terms of addressing such items as final grading (including drainage), seeding, fertilizing, revegetation (trees, shrubs, etc.), and topsoiling. Operators/Applicants are encouraged to allow flexibility in their plans by committing themselves to ranges of numbers (e.g., 6"-12" of topsoil) rather than specific figures.
- (2) The Reclamation Plan shall include provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by the Operator/Applicant. Reclamation shall be required on all the affected land. The Reclamation Plans shall include:
 - (a) A description of the type(s) of reclamation the Operator/Applicant proposes to achieve in the reclamation of the affected land, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving;

- (b) A comparison of the proposed post mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs. In those instances where the post mining land use is for industrial, residential, or commercial purposes and such use is not reasonably assured, a plan for revegetation shall be submitted. Appropriate evidence supporting such reasonable assurance shall be submitted;
- (c) A description of how the Reclamation Plan will be implemented to meet each applicable requirement of Rule 3.1;
- (d) Where applicable, plans for topsoil segregation, preservation, and replacement; for stabilization, compaction, and grading of spoil; and for revegetation. The revegetation plan shall contain a list of the preferred species of grass, legumes, forbs, shrubs or trees to be planted, the method and rates of seeding and planting, the estimated availability of viable seeds in sufficient quantities of the species proposed to be used, and the proposed time of seeding and planting;
- (e) A plan or schedule indicating how and when reclamation will be implemented. Such plan or schedule shall not be tied to any specific date but shall be tied to implementation or completion of different stages of the mining operation as described in Rule 6.4.4 (e). The plan or schedule shall include:
 - (i) An estimate of the periods of time which will be required for the various stages or phases of reclamation;
 - (ii) A description of the size and location of each area to be reclaimed during each phase; and
 - (iii) An outline of the sequence in which each stage or phase of reclamation will be carried out.
 - (iv) Demonstrate a reasonably foreseeable end date respecting water quality treatment as required in Rule 3.1.6(1)(g)-(h).

(The schedule need not be separate and distinct from the Reclamation Plan, but may be incorporated therein.)

- (f) A description of each of the following:
 - (i) Final grading - ~~specify maximum anticipated slope gradient or expected ranges thereof; specify the maximum gradient of reclaimed slopes (horizontal:vertical). If the Application proposes slopes steeper than 3:1, the Operator/Applicant must include a justification that supports steeper slopes for the proposed post-mining land use, and demonstrates compliance with the applicable performance standards of Rule 3.1;~~
 - (ii) Topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced

- ~~(iii) Seeding - specify types, mixtures, quantities, and expected time(s) of seeding and planting. Specify the quantity of each grass and forb species as pounds of pure live seed per acre;~~
- ~~(iii) Fertilization - if applicable, specify types, mixtures, quantities and time of application;~~
- (iv) **Revegetation - specify types of trees, shrubs, etc., quantities, size and location; and specify the application method for grass and forb seeding. If the seed is to be broadcast, either provide the broadcast application rate or the application rate shall be twice the rate required for seed drilling. If the seedbed has not been adequately roughened prior to seeding, the seed shall be incorporated into the seedbed by raking, harrowing, or by other means of stabilization such as hydromulching;**
- (v) **Fertilization - if applicable, specify types, mixtures, quantities and time of application (NOTE: Soil amendments shall only be applied where soil tests indicate nutrient deficiencies for the plant species to be established); and Topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced.**
- ~~(vi) Mulch - state what type of mulch to be used, the application rate per acre, and the crimping method if applicable, or provide a technical justification for when mulch will not be used (i.e., the use of other soil stabilizing practices, planting a sterile cover crop, site-specific limitations, etc.); and~~
- ~~(vii) Plantings - explain the establishment methods for each species of shrub and/or tree, and state the number of each to be established per acre.~~
- (g) **Specify which ponds, streams, roads and buildings, if any, will remain after reclamation. These features must be shown on the Exhibit F – Reclamation Plan Map. If ponds are part of the Reclamation Plan, slopes from five (5) vertical feet above to ten (10) vertical feet below the expected average water level cannot be steeper than 3H:1V; remaining slope lengths may not be steeper than 2H:1V. Where wildlife habitat is the proposed future land use, shorelines should be irregularly shaped to promote a diverse wildlife habitat. Colorado Parks and Wildlife (CPW) must be consulted where wildlife habitat is the proposed future land use.**
- (h) **Specify the reclamation treatment of any waste rock dumps, underground mine openings, ditches, sediment control facilities, buildings and other features specified in the mine plan but not previously addressed in the Reclamation Plan narrative. These features must be shown on Exhibit F – Reclamation Plan Map. This should describe the measures taken to minimize disturbance to the hydrologic balance, prevent off-site damage, and provide for a stable configuration consistent with the proposed future land use.**

6.4.6 EXHIBIT F – Reclamation Plan Map

The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

- (a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; ~~and~~
- (b) Portrayal of the proposed final land use for each portion of the affected lands; ~~;~~ and
- (c) If ponds are a part of the Reclamation Plan, outline the final shore configuration of the ponds and identify shallow areas if the future land use is for wildlife.

6.4.7 EXHIBIT G – Water Information

- (1) If the operation is not expected to directly affect surface or groundwater systems, a statement and sufficient demonstration of that expectation shall be submitted.
- (2) If the operation is expected to directly affect surface or groundwater systems, the Operator/Applicant shall:
 - (a) Locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations;
 - (b) Demonstrate a reasonably foreseeable end date respecting water quality treatment as required in Rule 3.1.6(1)(g)-(h).
 - (c) Identify all known aquifers; ~~and~~
 - (d) Submit a plan showing how water from dewatering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation; ~~;~~ and
 - (e) Specify how the Operator/Applicant will comply with applicable Colorado water laws and regulations governing injury to existing water rights.
- (3) The Operator/Applicant shall provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.
- (4) The Operator/Applicant shall indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.

- (5) The Operator/Applicant shall affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health and Environment, if necessary.

6.4.8 EXHIBIT H – Wildlife Information

- (1) In developing the wildlife information, the Operator/Applicant may wish to contact the local wildlife conservation officer. The Operator/Applicant shall include in this Exhibit, a description of the game and non-game resources on and in the vicinity of the application area, including:
 - (a) a description of the significant wildlife resources on the affected land;
 - (b) seasonal use of the area;
 - (c) the presence and estimated population of threatened or endangered species from either federal or state lists; and
 - (d) a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.
- (2) All new Applicants for designated mining operations shall contact Colorado Parks and Wildlife (CPW) for their recommendations. CPW's recommendations shall be included into the application submitted to the Office for review. If the protection of wildlife is determined to be necessary by the Board for 112d Reclamation Permit Operations, or by the Office for 110d Limited Impact Permit operations, the Board or Office may incorporate such wildlife protection recommendations into the new permit as a condition for such permit.

6.4.9 EXHIBIT I – Soils Information

- (1) In consultation with the Natural Resources Conservation Service (NRCS) or other qualified person, the Operator/Applicant shall indicate on a map (in Exhibit C) or by a statement, the general type, thickness and distribution of soil over the affected land. Such description will address suitability of topsoil (or other material) for establishment and maintenance of plant growth. If necessary, at its discretion, the Board may require additional information on soils or other growth media to be stockpiled and used in revegetation.

6.4.10 EXHIBIT J – Vegetation Information

- (1) The Operator/Applicant shall include in this Exhibit a narrative of the following items:
 - (a) descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs);

- (b) the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map; and
 - (c) estimates of average annual production for hay meadows and croplands, and carrying capacity for range lands on or in the vicinity of the affected land, if the choice of reclamation is for range or agriculture.
- (2) The Operator/Applicant shall show the relation of the types of vegetation to existing topography on a map in Exhibit C. In providing such information, the Operator/Applicant may want to contact the local Conservation District.

6.4.11 EXHIBIT K – Climate

Provide a description of the significant climatological factors for the locality, and ~~where-if~~ determined appropriate by the Office on a case-by-case basis, provide the required information of Rule 6.4.21(13).

6.4.12 EXHIBIT L – Reclamation Costs

- (1) ~~All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. The information provided by the Operator/Applicant must be sufficient to calculate the cost of reclamation that would be incurred by the state. All 112 Regular Operation applications must provide an estimate of the actual costs to reclaim the site based on what it would cost the State of Colorado using an independent contractor to complete reclamation. The unit costs should include estimates for the following activities as appropriate to the operation: backfilling, grading, topsoil application, seeding, mulching, fertilization, and labor to complete reclamation. Determine and specify the point during the operation when the site has reached a point of maximum disturbance. The cost to reclaim the site to the specifications of the Reclamation Plan at this point must be estimated. Unit costs (cost per cubic yard), volumes, haul or push distances, and grades must be included when backfilling and grading are part of the Reclamation Plan. Volume and unit costs for finish grading, subsoil and topsoil application must be provided in terms of cost per cubic yard. The estimated cost for fertilizer, seed and mulch acquisition and application must be provided as cost per acre.~~
- ~~(a) Equipment costs must include such factors as equipment operator wages and benefits, fuel and lubricant consumption and depreciation. The cost to mobilize and demobilize the equipment from the nearest population center known to have the required equipment availability should be estimated.~~
 - ~~(b) All items referenced in the Reclamation Plan must be included in the cost calculation. These items in addition to earthwork, such as building demolition, fencing, monitoring well sealing or stream channel reconstruction must also be included in the reclamation cost estimate.~~
 - ~~(c) After the direct costs noted above have been estimated, the Office may add up to an additional maximum twenty and one-half percent (20.5%) of that total, which includes private contract, typical overhead costs, and a standard contingency. This additional cost is required to cover indirect costs that an independent contractor~~

would incur when performing reclamation of the site. Based on site-specific conditions and for good cause shown by the Office, the percentage of indirect costs may be adjusted above the rate identified above. Five percent (5%) additional cost shall also be added to cover Office administration cost in the event of bond forfeiture and permit revocation.

- (2) The Office may request the Operator/Applicant to provide additional, reasonable data to substantiate said Operator/Applicant's estimate of the cost of reclamation for all Affected Lands.

6.4.13 EXHIBIT M – Other Permits and Licenses

AProvide a statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds or will be ~~seeking-sought~~ in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, ~~the State Historic Preservation Office clearance, disposal of dredge and fill material (404)~~ permits, permit to construct a dam, well permits, explosives permits, State Historic Preservation Office clearance, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

6.4.14 EXHIBIT N – Source of Legal Right to Enter

Provide documentation of the legal right to enter to conduct mining and reclamation for all Owners of Record of the surface of the affected land and the mineral rights of the substance to be mined, for Owners of Record described in Rule 1.6.2(1)(e)(i). This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

6.4.15 EXHIBIT O – Owners(s) of Record ~~of Affected Land (Surface Area) and Owners of Substance to be Mined~~

~~The complete list of all owners can be submitted as a list or on a map in Exhibit C.~~

- (1) Provide a list of all Owners of Record of the surface of the affected land.
- (2) Provide a list of all Owners of Record of the mineral rights of the substance to be mined.
- (3) Provide a list of all Owners of Record of all land surface within 200 feet of the boundary of the affected lands.

6.4.16 EXHIBIT P – Municipalities within Two Miles

~~A list of any municipality(s) within two (2) miles of the proposed mining operation and address of the general office of each municipality. List the mailing address and telephone number of the governing body for all municipalities within a two (2) mile radius of the proposed mining operation.~~

6.4.17 EXHIBIT Q – Proof of Mailing of Notices to Board of County Commissioners and Conservation District

Proof that notice of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local Conservation District, pursuant to Rule 1.6.2(1)(a)(ii).

6.4.18 EXHIBIT R – Proof of Filing with County Clerk and Recorder

An affidavit or e-receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c).

6.4.19 EXHIBIT S – Permanent Man-made Structures

(1) Provide a list of the owner's name and type of structure for all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.

(2) Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall:

- (a) provide a notarized or other legally accepted agreement between the aApplicant and the person(s) having an interest in the structure, that the aApplicant is to provide compensation for any damage to the structure; or
- (b) where such an agreement cannot be reached, the aApplicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- (c) where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

6.4.21 EXHIBIT U – Designated Mining Operation Environmental Protection Plan

- (1) The Environmental Protection Plan shall describe how the Operator/Applicant will assure compliance with the provisions of the Act and Rules in order to protect all areas that have the potential to be affected by designated chemicals, toxic or acid-forming materials or acid mine drainage, or that will be or have the potential to be affected by uranium mining. In addition, the plan shall include an Emergency Response Plan that complies with Sections 34-32-103(4.9) and 34-32-116.5(5), C.R.S. 1984, as amended, and Rule 8.3, for designated chemicals used on site, and appropriate measures recommended by Colorado Parks and Wildlife (CPW) for the protection of wildlife from damage from designated chemicals, toxic or acid-forming materials and acid mine drainage.
 - (a) An Environmental Protection Plan is not required to address proposed or permitted activities that do not involve, affect, or influence the storage, handling, or disposal of the designated chemicals and that do not disturb toxic or acid-forming materials,

and that do not cause, or have the potential to cause, generation of acid mine drainage unless such proposed or permitted activities involve uranium mining in which case an Environmental Protection Plan shall be required.

- (b) In order to protect the public and the environment from the adverse effects of uranium mining, designated chemicals, ~~acid or toxic producing toxic or acid-forming~~ materials or acid mine drainage, the Board may consider whether there is a potential for adverse impacts.
 - (c) Such a determination will evaluate, specifically, the potential for adverse impacts from any:
 - (i) leach facilities, or heap leach pad;
 - (ii) tailings storage or disposal areas;
 - (iii) impoundments;
 - (iv) waste rock piles;
 - (v) stock piles, temporary or permanent;
 - (vi) land application sites;
 - (vii) milling or metallurgical processing; or
 - (viii) in situ leach operations or conventional uranium operations.
 - (d) The Board shall consider economic reasonableness and technical feasibility when determining whether the proposed location adequately assures compliance with performance standards of the Act, or may require that an alternate location be evaluated.
 - (e) The Board shall also consider current or pre-existing conditions and the degree to which the proposed plan would provide for net improvements in the protection of human health, property or the environment.
- (2) Maps - An Environmental Protection Plan shall identify on map(s), sketch(es), plan(s) or other equivalent representations, the locations where designated chemicals, toxic or acid-forming materials, which will be used, stored, handled, exposed, disturbed or disposed of within the permit area, and existing or potential sources of acid mine drainage. The Environmental Protection Plan shall also identify on maps, sketches, plans or other equivalent representations, the location of affected lands, surface water, and groundwater which will be or has the reasonable potential to be affected by uranium mining operations. The locations shall be shown in accurate relationship to topography and other project facilities within the permit areas. The Operator/Applicant may submit this information as a map accompanying this Exhibit or include the information on the maps required as Exhibit C in this Rule, 6.4.3.

- (3) Identification of other agencies' environmental protection measures and monitoring - identify which environmental protection measures and monitoring are required by statute, regulation or permit by other agencies or jurisdictions.
- (4) Other Permits and Licenses - The Environmental Protection Plan shall:
 - (a) list any air, water quality, solid and hazardous waste, and other federal, state permits or local licenses, or other formal authorizations which the Operator/Applicant holds or will be seeking applicable to the use, handling, storage, or disposal of designated chemicals and acid mine drainage-forming materials within the permit area.
 - (b) Where such permits have been obtained, the Environmental Protection Plan shall identify where copies of such authorization(s) may be obtained, and shall provide any information contained in, or a portion of, or a complete copy of the permit(s), if required by the Office or Board.
 - (c) When such permits, for uranium mining, or for the use, handling, storage or disposal of designated chemicals or acid mine drainage-forming materials within the permit area, are obtained after the submission of the Environmental Protection Plan, the Operator/Applicant will provide the Office the same information within thirty (30) ~~4~~Days of receipt.
 - (d) The Board reserves the right to deny an application for a Permit or Modification to an existing Permit where there is substantial evidence that the operation is or may be contrary to the laws or regulations of this state, or the United States, including but not limited to all federal, state, and local permits, licenses and approvals. The Board may continue the consideration of the application, or condition approval, pending final resolution of the matter. In addition, as to any in situ leach mining applications, the Board may or shall, whichever is applicable, deny any such permit application in accordance with the provisions of Rule 1.4.10.
- (5) Designated Chemical(s) Evaluation - an Environmental Protection Plan shall contain a presentation and discussion of the types, quantities, and concentrations of designated chemicals within the permit area, and to the degree such chemicals are present or used within the permit area, shall characterize the designated chemicals as to:
 - (a) their known potential to affect human health, property or the environment; and
 - (b) based on the best information available at the time of submittal of the Environmental Protection Plan, specify the expected concentrations, process solution volumes and fate of designated chemicals to be used in existing and proposed extractive metallurgical processes at the mine, and/or mill site, if applicable.
 - (c) Provide, to the extent reasonably available, material safety data sheets for designated chemicals.
- (6) Designated Chemical(s) and Material(s) Handling –

- (a) Fully describe the procedures for the disposal, decommissioning, detoxification or stabilization for all designated chemicals and toxic or acid-forming materials. Specifically describe measures to be taken to prevent any unauthorized release of pollutants to the environment. Include adequate reclamation and closure practices for such designated chemicals, toxic or acid-forming materials and how unauthorized discharge of acid mine drainage will be prevented.
 - (b) Submit a narrative description or plan that:
 - (i) describes how all designated chemicals used in the extractive metallurgical process will be handled during active mining operations, during periods of Temporary Cessation, and disposed or detoxified at the conclusion of operations so as to comply with all applicable environmental protection and reclamation standards and regulations;
 - (ii) describes how materials that have the potential to produce acid mine drainage or are toxic or acid-forming will be handled to ensure that the affected lands will be reclaimed and returned to the approved post-mining land use; and
 - (iii) describes how the Operator/Applicant will prevent adverse off-site impacts during periods of active mine site operations and periods of Temporary Cessation.
 - (c) Based upon acceptable site-specific analyses of site construction materials, waste rock, ore, product stockpiles, and mill tailings, if applicable, provide an assessment of the nature, concentrations and expected fate of potential acid mine drainage-forming materials.
- (7) Facilities Evaluation—Provide an evaluation of the expected effectiveness of each proposed and existing Environmental Protection Plan facility, taking into consideration:
- (a) site-specific conditions;
 - (b) designated chemicals, uranium, uranium by products and other radionuclides, acid mine drainage and toxic or acid-forming materials and associated by-products and sludges that will be retained, either temporarily or permanently, on site by each facility;
 - (c) naturally occurring geological and geochemical conditions, and alterations of these conditions by the mining and metallurgical process.
 - (d) Describe, with maps and narrative, the monitoring systems, monitoring site locations, sample designator, parameters sampled, frequency of sampling, report dates, media sampled, method of sampling and analysis employed or to be employed during mining and reclamation operations to evaluate the effectiveness of each Environmental Protection Plan facility and activity.

- (e) Taking into consideration the nature of the chemicals and the risk to human health, property and the environment, describe any release response procedures, redundancies, and "backup" measures necessary, appropriate, and economically reasonable, to control, prevent and mitigate releases of the designated chemicals and toxic or acid-forming materials from the containment facility outside the permit area during mining and reclamation operations.
 - (f) Demonstrate that containment facilities shall be of adequate size to provide sufficient reserve capacity to prevent a release of designated chemicals or toxic or acid-forming materials from design storm events plus operational water volumes during worst case conditions as specified by the Office.
- (8) Groundwater Information –
- (a) locate on a map, in Exhibit C, all tributary water courses, wells, springs, stock water ponds, reservoirs and ditches, on the affected land and on adjacent lands where such structures or waters are within two (2) miles, of the existing or proposed affected lands. The required information may further be limited to that area which can also be demonstrated by the Operator to lie within the local ground and surface water regimes that include the affected lands. On a site-specific basis, the Office or Board may extend the distance beyond two (2) miles;
 - (b) identify all known aquifers and related subsurface water-bearing fracture systems within two (2) miles of the affected lands. The required information may further be limited to that area which can also be demonstrated by the Operator to lie within the local ground and surface water regimes that include the affected lands. In addition, using available data or information, when acceptable to the Office, provide the general direction and rate of flow of groundwater in these aquifers and fracture systems. On a case-by-case basis, the Office may require hydrologic testing and analysis, where available information is inadequate to describe or address potential impacts to groundwater resources;
 - (c) describe all geologic media down to and including the upper most aquifer under proposed sites of material storage, stockpiles, waste piles, disposal sites, solution containment facilities and other sites within the existing or proposed affected area where such subsurface materials and any associated waters have the potential to be contaminated by designated chemicals used in the extractive metallurgical process or by materials that are toxic or acid-forming, or that produce acid mine drainage;
 - (d) identify and locate on a map, in Exhibit C, known major fracture systems that affect rock formations under proposed sites of material storage, stockpiles, waste piles, disposal sites, solution containment facilities and other sites within the existing or proposed affected (land) area where such fractures and any associated waters have the potential to be contaminated by toxic or acid-forming materials or designated chemicals used in extractive metallurgical process or that produce acid mine drainage; and

- (e) describe and illustrate the hydrogeology of the area where surface or groundwater may be impacted by the Designated Mining Operation activities. Include in the description and illustration, those geologic strata and fracture systems that have the potential to transmit groundwater.
- (9) Groundwater Quality Data –
- (a) Indicate the existing and reasonably potential future groundwater uses on and within two (2) miles down-gradient of the affected lands. The required information may further be limited to that area which can also be demonstrated by the Operator to lie within the local ground and surface water regimes that include the affected lands. On a site-specific basis the Office or Board may extend the distance beyond two (2) miles.
 - (b) Submit, at a minimum, groundwater quality data collected during five (5) successive calendar quarters, or as specified by the Office, as may be necessary to adequately characterize baseline conditions. This baseline data shall be sufficient to provide for the proper design of facilities, to serve as a basis for the evaluation of reclamation performance standards, and to ensure the adequacy of Environmental Protection Facility design, maintenance and operation. In the case of an in situ leach mining operation, a permit applicant must design and conduct a scientifically defensible groundwater, surface water and environmental baseline site characterization and monitoring plan for the proposed mining operation which, at a minimum, includes five (5) successive calendar quarters, or the period specified by the Office as necessary to adequately characterize the baseline conditions, of water quality data, prior to submitting the permit application.
 - (c) Analytical detection limits and groundwater quality parameters must be acceptable to the Office.
- (10) Surface Water Control and Containment Facilities Information
- (a) Provide design specifications certified by a licensed professional engineer for all Environmental Protection Facilities intended to:
 - (i) hold, convey, contain, or transport designated chemicals used in the extractive metallurgical process;
 - (ii) convey, transport or divert surface water around or away from acid mine drainage or toxic or acid-forming material; or
 - (iii) capture and/or retain surface water run-off from areas affected by the Designated Mining Operation prior to its release from the mine-site into the natural water drainage system.
 - (b) Submit a Storm Water Management Plan, if required by the Water Quality Control Division, including a copy of such plan and a maintenance and inspection program to ensure all drainage control and containment facilities will be properly operated and maintained.

- (11) Surface Water Quality Data –
- (a) Indicate the existing surface water receiving stream standards, existing or reasonably potential future uses of surface water and, where receiving stream standards have not been determined, within two (2) miles, down-gradient of the affected lands. On a site-specific basis, the Board or Office may extend the distance beyond two (2) miles downstream.
 - (b) Submit surface water quality and flow data collected during a minimum of five (5) successive calendar quarters and such other additional data, or a period specified by the Office, as may be necessary to adequately characterize baseline conditions. This baseline data shall be sufficient to provide for the proper design of facilities, to serve as a basis for the evaluation of reclamation performance standards success, and to ensure the adequacy of environmental protection facility design, maintenance and operation. Where surface water samples are not available during the specified time period due to climatic condition, the Office must be contacted so that other alternatives may be agreed upon, except that in the case of an in situ leach mining operation, a permit applicant must design and conduct a scientifically defensible groundwater, surface water and environmental baseline site characterization and monitoring plan for the proposed mining operation which, at a minimum, includes five (5) successive calendar quarters, or the period specified by the Office as necessary to adequately characterize the baseline conditions, of water quality data, prior to submitting the permit application.
 - (c) Analytical detection limits for surface water must be acceptable to the Office for surface water quality parameters in consultation with the Water Quality Control Division.
- (12) Water Quality Monitoring Plan - where necessary to demonstrate that the Environmental Protection Plan requirements are being met a water quality monitoring plan shall be proposed for both surface and groundwater. The intent of the proposed water quality monitoring plan shall be to demonstrate that all environmental protection facilities designed to protect water quality are functioning as designed and whether the operation is in compliance with all applicable surface water and groundwater standards and Permit conditions. Where a Colorado Discharge Permit System (CDPS) discharge permit exists or has been applied for, such permit may be adequate to satisfy the requirements of Rule 6.4.21. In addition, for an in situ leach mining operation, the required groundwater, surface water and environmental baseline site characterization and monitoring plan must be designed to thoroughly characterize pre-mining conditions; detect any subsurface excursions of groundwater containing chemicals used in or mobilized by such operation; and evaluate the effectiveness of post-mining reclamation and groundwater reclamation.
- (13) Climate - on a case-by-case basis, the Environmental Protection Plan shall:
- (a) Provide adequate climatic data representative of the site to perform an acceptable "water balance" for all liquid containment systems open to the environment and intended to contain designated chemicals or acid mine drainage, and demonstrate that the amount of evaporation required to maintain reserve facility capacity will

occur, or that there is sufficient reserve capacity to compensate for the uncertainty associated with the data.

- (b) Provide the following information regarding climatic factors, above six thousand five hundred (6,500) feet of elevation, (with the approval of the Office, data may be provided from existing stations within the vicinity of the Permit area):
 - (i) the mean annual precipitation for a minimum of five (5) years and, where available, one (1) set of data for the wettest year on record for the area;
 - (ii) the average direction and velocity of the prevailing winds;
 - (iii) the mean monthly temperature and temperature ranges for a minimum of five (5) years;
 - (iv) on a case-by-case, site-specific evaporation and sublimation rates for the proposed site.
 - (c) For operations below elevations of six thousand five hundred (6,500) feet, provide the above data covering a period of one (1) year.
- (14) Geochemical Data and Analysis - include appropriate geochemical evaluations of any material that will be exposed by mining, placed in on-site solution containment systems or facilities, stockpiled, or disposed of on the affected land, and that involves uranium mining or has the potential to cause acid mine drainage or to release designated chemicals, or toxic or acid-forming materials.
- (a) Such evaluations shall be site specific and appropriate for the types of materials exposed or to be exposed by the mining and reclamation operations.
 - (b) Such evaluations shall be conducted on materials that are representative of the composition of the mineral, rocks or materials that are exposed or to be exposed during the proposed life of the mining operations.
 - (c) Such evaluations shall be appropriate for the intended use or fate of the material exposed or to be exposed during the proposed life of the mining operations, and on a case-by-case basis shall include evaluation of weathering effects, shall simulate, to the extent reasonable, the conditions under which the material will be used, stockpiled or disposed and which shall reasonably be expected to prevail after mining and reclamation operations have ceased.
 - (d) Such evaluations shall be performed on both ore and overburden, and shall identify the most reasonable sources, probable fate, and transport mechanisms of metal and acid-producing minerals that may be mobilized by ordinary weathering reactions that are likely to prevail after mining and reclamation operations have ceased. Such analyses may include only those tests that are necessary to satisfy the conditions of Rule 6.4.21(14)(c), and such evaluations may be prioritized, in descending order of importance, as follows:

- (i) mineralogical analyses;
 - (ii) trace element analyses;
 - (iii) major element analyses;
 - (iv) microprobe or other comparable analyses.
- (e) Where a net neutralizing, metal adsorption or metal ion exchange potential over the long-term cannot be demonstrated, the Operator/Applicant shall fully describe measures to prevent unpermitted discharges, and how reclamation, sufficient to achieve the post-mine land use will be assured.
- (15) Construction Schedule Information - provide a detailed construction schedule for the following:
- (a) all facilities designed to contain or transport uranium, uranium by-products or other radionuclides, toxic or acid-forming materials or designated chemicals used in the extractive metallurgical process; and
 - (b) all facilities proposed to contain, hold, or for disposal of material that has the potential to cause acid mine drainage.
- (16) Describe the Quality Assurance and Quality Control program and measures to be employed during construction of those Environmental Protection Facilities that typically warrant Quality Assurance and Quality Control.
- (17) Plant Growth Medium (Soils) - where revegetation is part of the Reclamation Plan, and in order to assure that acceptable plant growth medium is preserved, and to determine what soil amendments may be necessary to promote reclamation, the Operator/Applicant shall:
- (a) provide a soil survey map of the proposed affected area that delineates soil units, soil texture, estimated cubic yards of soil and subsoils available for reclamation and if saved, where such material will be stockpiled for reclamation;
 - (b) Such map shall be based on site specific soils investigations and shall be on such a scale as to provide a basis for soil management recommendations and be the same scale as the reclamation map; and
 - (c) provide, for each soil map unit, in tabular form, all data from analyses of representative samples of surface and subsurface soil units as to:
 - (i) soil pH, texture, electrical conductivity, sodium adsorption ratio and any other parameters that the Operator/Applicant or Office deems necessary for proper soils characterization;
 - (ii) indicate on a map, or in the soils narrative the location of each soil unit on the affected area where the above soil characteristics may be problematic as to suitability for a plant growth medium; and

- (iii) type, form and amounts of any soil amendments that may be necessary or recommended by the local Soil Conservation Service, Conservation District, or other qualified special district, and standard soil laboratory analyses and fertilizer recommendations (if available) for the types of plant species proposed to be established; or
 - (iv) provide, as an alternative to Rule 6.4.21(17)(c), a plan of experiments to determine the type, form and amount of any soil amendments that may be necessary to fulfill the requirements of the Reclamation Plan.
- (18) Wildlife protection - In addition to the performance requirements of Rule 3.1, the Office or Board shall require the Operator to describe measures to minimize or prevent harm or damage to wildlife species and habitat, including:
 - (a) adequately describe mitigation measures to ensure that there is no overall net loss of critical or important wildlife habitat consistent with Colorado Parks and Wildlife (CPW) and United States Fish and Wildlife Service (USFWS) recommendations, if any; and
 - (b) describe measures to prevent wildlife from coming into contact with uranium, uranium by-products or other radionuclides, designated chemicals, toxic or acid-forming chemicals or areas with acid mine drainage.
- (19) Disposal of tailings and sludges in mine workings - In order to ensure the proper disposal of tailings and sludges in mine workings, an Applicant shall comply with the provisions of Rule 3.1.7.

6.4.22 EXHIBIT V – Description of ISL Mines – Required for all In Situ Leach Mining Applications Regardless of Designated Mining Operation Status

In addition to all other required exhibits, all in situ leach mining applications shall include this Exhibit V:

- (1) The Description of ISL Mines shall describe at least five (5) in situ leach mining operations that demonstrate the applicant's ability to conduct the proposed mining operation without leakage, vertical or lateral migration, or excursion of any leaching solutions or groundwater containing minerals, radionuclides, or other constituents mobilized, liberated or introduced by the mining operation into any groundwater outside of the permitted in situ leach mining area. The applicant need not be involved with any of the five (5) operations. The Comparison of ISL Mines shall describe:
 - (a) the methods of mining employed in each stage of each of the five (5) referenced in situ leach mining operations specifically including the methods related to any potential effect on groundwater, and compare these methods to those proposed in the application;

- (b) the groundwater monitoring and protection measures used at each of the five (5) referenced mining operations and compare those measures to the measures in the application;
 - (c) known accidents, failures, leaks, releases or spills that affected groundwater at each of the five (5) referenced mining operations.
- (2) The information provided in the Description of ISL Mines may be obtained from publicly available or non-confidential sources. The applicant shall use reasonable efforts to obtain as much information as is possible including research and review of publicly available documents and contact with the operators of the five (5) referenced operations to request information.

6.4.23 EXHIBIT W – Baseline Site Characterization – All In Situ Leach Mining Operations, Regardless of Designated Mining Operation Status.

In addition to all other required exhibits, applications for in situ leach mining operations shall include this Exhibit W.

- (1) An applicant for an in situ leach mining operation permit shall design and conduct a scientifically defensible Baseline Site Characterization for affected surface water and groundwater and the environment prior to filing a permit application for an in situ leach mining operation. Prior to conducting any activity under the Baseline Site Characterization, the prospective applicant shall confer with the Office and obtain the Office's approval of the applicant's proposed Baseline Site Characterization. The Baseline Site Characterization must, at a minimum, include five (5) successive calendar quarters, or the period specified by the Office as necessary to adequately characterize the baseline conditions, of monitoring data and must be included in the permit application in order for the application to be considered filed. At a minimum, the Baseline Site Characterization shall thoroughly characterize the pre-mining site conditions including:
- (a) A description of the following aspects of the proposed mining operation:
 - (i) physiographic conditions;
 - (ii) geologic and hydrogeologic conditions;
 - (iii) surface water conditions; and
 - (iv) groundwater conditions.
 - (b) A site inspection report that includes:
 - (i) a narrative description of site observations;
 - (ii) interviews with regulatory agencies having jurisdiction over the site including the regulatory history of the site;

- (iii) a narrative description of the results of a document review concerning the site; and
 - (iv) a synopsis of any previous environmental or enforcement investigations.
- (c) Analysis of the results of the Baseline Site Characterization, including a description of factors or conditions that require further investigation in order to design appropriate reclamation measures.

6.4.24 EXHIBIT X – Monitoring Plan – All In Situ Leach Mining Operations Regardless of Designated Mining Operation Status

In addition to all other required exhibits, any applications for in situ leach mining applications shall include this Exhibit X.

- (1) An Applicant for a permit for any in situ leach mining operation shall design and conduct a Monitoring Plan for affected lands and affected surface water and groundwater prior to submitting an application for such operation. Prior to conducting any activities in the Monitoring Plan, the prospective applicant shall confer with and obtain the approval of the Office of the proposed Monitoring Plan. The Monitoring Plan must be in the permit application in order for the application to be considered filed. The Monitoring Plan shall be sufficient to detect any subsurface excursions of groundwater containing chemicals used in or mobilized by the mining operation. In addition, the Monitoring Plan shall be sufficient to evaluate the effectiveness of the post-mining reclamation and groundwater reclamation plans.

6.4.25 EXHIBIT Y – Certification of Prior and Current Violations – All In Situ Leach Mining Operations Regardless of Designated Mining Operation Status

In addition to all other required exhibits, any permit application for an in situ leach mining operation or any request for transfer of minerals permit and succession of operations of operators for any in situ leach mining operation shall include this Exhibit Y.

- (1) Applicants for a permit for any in situ leach mining operations shall include in their application a Certification of Prior and Current Violations that includes:
- (a) A certified statement by the Applicant that the applicant or an affiliate, officer, or director of the Applicant has not violated environmental protection requirements of the Act and these regulations, a permit issued under the Act, or any analogous law, rule or permit issued by another state or the United States within a period of ten (10) years prior to the date of the submission of the application;
 - (b) A certified statement by the Applicant that the Applicant or an affiliate, officer, or director of the applicant, the operator, or the claim holder has not committed a pattern of willful violations of the environmental protection requirements of the Act, regulations, a permit issued under the Act and regulations, or an analogous law, rule, or permit issued by another state or the United States.

- (2) If the Applicant is not able to certify as required by Rule 6.4.25(1), the Applicant shall certify the circumstances of the violations or pattern of violations including:
- (a) A description of the nature of the violation including the governmental agency that found the violation, where and when it took place, the type of mine involved, any corrective actions and fines imposed for such violation, the status of the violation and any corrective actions and fines imposed for such violation, and any pending administrative or judicial action related to the violation;
 - (b) A description of the pattern of violations including as to each violation in the pattern of violations, the governmental agency that found the violation, the type of mining operation involved, where and when the violation took place, the corrective actions and fines imposed for such violation, the status of the violation and any corrective actions and fines imposed for such violation, and any pending administrative or judicial action related to the violation;
 - (c) Contact information from each federal or state agency involved in each violation or each pattern of violations including the name of the agency, the name of a person in that agency that can confirm the violation or pattern of violation information the Applicant has submitted and the contact person's telephone number and address.
 - (d) Any other information requested by the Office or Board about the violations or pattern of violations.
 - (e) Any explanation of the circumstances of any violations, the relationship between the Applicant and the violator, and any other information the Applicant believes to be relevant.
 - (f) The Applicant has a continuing obligations to update the information required in this exhibit throughout the permit application process and, if the permit is granted, throughout the life of the permit if any changes to the information occurs.
- (3) To constitute a certified statement the applicant must attest to the truthfulness of the statement in a form approved by the Board.

6.5 GEOTECHNICAL STABILITY EXHIBIT

- (1) On a site-specific basis, an Applicant shall be required to provide a geotechnical evaluation of all geologic hazards that have the potential to affect any proposed impoundment, slope, embankment, highwall, or waste pile within the affected area. A geologic hazard is one of several types of adverse geologic conditions capable of causing damage or loss of property and life. The Applicant may also be required to provide a geotechnical evaluation of all geologic hazards, within or in the vicinity of the affected lands, which may be de-stabilized or exacerbated by mining or reclamation activities.
- (2) On a site-specific basis, an Applicant shall be required to provide engineering stability analyses for proposed final reclaimed slopes, highwalls, waste piles, embankments, and ore leach facilities. An Applicant may also be required to provide engineering stability

analyses for certain slope configurations as they will occur during operations, including, but not limited to, embankments and ore leach facilities. Information for slope stability analyses may include, but would not be limited to, slope angles and configurations, compaction and density, physical characteristics of earthen materials, pore pressure information, slope height, post-placement use of site, and information on structures or facilities that could be adversely affected by slope failure.

- (3) Where there is the potential for off-site impacts due to failure of any geologic structure or constructed earthen facility, which may be caused by mining or reclamation activities, the Applicant shall demonstrate through appropriate geotechnical and stability analyses that off-site areas will be protected with appropriate factors of safety incorporated into the analysis. The minimum acceptable safety factors will be subject to approval by the Office, on a case-by-case basis, depending upon the degree of certainty of soil or rock strength determinations utilized in the stability analysis, depending upon the consequences associated with a potential failure, and depending upon the potential for seismic activity at each site.
- (4) At sites where blasting is part of the proposed mining or reclamation plan, the Applicant shall demonstrate through appropriate blasting, vibration, geotechnical, and structural engineering analyses, that off-site areas will not be adversely affected by blasting.

6.6 SPECIFIC PERMIT APPLICATION EXHIBIT REQUIREMENTS – 110r RECLAMATION-ONLY OPERATIONS

The following exhibits are required for all applications for any 110r Reclamation-Only operations.

6.6.1 EXHIBIT A – Legal Description and Location Map

- (1) A legal description must identify the affected land, specify affected areas and be adequate to field locate the property. This description shall include:
 - (a) township, range, and section, to at least the nearest quarter-quarter section;
 - (b) location of the main entrance to the mine site reported as latitude and longitude, or the Universal Transverse Mercator (UTM). Coordinates of latitude and longitude will be provided in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 40.12345 N, longitude 105.12345 W). For UTM, the datum and applicable zone needs to be provided.
 - (c) the nearest town, the distance and direction from the town to the mine, and elevation of the mine; and
 - (d) where available, the street address or lot number(s) shall be given.
- (2) A Location Map showing sufficient information to determine the location of the affected land. This map shall include existing and proposed roads, and access routes, to be used in connection with the mining operation. A standard U.S. Geological Survey topographic

map or equivalent Google Earth Map is acceptable. The location of the proposed operation shall be shown and labeled with the mine site name.

6.6.2 EXHIBIT B – Site Description

Items (a)-(c) below must be addressed to the extent necessary to demonstrate compliance with the applicable performance standard requirements of Rule 3. At a minimum, the Operator/Applicant shall include the following information:

- (a) a description of the vegetation and soil characteristics of the immediately adjacent undisturbed lands around the proposed operation. The local office of the Natural Resources Conservation Service (NRCS) may provide this information as well as recommendations for Exhibit D - Reclamation Plan;
- (b) identify any permanent man-made and legacy structures within two hundred (200) feet of the affected area and the owner of each structure. Each structure should be located on Exhibit E - Map;
- (c) a description of the water resources in the area of the proposed operation. Identify any streams, springs, lakes, stock water ponds, ditches, and reservoirs within the immediate vicinity that would stormwater drainage or sedimentation directly from the affected area. Provide any information, if readily available, from publications or monitoring data on flow rates, water table elevations and water quality conditions; and
- (d) a wildlife statement prepared by Colorado Parks and Wildlife (CPW) is required for 110r Reclamation-Only Operations. The Operator/Applicant must contact the local CPW representative to verify that no critical or important wildlife habitats or wildlife species will be impacted by the proposed operation.

6.6.3 EXHIBIT C – Mining Plan

The purpose of the mining plan is to describe how reclamation excavations will affect the permit area for the duration of the operation. This plan must be correlated to Exhibit E - Map. The description of the mining plan must be adequate to satisfy the requirements of Rule 3.1 and demonstrate compliance with Rule 3. At a minimum, the Operator/Applicant must include the following information:

- (a) specify the estimated dates that mining will commence and end. All excavation and reclamation activities must be completed within 3 years from the proposed commencement date;
- (b) the estimated depth to which soil, if any, suitable as a plant growth medium, will be salvaged for use in the reclamation process. If plant growth medium is not reapplied on a graded area within the same growing season, not to exceed 180 days, then the Operator/Applicant must specify how the topsoil will be stockpiled and stabilized with a vegetative cover or other means until used in reclamation. Plant growth medium stockpiles must be located separate from other stockpiles, out of the way of mine traffic and out of drainage ways. The location of plant growth medium stockpiles must be shown on Exhibit E - Map;

- (c) specify the thickness and quantity of legacy waste rock pile to be removed. The location of any overburden stockpiles or waste rock fills not to be disturbed must be shown on Exhibit E- Map; Note: no excavation beyond placed legacy materials is permitted;
- (d) describe the major components of the mining operation and identify the location of these on Exhibit E – Maps. Note: no pits, processing facilities, or disturbance of any legacy underground openings such as adits or ventilation facilities is permitted;
- (e) specify the dimensions of any significant disturbances to the land surface such as legacy excavations, mine benches, impoundments, stockpiles, etc.;
- (f) specify the dimensions of any existing or proposed roads that will be used for the operation. Describe any improvements necessary on existing roads. New or improved roads must be included as part of the affected lands and permitted acreage. Describe any associated drainage and runoff conveyance structures and include sufficient information to evaluate structure sizing;
- (g) specify how much water will be used in conjunction with the operation and the source of this water. Note: water usage shall be limited to dust suppression only;
- (h) describe how mining will affect the quantity and quality of the surface or groundwater and the methods to be used to minimize disturbance to the surface and groundwater systems including sediment-containment and storm water runoff controls and other best management practices;
- (i) describe how toxic or acid-forming materials shall be handled and what measures will be implemented to prevent off-site damage and to prevent any unauthorized release of pollutants to the environment;
- (j) a statement that no processing will occur on site. Note: processing includes crushing, washing, leaching, or milling;
- (k) a statement that no explosives will be used in conjunction with the mining or reclamation operation; and
- (l) a statement that no petroleum products will be stored on-site.

6.6.4 EXHIBIT D – Reclamation Plan

- (1) The purpose of the Reclamation Plan is to describe the timing, procedures, criteria and materials that will be used to reclaim the affected land to the proposed future land use. This plan must be correlated to Exhibit E - Map. The description of the Reclamation Plan must be adequate to satisfy the requirements of Rule 3.1 and demonstrate compliance with Rule 3. At a minimum, the Application shall include the following information:
 - (a) Specify the proposed future land use. Where wildlife habitat is the proposed future land use, Colorado Parks and Wildlife (CPW) must be consulted.

- (b) Specify the maximum gradient of reclaimed slopes (horizontal: vertical). All efforts should be made to blend in the area with natural topography. If the Application proposes slopes steeper than 3H:1V, the Operator/Applicant must include a justification that supports steeper slopes for the proposed post mining land use and demonstrates compliance with the applicable performance standards of Rule 3.1.
- (c) Specify the measures that will be taken to revegetate the site, if applicable, including:
- (i) state the thickness and nature of plant growth medium to be replaced. Sufficient soil must be replaced to meet the vegetation establishment criteria of Rule 3.1.10. For sites that lack an adequate volume of plant growth medium to be replaced on the disturbance area, provide details on the source, location, and nature of plant growth material that needs to be imported to the site for reclamation;
 - (ii) state the range of dates when the site will be seeded. Explain how the seedbed will be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced). State the type, application rate, and soil incorporation methods of fertilizer application, if any. NOTE: Soil amendments shall only be applied where soil tests indicate nutrient deficiencies for the plant species to be established;
 - (iii) state the grass, forb, shrub, and tree species to be planted and the applicable quantities. Native plant species that encourage pollinators should receive first consideration, but introduced species may be used in the revegetation process when found desirable and approved by the Office. Specify the quantity of each grass and forb species as pounds of pure live seed per acre. Specify the planting size and quantity of each shrub and tree species to be established per acre;
 - (iv) specify the application method for grass and forb seeding. If the seed is to be broadcast, either provide the broadcast application rate or the application rate shall be twice the rate required for seed drilling. If the seedbed has not been adequately roughened prior to seeding, the seed shall be incorporated into the seedbed by raking, harrowing or by other means of stabilization such as hydromulching; and
 - (v) state what type of mulch to be used, the application rate per acre, and the crimping method if applicable, or provide a technical justification for when mulch will not be used (i.e., the use of other soil stabilizing practices, planting a sterile cover crop, site-specific limitations, etc.).
- (d) Specify which roads, if any, will remain after reclamation. Describe the intended use of these roads after reclamation and provide a discussion with how these are compatible with the proposed future land use. These features must be shown on the Exhibit E - Map.

- (e) Describe what reclamation measures will be taken to prevent off-site sedimentation (i.e. sediment-containment controls and best management practices) and provide for a stable configuration consistent with the proposed future land use.
- (2) Provide an estimate of the actual costs to reclaim the site based on what it would cost the State of Colorado using an independent contractor to complete reclamation. The unit costs should include estimates for the following activities as appropriate to the operation: backfilling, grading, topsoil application, seeding, mulching, fertilization, and labor to complete reclamation.

 - (a) After the direct costs noted above have been estimated, the Office may add up to an additional maximum twenty and one-half percent (20.5%) of that total, which includes private contract, typical overhead costs, and a standard contingency. This additional cost is required to cover indirect costs that an independent contractor would incur when performing reclamation of the site. Based on site-specific conditions and for good cause shown by the Office, the percentage of indirect costs may be adjusted above the rate identified above. Five percent (5%) additional cost shall also be added to cover Office administration cost in the event of bond forfeiture and permit revocation.

6.6.5 EXHIBIT E – Maps

- (1) The Operator/Applicant must provide maps which meet the requirements of Rule 6.2.1(2) that clearly describes the features associated with the mining plan and the components of the Reclamation Plan. Include at least one (1) map for the mine plan and one (1) map for the Reclamation Plan. At a minimum, maps must include the following information:
- (2) Mining Plan Map

 - (a) outline and label the proposed permit boundaries, and provide latitude and longitude for each boundary corner as labels on the map or as a separate table; if available, the Operator/Applicant may also provide a digital file type, as determined by the Office, of the permit boundaries; for 110r Reclamation-Only Operations, the Office considers the area bounded by the permit boundary to be analogous to the affected area;
 - (b) label the names of owner(s) of record of the surface of the affected area and of the land within two hundred (200) feet of the affected area, identify the owner of the substance to be mined;
 - (c) outline and label all major surface features to be used in connection with the proposed operation such as: existing and proposed roads, topsoil stockpiles, and storm water runoff controls;
 - (d) indicate the direction that waste pile extraction will proceed;
 - (e) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and

within two hundred (200) feet of the affected land. A narrative description must be provided in Exhibit B - Site Description; and

- (f) outline and label existing disturbance within and/or adjacent to the permit boundary (e.g., previously mined areas, roads or excavations resulting from utility construction). Re-disturbance of previously disturbed areas, by the proposed mining operation, must be included in the permit area and addressed in Exhibit D - Reclamation Plan.

(3) Reclamation Plan Map

- (a) show the gradient of all reclaimed slopes (horizontal: vertical) sufficient to describe the post mine topography and adjacent natural topography. Note: blending into the natural topography should be given high priority;
- (b) indicate where vegetation will be established and the general area(s) for shrub or tree planting;

6.6.6 EXHIBIT F – List of Other Permits and Licenses Required

Provide a statement identifying which of the following permits, licenses and approvals the Applicant holds or will be sought in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source materials licenses, dredge and fill permits, permit to construct a dam, well permits, explosives permits, State Historic Preservation Office clearance, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

6.6.7 EXHIBIT G – Source of Legal Right to Enter

Provide documentation of the legal right to enter to conduct mining and reclamation for all Owners of Record of the surface of the affected land and the mineral rights of the substance to be mined. This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

6.6.8 EXHIBIT H – Municipalities within a Two-mile Radius

List the mailing address and telephone number of the governing body for all municipalities within a two (2) mile radius of the proposed mining operation.

6.6.9 EXHIBIT I – Proof of Filing with County Clerk

An affidavit or e-receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c).

6.6.10 EXHIBIT J – Proof of Mailing of Notices to Board of County Commissioners and Conservation District

Proof that notices of the permit application were sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local Conservation District, pursuant to Rule 1.6.2(1)(a)(ii).

6.6.11 EXHIBIT K – Identification of Receiving Facility

Provide the name, physical address, telephone number, and if applicable, Division issued permit number for the mill or facility receiving the legacy waste. Note: A 110r Reclamation-Only permit will not be issued for the removal and stockpiling of legacy waste to any location not licensed and permitted to receive the material for processing and milling.

6.6.12 EXHIBIT L – Permanent Man-Made Structures

- (1) Provide a list of the owner's name and type of structure for all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
- (2) Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall:
 - (a) provide a notarized or other legally acceptable agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or
 - (b) where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
 - (c) where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.
 - (d) Legacy structures (such as adits, vent holes, stope subsidence, loadouts, etc.) shall be identified. Any removal of legacy waste must avoid disturbances to these types of features. The applicant must provide details on how these types of structures will be protected from harm.

RULE 7: DESIGNATED MINING OPERATIONS

7.1 GENERAL PROVISIONS

7.1.1 Exemption from Rule

Mining operations that are 110R Reclamation-Only operations or are not Designated Mining Operations are exempt from this Rule 7, except as provided for in Rule 6.1, of these Rules.

7.1.2 Effective Date and Applicability of Rule

Except for uranium mining operations, the effective date of this Rule 7.1 and all of its Subsections is July 1, 1994 (Section 34-32-116.5(3)(B), C.R.S. 1984, as amended). Any Operator/Applicant may voluntarily choose to comply with any part, or all, of this Rule at any time prior to July 1, 1994. As to uranium mining operations, all existing and future uranium mining operations are by law designated mining operations. Therefore, the procedure to determine whether a mining operation constitutes a designated mining operation is not applicable to uranium mining operations and such operations are subject to all designated mining operation requirements and regulations. However, such operations may request an exemption from designated mining operation status as provided in Rule 7.2.6. If such exemption is granted, an in situ leach mining operator shall only be exempt from designated mining operation requirements; all in situ leach mining operation requirements shall continue to apply.

7.1.3 Compliance Requirements

- (1) The submission of an Environmental Protection Plan in conformance with Rule 6 and this Rule 7, does not relieve an Operator/Applicant of compliance with any other applicable Rule of the Board.
- (2) In addition to submitting the Reclamation Plan required by Section 34-32-116, C.R.S. 1984, as amended, in compliance with Rule 6, all Designated Mining Operations, as determined pursuant to this Rule 7 or if an operation is a uranium mining operation, shall submit to the Office an Environmental Protection Plan, the content of which is specified by Rule 6, for Office review and approval. As to uranium mining operations, a permit applicant must include an Environmental Protection Plan in the application unless such applicant requests and obtains an exemption pursuant to Rule 7.2.6 at the time of submitting the application.

7.1.4 Environmental Protection Plan Requirements

- (1) The Environmental Protection Plan shall be submitted as an additional Exhibit to the application.
- (2) All information supplied to comply with this Rule 7 shall be of a scale or nature that is compatible with all other Exhibits required in Rule 6.4.

7.2 DETERMINATION OF DESIGNATED MINING OPERATIONS

7.2.1 General Provisions

- (1) The Office's determination of a Designated Mining Operation is based on the criteria described in the definition for Designated Mining Operation in Rule ~~1.1(4921)~~.
- (2) For administrative purposes, such as Annual Fees and inspection schedules, the occurrence at a mine site of any activity that is a Designated Mining Operation activity will have the effect of making the entire mining operation a Designated Mining Operation, unless exempted under Rule 7.2.6.
- (3) Such operations, so designated, must submit an Environmental Protection Plan as specified in Rule 6.4.21.

7.2.2 Notification of Designation or Pending Designation by Office

- (1) Any time after the effective date of this Rule 7.2.2, the Office may notify an Operator of the Office's determination that an existing or proposed mining operation is, or has a reasonable potential to be, a Designated Mining Operation. The monthly Agenda shall Notice those operations for which the Office may have any pending Designated Mining Operation considerations, and upon a determination that an operation so considered, is or is not a Designated Mining Operation, the Office shall provide Notice in the next regular monthly agenda.
- (2) The Office's notice to an Operator/Applicant of such a determination shall be accompanied by factual statements including a review of the permit application, approved permit application, proposed or existing metallurgical process, known site geology or geochemistry, and the most recent site inspection.

7.2.3 Operator/Applicant Concurs with Designation

- (1) If an Operator, so notified, agrees with the Office that the existing operation is a Designated Mining Operation, the Operator shall notify the Office within thirty (30) ~~4~~Days of the date of the notice by mail, of the Operator's concurrence.
- (2) Upon receipt of the Office notice, the Operator of an existing mining operation shall:
 - (a) within sixty (60) ~~4~~Days file a demonstration that the existing permit application for the operation contains the necessary elements of an Environmental Protection Plan, Rule 6.4.21. This showing by the Operator shall satisfy the applicable portions of Sections 34-32-116 and 116.5, C.R.S. 1984, as amended, and the applicable portions of Rules 3, 6 and 7. Upon notice that the existing permit application does not contain the elements of an Environmental Protection Plan, the Operator shall either:
 - (b) within one hundred and eighty (180) ~~4~~Days submit an Environmental Protection Plan to the Office; or

- (c) within thirty (30) ~~4~~Days request a period longer than one hundred and eighty (180) ~~4~~Days, not to exceed one (1) year, to file such plan based on a demonstration satisfactory to the Office that additional time is needed to prepare an Environmental Protection Plan.
- (3) If an Operator/Applicant so notified agrees, the Operator/Applicant shall amend the application in accordance with Rule 7.2.

7.2.4 Designation Disputes

- (1) If an Operator/Applicant so notified does not agree with the Office that the existing or proposed mining operation is a Designated Mining Operation, the Operator/Applicant shall appeal, in writing, to the Office within thirty (30) ~~4~~Days of the Office notice, setting forth the specific reasons for the Operator/Applicant's disagreement. The Operator/Applicant's appeal shall include all factual evidence to support its arguments.
- (a) The Office shall meet with the Operator/Applicant as soon after the notification described in Rule 7.2.4(1) as possible to discuss the pending designation. If the Operator/Applicant does not satisfactorily demonstrate to the Office that the operation is not a Designated Mining Operation, the Office shall make a final determination that the operation is a Designated Mining Operation. The monthly Agenda shall Notice the final decision of the Office.
 - (b) The Operator/Applicant may appeal the Office's determination to the Board within thirty (30) ~~4~~Days of the notification to the Operator/Applicant of such determination, and request a hearing before the Board on the designation by the Office pursuant to Rule 1.4.11. Burden of proof to reverse the Office's determination shall be on the Operator/Applicant. Any person who demonstrates that they are directly and adversely affected or aggrieved by the Board's determination and whose interest is entitled to legal protection under the Act may participate as a party in the appeal of the Office's determination brought by the Operator/Applicant.
- (2) If the Operator/Applicant appeals under Rule (1), above, the Office, after notice to the Operator/Applicant, shall schedule the matter for a Board Hearing.
- (3) Any person who has relevant facts that were not known at the time of the initial Office determination that an operation is not a Designated Mining Operation, or where no such Office designation has occurred, may file a written complaint with the Office requesting a review of the operation to determine if it should be a designated mining operation. Based on the written request the Office may inspect the mining operation to determine Designated Mining Operation status. If the Office determines that the mining operation should be a designated Mining Operation, than the processes set forth in Rules 7.2.2., 7.2.3 and 7.2.4 shall apply.

7.2.5 Existing Permit – Adequate for an Environmental Protection Plan

- (1) If an existing permit contains the necessary elements of an Environmental Protection Plan, the Office or the Board will deem the existing permit to be adequate to comply with the

Environmental Protection Plan requirement, (Section 34-32-116.5(4)(a), C.R.S. 1984, as amended).

- (2) The Office may require that the Operator provide an Environmental Protection Plan, as an Exhibit separate from the existing Reclamation Plan and clearly marked as the Environmental Protection Plan. New information may not be required, provided the Plan complies with Rule 6.4.21 and Rule 7. The Environmental Protection Plan submission shall reference appropriate portions of the existing permit application, but shall be clear and concise and shall adequately address those issues that the Environmental Protection Plan is to address.
- (3) If there are no substantive changes to approved on-site activities, the Office review shall be considered a Technical Revision to the Permit for the purpose of processing the Operator's request.

7.2.6 Exemption from Designation

- (1) If an Operator or Applicant demonstrates to the satisfaction of the Office or the Board, at the time of applying for a permit, or at a subsequent hearing, or after notification given pursuant to Rule 7.2.2 of this Rule, that designated chemicals will not be stored or used on-site for extractive metallurgical processing, toxic or acid-forming materials will not be exposed or disturbed in quantities sufficient to adversely affect human health, property or the environment; and that acid mine drainage, as defined in Rule 1, will not occur as a result of mining operations, the Board shall exempt such existing operations from the requirements of this Rule 7, which Rule implements Section 34-32-116.5, C.R.S. 1984, as amended.
 - (a) The operator of an existing designated mining operation may seek exemption from Designated Mining Operation status by filing an amendment application pursuant to Rule 1.10. The amendment application must include the legal and factual basis for requesting the exemption.
- (2) Nothing in the Board Exemption shall exempt an Operator where site conditions or circumstances change, or are not as presented by the Operator in an application or at a Board Hearing on the proposed or existing activities. In addition, an exemption under this Rule from designated mining operation requirements does not exempt the operation from any other applicable requirements. For example, an exemption shall not exempt an in situ leach mining operation from the requirements pertaining to in situ leach mining operations including but not limited to those contained in Rules 3.1.3, 3.1.7 and 6.4. If an in situ leach mining operation is granted an exemption, it shall be referred to as a "110 ISL" operation or "112 ISL" operation (as applicable) rather than as a 112d operation.

7.2.7 Appeal of Determination

Any person who demonstrates that they are directly and adversely affected or aggrieved by the Office determination of designation or non-designation and where such person's interest is entitled to legal protection under the Act may appeal the Office's determination to the Board pursuant to Rule 1.4.11. The operator/applicant may be a party to the appeal.

7.2.8 Plan Inadequacy

If the Office subsequently finds that the approved Environmental Protection Plan is not adequate to comply with the Act and these Rules for protection of human health or property or the environment in conformance with the duties of Operators as prescribed by the Act, the Office may direct the Operator/Applicant to propose a revision to the previously approved Plan within a reasonable time. Provided the Operator is operating in compliance with the approved permit, this Office directive to propose a change shall be considered a "possible problem" and not a "possible violation", unless the time period for submission of the revision is not met by the Operator.

7.2.9 Time Extension for Filing the Environmental Protection Plan

Any Operator not granted relief, upon appeal of a designation as a Designated Mining Operation, shall submit an Environmental Protection Plan to the Office within ninety (90) ~~4~~Days of issuance of the Board Order denying the appeal, unless granted additional time by the Board based on all the following:

- (a) the good faith efforts of the Operator to achieve compliance;
- (b) the complexity of the mining operation; and
- (c) a demonstration that harm would not occur to the human health, property or the environment if the additional time were granted.

7.3 ENVIRONMENTAL PROTECTION FACILITIES – DESIGN AND CONSTRUCTION REQUIREMENTS

7.3.1 Construction

- (1) Unless otherwise specified by the Office or Board, construction work shall be done in phases. No construction work shall begin on any subsequent phase of the facility without first obtaining Office acceptance.
- (2) No liner of any kind shall be installed where climatic conditions are not within design or manufacture recommendations, and accepted by the Office.
- (3) Such facilities shall be appropriately designed for their intended purpose and shall consider site specific conditions and on or off-site impacts to human health, property and the environment. Design capacities shall be sufficient to handle the design storm event for the area. The design storm event may be the two (2) year, 24-hour storm event up to the Probable Maximum Precipitation (PMP) event plus the ten (10) year, 24-hour storm event.
- (4) It will be the responsibility of the Operator or Applicant to provide adequate Quality Assurance/Quality Control (QA/QC) or certification for any construction activities that are identified in the approved Environmental Protection Plan as specifically requiring QA/QC.

- (5) No chemicals used in the extractive metallurgical process or toxic or acid-forming materials, uranium, uranium by-products or radionuclides shall be placed in constructed facilities until the Board or Office accepts the certification of the facility, or phase thereof, that precedes placement.

7.3.2 Construction – Acceptance of Certification

- (1) Written acceptance of certification for facilities under this Rule, shall be a separate acceptance from the approval granted a permit application or permit modification.
- (2) Unless otherwise required by the Office, the Operator or Applicant must provide a certified verification by a professional engineer or other appropriately qualified professional that will confirm that the facility was constructed in accordance with the approved design plan.
- (3) The Office shall review and accept or reject all such certifications.

7.3.3 Cessation of Construction

- (1) Barring an action by the Board, Cessation will only apply to the activities that are directly affected by the site-specific engineering step(s) that do not yet have certification.
- (2) For any phase of certifiable inspection established pursuant to Rule 7.3.1 for which certification is not provided, as required in the permit, the Operator shall cease the construction of the environmental protection facility and will postpone the execution of subsequent phases of construction or operation until any required inspections have been performed and the requisite certification has been provided to and accepted by the Office.
- (3) Cessation of construction shall not be deemed to apply to corrective construction actions nor shall it apply to construction of facilities that are designed, and that will serve, to correct the lack of certification.
- (4) The Office has discretion to allow construction to proceed upon determination by the Office that proceeding is the best remedy.

7.4 FACILITY REVIEW, CERTIFICATION AND INSPECTION

7.4.1 General Provisions – Inspections and Certifications

- (1) All construction work required to prepare a mine site facility to receive designated chemicals, toxic-forming or acid-forming materials that produce acid mine drainage as defined in these Rules, shall be subject to the following:
 - (a) the frequency and scheduling of Office inspections shall be determined by the Office based on a review of the permit application and in consultation with the Operator/Applicant; and
 - (b) the Office shall include a list of the required inspections in the approved permit.

- (2) The Office may require the Operator to take corrective actions necessary to obtain and verify certification of a construction phase identified in the approved permit. The corrective actions so specified shall be those normally specified by a qualified professional.

7.4.2 Phased Construction Inspections

- (1) The Office shall give inspections of phased facility construction priority over other inspections and shall conduct such inspections as soon as possible to:
 - (a) meet the agreed upon construction schedule;
 - (b) to protect, as necessary, structures or facilities; and
 - (c) to facilitate orderly and efficient construction and operation.
- (2) At a minimum, general inspection phases shall include the following, as applicable:
 - (a) foundation preparation inspection shall occur when the vegetation, topsoil and subsoil have been salvaged and the foundation has been configured, compacted to design specifications, and dressed to receive underdrain systems where required;
 - (b) earthen construction inspection shall occur at appropriate phases in the completion of any excavated slopes or embankment construction for facilities designed to hold or contain toxic or acid-forming materials or designated chemicals used in the extractive metallurgical process or acid mine drainage-forming materials;
 - (c) identification of all wet or seep areas;
 - (d) any areas of structural instability;
 - (e) under-drains or groundwater interceptor systems, after drain materials (including any piping and required filters) have been installed, but prior to covering of drains with soil;
 - (f) all phases of primary and secondary liner installation, including material processing, placement, and compaction of earthen materials, and placement and testing of any fabric seams and repairs;
 - (g) all leak detection systems, including bedding materials, piping, fluid collection and removal systems, and monitoring systems prior to covering with any material in such a manner to deny inspection access; and
 - (h) the protective armor and drainage layers (including placement and compaction of armor and drainage material), prior to loading with ore, mining waste, or tailings.

7.4.3 Independent Reviews of Facility Design, Certification, and Inspections

- (1) The Operator/Applicant may request, or the Board or Office may direct, that an Independent Reviewer conduct a review of facility design, certifications, and phased inspections of Environmental Protection Facilities or other technical designs as deemed necessary.
- (2) Where such a request is made, the Operator/Applicant is responsible for all costs associated with the review, inspections and reports to the Office. The Operator or Applicant shall provide such reports to any person who was part of the formal hearing process.
- (3) Where an Independent Reviewer is requested, the Operator or Applicant shall provide the Office a list of competent, private, Independent Reviewer candidates.
 - (a) The Office may choose or reject any or all Independent Reviewers based on their qualifications.
 - (b) The Office shall not be provided bid documents that specify the cost for requested services.
 - (c) The Independent Reviewer shall be a contractor to the Operator or Applicant, but shall be solely directed by the State of Colorado - Division of Reclamation, Mining and Safety - Office of Mined Land Reclamation.
 - (d) The Office shall have the responsibility of preparing that portion of the request for bid document that specifies the scope of work. The inspections and reviews shall be those identified in the Environmental Protection Plan.
 - (e) The Operator or Applicant shall have the responsibility of preparing the remaining sections of the request for bid document.
 - (f) The administration of the contract by the Office shall be through a Memorandum of Understanding between the Office and the Operator or Applicant.
- (4) The Independent Reviewer shall be empowered to review and accept or reject quality assurance information generated by the QA/QC (Quality Assurance/Quality Control) entity, i.e., to perform Q/A on the QA/QC and certification (if generated) performed by the Operator's QA/QC representative.
- (5) The Office or Board reserves the right to accept or reject the opinions of Independent Reviewers.
- (6) The rejection of QA/QC based certifications by the Independent Reviewer shall be cause for requiring the Operator to undertake corrective action prior to continuing any additional construction activity on the facility being monitored that would jeopardize either the corrective action so specified or the planned purpose of the Environmental Protection Facility.

RULE 8: EMERGENCY NOTIFICATION BY ALL OPERATORS, EMERGENCY RESPONSE PLAN FOR DESIGNATED MINING OPERATIONS AND EMERGENCY RESPONSE AUTHORITY OF THE OFFICE

8.1 SITUATIONS THAT REQUIRE EMERGENCY NOTIFICATION BY THE OPERATOR

Operators shall notify the Office, as soon as reasonably practicable, but no later than twenty-four (24) hours, after the Operator has knowledge of a failure or imminent failure of any of the following:

- (a) any impoundment, embankment, stockpile or slope that poses a reasonable potential for danger to human health, property or the environment;
- (b) for a designated mining operation, any Environmental Protection Facility designed to contain or control designated chemicals or process solutions as identified in the permit;
- (c) for in situ leach mining operations, any structure designed to prevent, minimize, or mitigate the adverse impacts to human health, wildlife, ground or surface water or the environment; and
- (d) for in situ leach mining operations, any structure designed to detect, prevent, minimize, or mitigate adverse impacts on groundwater.

8.2 OPERATOR'S GENERAL NOTIFICATION RESPONSIBILITIES FOR REPORTING EMERGENCY CONDITIONS

8.2.1 Emergency Reporting Procedure

(1) Telephone notice shall be given to the Office staff as follows:

- (a) during regular business hours (8:00 am to 5:00 pm, on ~~w~~Working ~~d~~Days), the notice shall be given to the Office via the Office's main phone line at 303-866-3567.
- (b) outside regular business hours, or if the Office cannot be contacted, notice shall be given to the Colorado Department of Public Health and Environment 24 hour Colorado Emergency and Incident Reporting Line. Specify to this agency, that the emergency authority is coordinated through the Division of Reclamation, Mining and Safety, and to activate that Division's response network.

(2) After the telephone notice as required by Rule 8.2.1(1) is made, a follow-up electronic notice shall be submitted to the Office at drms_info@state.co.us.

8.2.2 Emergency Notification Information Required

Notice required pursuant to this Rule 8 shall contain the following information (to the extent known at the time of the notice, and so long as no delay occurs in reporting results):

- (a) that this is notification of an emergency condition as required by Rule 8;

- (b) the nature of the condition including any chemicals and toxic or acid-~~producing-forming~~ materials involved;
- (c) an estimate of the quantity of any chemical, toxic or acid-forming material that has been or could be released;
- (d) the time and duration of the occurrence and if it is on-going, or urgency of the pending situation;
- (e) any known or anticipated impacts to human health, property or the environment;
- (f) precautions and corrective actions taken by the Operator; and
- (g) the Operator's name(s) and contact number(s) for persons to be contacted for further information and response by the Office.

8.2.3 Follow-up Notice Requirements

As soon as practicable after an emergency situation or condition is reported and addressed, but no later than five (5) ~~w~~Working ~~d~~Days, the Operator shall provide a written report of the event to the Office. The report shall provide a description of:

- (a) actions taken to respond to and correct the emergency situation or condition;
- (b) any known or anticipated adverse impacts to human health, property or the environment;
- (c) name(s), address(s), telephone numbers and e-mail address of the Operator's contact person for additional information and follow-up by the Office;
- (d) monitoring and analyses that are necessary to evaluate the situation and corrective actions, copies of all pertinent data; and
- (e) results of the Operator's investigation to assess the conditions or circumstances that created the emergency situation, and what corrective or protective measures will be taken to prevent a similar event from occurring in the future.

8.3 EMERGENCY RESPONSE PLAN FOR DESIGNATED CHEMICALS AND URANIUM OR URANIUM BY-PRODUCTS

In compliance with Rule 6.4.21, describing the purpose of an Environmental Protection Plan, Operators/Applicants of Designated Mining Operations shall be required to have on file with the Office an up-to-date Emergency Response Plan for designated chemicals. It shall be the Operator's/Applicant's sole responsibility to provide timely updates of responsible personnel and their phone numbers to the Office.

8.3.1 Non-Designated Mining Operations Exempted

Operations that do not involve uranium mining or that do not have or will not use designated chemicals, as defined in Rule 1.1(~~4820~~), are specifically exempted from the requirements of this Rule 8.3.

8.3.2 Minimum Requirements – Submitting Other Agency Plans

Operators/Applicants that are required to submit an Emergency Response Plan, may submit all or portions of a plan required by another state, local or federal agency that has been required of the Operator if it substantially conforms to the following minimum requirements:

- (a) designation of personnel, such as mine manager, shift foreman or safety officer, who will be on site and in charge in case of an emergency. Also, a minimum of two (2) key response individuals, with up-to-date phone numbers, who can be contacted by the Office on a 24-hour basis;
- (b) an outline of response procedures to be followed by mine or plant personnel in the event of an emergency involving designated chemicals, ~~acidic or toxic~~ toxic or acid-forming materials, or uranium or uranium by-products;
- (c) a list of designated chemicals and maximum quantities to be stored or used on site at any one time;
- (d) a list and location map of materials, supplies and equipment stored on the property and readily available for containing, controlling and cleaning up excursions or releases of designated chemicals.

8.3.3 Post-Emergency Event Monitoring Plan

The Office may require the Operator to provide a post-emergency event monitoring and analysis plan, specific to an emergency, in addition to Board Ordered Corrective Action requirements.

8.4 EMERGENCY RESPONSE AUTHORITY OF THE OFFICE

8.4.1 Responsibilities of the Office

The Office may:

- (a) establish an Emergency Response Team, which may include other Offices and Agencies;
- (b) enter properties to take necessary emergency, safeguarding and corrective measures;
- (c) after consultation with, and authorization from the Office, issue a written cease and desist order for the activity(ies) suspected of causing the emergency situation;

- (d) apply to a district court for a temporary restraining order, temporary injunction, or permanent injunction to require cessation of the activity(ies) determined to be causing the emergency situation.
- (e) as to Designated Mining Operations, operate the Environmental Protection Facility utilizing any or all portions of the Financial Warranty established for such purpose. Such funds shall be available for the state to operate any portion of the Environmental Protection Facilities, or other facilities as may be necessary, to terminate an emergency as defined by these Rules. In responding to an emergency, the Board or Office will first use funds available as appropriate from the Emergency Response Cash Fund prior to utilizing any or all portions of the Permittee's Financial Warranty.

8.4.2 Office's Determination that an Emergency Exists

The Office may exercise its emergency authority to respond to situations at mining or mineral processing facilities. The determination may be based upon the following:

- (a) the Operator, or another person fails or refuses to stop engaging in any activity not permitted by, or which constitutes a possible violation of the Act, the Rules or permit conditions, and which is presenting an unwarranted risk of serious harm to human health, property or the environment;
- (b) the Operator or another person, fails or refuses to take corrective actions necessary to contain, control, safeguard, or manage an emergency situation;
- (c) an Operator fails or refuses to respond to a Board Order requiring corrective actions for:
 - (i) any failure or imminent failure of any impoundment, embankment, stockpile, or slope identified in the permit;
 - (ii) any Environmental Protection Facility or measure, identified in the Permit, designed for the control or containment of ~~acid or toxic producing~~ toxic or acid-forming materials or designated chemicals;
 - (iii) any specific Permit condition which is intended to protect human health, property or the environment;
 - (iv) any structure for an in situ leach mining operation designed to detect, prevent, minimize or mitigate adverse impacts on groundwater;
 - (v) any structure used in connection with an in situ leach mining operation designed to detect, prevent, minimize, or mitigate adverse impacts on human health, wildlife, or the environment.

8.5 SPECIFIC RESPONSE AUTHORITY RELATED TO EMERGENCY SITUATIONS INVOLVING PHYSICAL MINE HAZARDS

After notification to the Operator, owner or other responsible person, or if a responsible person cannot readily be identified or located, the Board or Office may direct or authorize the Office of Active and Inactive Mines to respond to emergency situations in which physical mine hazards are involved. Physical mine hazards may include, but are not limited to:

- (a) failure or refusal to safeguard or maintain safeguarding of shafts, adits, portals, escapements, stopes opened to surface and subsidence areas;
- (b) failure or refusal to safeguard or maintain safeguarding in a manner specified by the Office of Active and Inactive Mines in:
 - (i) the published bid specifications; or
 - (ii) according to another design specified or approved by the Board or Office.

8.6 FOLLOW-UP MONITORING AND REPORTING REQUIREMENTS

The Board or Office may require that a post-emergency situation inspection or monitoring program be performed to evaluate any possible adverse impacts, and to ensure that the corrective actions taken are sufficient to address the circumstances creating the initial emergency situation.

8.7 EMERGENCY RESPONSE FUNDING

8.7.1 Cash Fund and Purpose

- (1) The Board may transmit grants, donations, and other contributions to the State Treasurer for placement in the Executive Director's Emergency Response Cash Fund.
- (2) This fund shall be accessible to the Executive Director for the following purposes:
 - (a) to conduct emergency response activities at permitted or illegal mining or illegal mineral processing operations; and
 - (b) to conduct emergency prevention, containment, control, safeguarding or reclamation activities at permitted or illegal mining or mineral processing facilities.

8.7.2 Public Contributions, Donations and Grants

The Board, Office or other interested persons may pursue and accept grants and contributions for inclusion in the Executive Director's Emergency Response Cash Fund.

8.8 EMERGENCY RESPONSE COST RECOVERY

The Executive Director may seek recovery of costs expended in carrying out the provisions of this Rule 8. The State shall bear the burden of proof for any violations or cost recovery actions brought against a party(ies) identified in this Rule 8.8. Recovery may be sought for funds expended from the cash fund from any and all of the following:

- (a) the Permittee;
- (b) the Operator, if different from the Permittee, conducting activities or allowing activities that caused the emergency situation; or
- (c) the person controlling or owning the operation.

RULE 9: CHANGE OF NAME – LEGAL EFFECT

Any statute enacted prior to or on August 9, 2006 changing the name of the Division of ~~Reclamation, Mining and Safety~~ Minerals and Geology to the Division of Reclamation, Mining and Safety, shall not impair the legal status or effect of any and all permits, permit obligations, financial warranties, performance warranties, contracts, property rights and/or any other obligations or legal relationships that were entered into between any entity or individual and the Division of ~~Reclamation, Mining and Safety~~ Minerals and Geology prior to the name change. All such obligations will remain legally binding and shall not be impaired by any such name change. Any statute enacted after August 9, 2006 changing the name of the Division of Reclamation, Mining and Safety to any other name, shall not impair the legal status or effect of any and all permits, permit obligations, financial warranties, performance warranties, contracts, property rights and/or any other obligations or legal relationships that were entered into between an entity or individual and the Division of Reclamation, Mining and Safety prior to such name change. All such obligations will remain legally binding and shall not be impaired by any such name change.

**Statement of Basis, Specific Statutory Authority, and Purpose for
New Rules and Amendments to the Mineral Rules and Regulations of
the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and
Designated Mining Operations, 2 CCR 407-1**

**Implementation of Senate Bill
25-054 and the creation of a 110
Reclamation Only permit,
Modernization, Financial
Warranty and various rule
updates and edits**

Consistent with Section 24-4-103(4), C.R.S., of the Administrative Procedure Act, this statement sets forth the basis, specific statutory authority, and purpose for new rules and amendments to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations, 2 CCR 407-1 (“Rules”). They also are intended to foster and encourage the development of the State’s natural resources and the development of a sound and stable mining and minerals industry and require mining operators to reclaim land affected by such operations so that the affected land can be put to a use beneficial to the people of this State. *See* § 34-32-102, C.R.S.

Stakeholder Participation

The Colorado Division of Reclamation, Mining and Safety (“Division”), as staff to the Board, held informal stakeholder outreach regarding the proposed Rules. Informal stakeholder meetings were held on July 23, August 27 and September 24, 2025. The Division invited and accepted written and verbal comments from stakeholders regarding the proposed Rules during the stakeholder process and amended the draft proposed Rules based on comments received during the informal stakeholder process to gain consensus, where possible, or to better clarify the intent and purpose of a proposed amendment. During the course of the informal stakeholder meetings the Division maintained a publicly accessible website link that included all drafts and redline versions of the proposed Rules as well as recorded videos of the stakeholder meetings.

The Board filed with the Secretary of State the Notice of Rulemaking Hearing and draft proposed Rules on October 29, 2025, and the Notice and draft Rules were published in the Colorado Register on November 10, 2025. This Notice initiated the formal rulemaking process. Pursuant to the Notice of Rulemaking, any person or organization was invited to participate in the rulemaking and submit prehearing statements, written comments, or alternate proposed language and rules within the specific scope of this rulemaking.

Statutory Authority

The Board is authorized to promulgate the Rules under the following sections of the Colorado Mined Land Reclamation Act:

- Section 34-32-106(1)(c), C.R.S. (Board has the duty to develop and promulgate standards for land reclamation plans).
- Section 34-32-108(1), C.R.S (Board has the authority to adopt and promulgate reasonable rules and regulations regarding administration of the Act).
- Sections 34-32-110, 116, 117, 118 and 122, C.R.S (Senate Bill 25-054 set forth new statutory requirements and increased the regulatory authority of the Board and the Division. Additionally, the Bill modified or eliminated certain types of Financial Warranty options and amended to Act to modernize processes).

Overview of Purpose and Intent

The Division estimates there are over 23,000 abandoned mines across the state and 1,800 miles of streams impaired due to acid mine drainage related pollutants. Approximately 5,000 of these sites could be reclaimed to reduce the impacts to surface waters and watersheds. Among other things, Senate Bill 25-054 sought to modernize and improve the regulation of mining in Colorado by 1) creating a new 110 reclamation-only permit to encourage clean-up of old and abandoned mining waste piles; 2) cleaning up statutory provisions regarding forfeitures and types of financial warranties that can be accepted by the Division and Board.

Many mine features contribute heavy metals and acid mine drainage (AMD) to Colorado watersheds. AMD can degrade the water quality of streams and water supplies, often to the point of causing harmful effects to the aquatic life of the stream. Current law makes clean-up of these legacy sites difficult due to stringent regulations that are geared to address mining operations, not reclamation only. Creating a new 110-R permit type facilitates the removal of waste piles, while providing regulatory oversight and ensuring lands are returned to a beneficial use. This new permit is intended to incentivize the clean-up of these waste piles by allowing companies, NGOs and private entities to recover valuable minerals without facing undue regulatory burdens geared towards mining operations. By removing barriers to reclaiming these mine features, there is an opportunity to establish ecosystem-appropriate vegetation, including pollinator-friendly and drought-tolerant plants, where no vegetation exists today, and to minimize the impact that historic mining conditions have on our State's watershed health.

All active and permitted mines are required to post a financial warranty which reflects the actual, current cost of completing a Reclamation Plan. The financial warranties are returned to the warrantor upon successful completion of reclamation.

In the event the Operator is unable to complete reclamation, the financial warranty is forfeited and used by the Division to complete reclamation. Senate Bill 25-054, through implementation by these amended Rules, will streamline administration of forfeited funds by placing all revoked reclamation funds with the program that has the responsibility for oversight of reclamation, and to align with current financial practices for distribution of those funds. These amended Rules also seek to remove outdated financial warranty options, by eliminating the use of real property and salvage value as forms of financial warranty that no operator has used in over 30 years. Finally, as now authorized by SB 25-054, the amended Rules limit use of real and personal property as Financial Warranty to only the largest operators that can utilize such a bond.

As outlined above, the primary reason for adopting the proposed Rules is to implement the new areas of authority and regulation set forth in SB 25-054, including the creation of the 110 Reclamation-Only permit type, to modernize the Act and clarify and/or codify current Division procedures and regulatory practices, and to clarify or eliminate types of Financial Warranties.

Amendments and Modification to Rules:

The following Rules were added or amended to implement the legislative changes or regulatory authority created in Senate Bill 25-054. Rule 6.6 are new Rules for 110r Reclamation Only permits.

- 1.1(16), 1.1(21)(f)(1), 1.1(29), 1.1(37), 1.1(44), 1.1(63), 1.1(64), 1.1(74), 1.4.2, 1.4.2(4), 1.4.6, 1.6.1(1)(a), 1.11.1(2), 1.12.1(4), 1.13.3(4)
- 3.1.2, 3.1.3(2), 3.1.5(9), 3.1.10(1)
- 4.1(6), 4.1(9), 4.1.2(5), 4.1.2(8)(b), 4.1.2(9), 4.3.9, 4.3.10, 4.9.1(1), 4.9.3, 4.12, 4.13, 4.15(1), 4.20(8), 4.20(10)
- 6.1.2, 6.6
- 7.1.1

The following Rules were amended to clarify existing regulatory requirements or standards or to codify in regulation current and long-standing Division and/or Board processes and procedures.

- 1.1(9), 1.1(10), 1.1(18), 1.1(33), 1.1(52), 1.1(67), 1.1(69), 1.4.1(5)(c), 1.4.1(5)(d), 1.5.1, 1.5.3, 1.5.4, 1.5.5, 1.5.6, 1.5.7, 1.6.1(2)(d), 1.6.2(1)(b), 1.6.2(2), 1.8, 1.8.1(1), 1.8.1(2), 1.8.1(3), 1.8.1(4), 1.8.1(5), 1.8.1(6), 1.8.2, 1.8.3, 1.8.4, 1.11.1(2), 1.11.2(1), 1.13.7(2)(d), 1.13.8, 1.15(1), 1.15(1)(a), 1.15(1)(b), 1.15(1)(d), 1.15(3)
- 2.5.6, 2.8.1(2), 2.8.1(3), 2.8.2(5)
- 3.1.5(9), 3.1.5(9)(g), 3.1.6(4), 3.1.9(1)
- 4.2.2(2), 4.3.11, 4.11.1(1), 4.16.1(1), 4.16.1(2)(a), 4.17.2(1)
- 5.1.1(3), 5.1.2(d)(vi), 5.1.2(j), 5.1.2(l)(i), 5.3.1(f), 5.3.2, 5.3.4(2), 5.4.1(1), 5.7, 5.7(1), 5.7(1)(a)

- 6.3.3(1)(b), 6.3.3(1)(e), 6.3.3(1)(f), 6.3.3(1)(p), 6.3.4(1)(c)(iv), 6.3.4(1)(c)(v), 6.3.4(2), 6.3.4(2)(c), 6.3.5, 6.3.5(2)(c), 6.3.5(3)(b), 6.3.4(3)(c), 6.3.6, 6.3.7, 6.4.3(1)(a), 6.4.4(f)(ii), 6.4.4(l), 6.4.13, 6.4.14
- 8.2.1(1)

The following Rules were amended to modernize and improve current regulatory standards and requirements, and to modernize and incorporate electronic submittals and other forms of communications.

- 1.1(43), 1.1(60), 1.1(71), 1.4.1(3), 1.4.1(4), 1.4.1(5)(c), 1.4.1(5)(f), 1.4.1(7), 1.4.1(8), 1.4.6(1), 1.4.8(1), 1.4.9(1)(a), 1.4.9(1)(b), 1.6.2(1)(b), 1.6.2(1)(d)(i), 1.6.3(2), 1.9.1, 1.12.1(2), 1.16
- 3.1.5(3), 3.1.5(9), 3.1.12(1)(b)
- 4.16.1(2)(b), 4.17.1(3), 4.17.1(4)
- 5.1.1(1), 5.1.2(b), 5.1.2(c), 5.1.2(i), 5.3.4(1), 5.4.4, 5.4.4(e), 5.6(1)(a), 5.6(1)(h), 5.7(4)
- 6.2.1(2)(a), 6.2.1(2)(f), 6.3.3(1)(p), 6.3.4(2)(c), 6.3.5(2)(a), 6.3.5(2)(b), 6.3.5(3)(d), 6.3.5(3)(e), 6.3.9, 6.3.12(1), 6.3.12(2)(a), 6.4.3, 6.4.3(1)(d), 6.4.4(l), 6.4.15, 6.4.18, 6.4.19(1), 6.4.19(2)(a)
- 8.2.1(2)

The following Rules were amended in order to ensure references within the rules are consistent with other modifications. Changes made to Rule 6 also incorporate existing language from 110 permit exhibit sections (Rule 6.3) that are being added to applicable 112 permit exhibit sections (Rule 6.4).

- 1.1(1), 1.1(32), 1.1(33), 1.1(70)
- 2.6(2)(b)(i)
- 3.1.5(5)
- 5.1.3(c), 5.3.5(1), 5.5.2(g), 5.6(1)
- 6.3.3(1)(j), 6.3.3(1)(k), 6.3.4(1)(e), 6.3.5(2)(e), 6.4.2, 6.4.3(2), 6.4.4(a), 6.4.4(b), 6.4.4(d), 6.4.4(f)(i), 6.4.4(g), 6.4.4(h), 6.4.4(k), 6.4.5(2)(f), 6.4.5(2)(g), 6.4.5(2)(h), 6.4.6(c), 6.4.7(2)(e), 6.4.12(1), 6.4.21(1)(b)
- 7.4.1(1)
- 8.2.2(b), 8.3.2(b), 8.4.2(c)(ii)

The following Rules were amended to make the Hard Rock Rules consistent with the Construction Materials Rules, where appropriate. The Division and Board have found that consistency between the two rule sets leads to more appropriate and fairer implementation and enforcement.

- 1.1(1), 1.1(5), 1.1(17), 1.1(28)(a), 1.1(28)(c), 1.1(72), 1.2.1(c), 1.3(1), 1.4.1(5)(a), 1.4.1(9), 1.4.13, 1.6.1(3)(b), 1.6.2(1)(a)(ii), 1.8.1(3), 1.10.1(4), 1.11.2(2), 1.12.1(2)(b), 1.12.2(1), 1.15,
- 2.6(2)(b)(i), 2.6(3), 2.7.1(3)
- 3.1.1(1), 3.1.7(1)(a), 3.1.7(9)
- 4.5(1), 4.16.1(4)

- 5.1.2(d)(v)(B), 5.1.2(m), 5.3.3(1), 5.3.4(2), 5.4.3, 5.4.5(1)(b)(i)
- 6.2.1(2)(d), 6.3.3(1)(m), 6.3.3(1)(n), 6.3.3(1)(o), 6.3.4(1)(d), 6.4.16, 6.4.17
- 9

The following Rules were amended to correct typographical errors, clerical errors, formatting or capitalization of defined terms.

- 1.4.1(5)(a), 1.4.2(2), 1.4.12, 1.5.2(1), 1.5.8, 1.6.1(2)(e), 1.6.1(4)(c), 1.6.2(1)(d)(vi), 1.13.1(1)(a), 1.13.1(1)(b), 1.13.1(1)(c), 1.13.2(2), 1.13.2(3), 1.13.3(1), 1.13.3(2), 1.13.3(3), 1.13.5(2)(e), 1.13.5(2)(f), 1.13.5(2)(g), 1.13.5(3)(f), 1.13.6, 1.13.6(f), 1.13.7(2)(a), 1.13.9(1)(a), 1.13.9(1)(b)
- 2.2.1(a)(iii)
- 3.1.5(6), 3.1.5(9)(e), 3.1.5(9)(f), 3.1.7(6)(b)(i)(A)(I) , 3.1.7(6)(b)(ii)(A), 3.1.7(6)(b)(ii)(B)
- 4.15(3)
- 5.1.2(a), 5.1.2(e), 5.1.2(g)
- 6.3.2(a), 6.3.3(1)(l), 6.4.11, 6.4.21(10)(a)(iii)

**Effective
Date**

The Board anticipates adoption of the Rules, which amend and clarify the Board's Rules, on February 18, 2025 and are effective twenty days after publication of the adopted Rules in the Colorado Register.

Notice of Proposed Rulemaking

Tracking number

2025-00533

Department

400 - Department of Natural Resources

Agency

407 - Division of Reclamation, Mining and Safety

CCR number

2 CCR 407-4

Rule title

CONSTRUCTION MATERIAL

Rulemaking Hearing

Date

01/21/2026

Time

09:00 AM

Location

1313 Sherman St., Room 318 Denver, CO 80203

Subjects and issues involved

SB25-054, through implementation by these amended Rules, will streamline administration of forfeited funds by placing all revoked reclamation funds with the program that has the responsibility for oversight of reclamation and to align with current financial practices for distribution of those funds. These amended Rules also seek to remove outdated financial warranty options by, among other things, eliminating the use of real property and salvage value as forms of financial warranty. Finally, as now authorized by SB 25-054, the amended Rules limit use of real and personal property as Financial Warranty to only the largest operators that can utilize such a bond. As outlined above, the primary reason for adopting the proposed Rules is to implement the new areas of authority and regulation set forth in SB 25-054. Additionally, the amended Rules seek to modernize the regulatory authority of the Division and Board

Statutory authority

Section 34-32-106(1)(c), C.R.S.

Section 34-32.5-108, C.R.S

Sections 34-32.5-117, 118 and 122, C.R.S

Contact information**Name**

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Title

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BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

NOTICE OF PUBLIC RULEMAKING HEARING – CONSTRUCTION MATERIALS

IN THE MATTER OF Amendments to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials, 2 CCR 407-4, regarding Modernization and to address other requirements of Senate Bill 25-054

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

The Colorado Mined Land Reclamation Board (“Board”) will consider promulgation of new rules and amendments proposed by the Division of Reclamation, Mining and Safety (“Division or DRMS”) to the Colorado Land Reclamation Act for the Extraction of Construction Materials, 2 CCR 407-4. The Division’s draft proposed new and amended rules and draft proposed Statement of Basis and Purpose is attached to this Notice.

The Board will promulgate the new rules and amendments to the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-101, et. seq., to implement Senate Bill 25-054 related modification and elimination of financial warranty types and forfeiture procedures, eliminating administrative fees and general modernization. The Board will also consider proposed changes that will make the Construction Materials Rules more consistent with the Hard Rock Rules, where appropriate. Finally, the Board will consider amending areas of the existing Rules that need clarification, correction or to reflect current practice or procedure. Please note that the Board may accept, reject or modify any or all of the Division’s proposed new rules and amendments, or may propose its own new rules and amendments.

The Division’s Proposed New Rules and Amendments are set forth in their entirety at the Division’s website rulemaking page: <https://drms.colorado.gov/>

Throughout the formal rulemaking process, the Division’s website rulemaking page will provide formal notice to interested persons and Parties regarding important dates, filing deadlines, and other information concerning the rulemaking hearing and process.

**STATUTORY AUTHORITY FOR PROPOSED
NEW RULES AND AMENDMENTS**

The General Assembly delegated broad rulemaking authority to the Board respecting the administration of the Act at Section 34-32-106(1)(c), C.R.S. (Board has the duty to develop and promulgate standards for land reclamation plans), and Section 34-32.5-108, C.R.S. (Board has the authority to adopt and promulgate reasonable rules and regulations respecting the administration of the Mined Land Reclamation Act and the Construction Materials Act). In addition, the General Assembly passed Senate Bill 25-054, which modified or set forth new

statutory requirements and increased the regulatory authority of the Board and the Division (codified at Sections 34-32.5-117, 118 and 122, C.R.S).

NOTICE IS HEREBY GIVEN that the Board has scheduled this matter for a rulemaking hearing as follows:

Date: Wednesday, January 21, 2026.
Time: Wednesday 9:00 a.m.
Place: ZOOM Hearing and Department of Natural Resources
1313 Sherman Street, Room 318
Denver, CO 80203

The Rulemaking Hearing will take place both in-person and virtually via Zoom. In order to receive an authorization code to attend the hearing, please contact Camie Mojar by the email: Dnr_drms_mlr-submittals@state.co.us

Those who wish to observe the proceedings may join via YouTube: <https://www.youtube.com/@dnrmlrb-dnr5160/streams>

PUBLIC PARTICIPATION

The Board encourages all interested persons to participate in the rulemaking hearing by providing their comments, opinions, or recommendations regarding the matters to be addressed in this rulemaking, either orally at the hearing or in writing prior to the hearing. Although oral testimony or comments from those with Party status and other interested persons will be received at the hearing, the time available for such oral testimony or statements will be limited. Oral testimony or statements at the hearing should primarily summarize written material previously submitted.

Party Status: To participate in this rulemaking as a Party, a person or organization must file a written request for Party Status with the Board that shall include the following information: (1) name of the applicant Party and their representative (if different); (2) the street address, e-mail address, and telephone numbers of the applicant Party or their representative; and (3) a brief summary of any policy, factual, or legal issues the applicant Party has with the proposed regulations.

Deadline for Request for Party Status: Any request for Party Status must be filed electronically with the Board and Division no later than 5:00 p.m. on Thursday, November 20, 2025 at: Dnr_drms_mlr-submittals@state.co.us.

Please indicate that you are seeking Party Status in the CONSTRUCTION MATERIALS rulemaking.

Non-Party Participation: Persons who do not desire Party Status, but would like to participate in the rulemaking process, will be able to make their views known to the

Board either by submitting written comments in advance of the rulemaking hearing, or by speaking during the public comment period allotted during the rulemaking hearing. The Board will consider all submissions.

Deadline for filing non-party written public comments is January 9, 2026. Written comments must be submitted electronically at: Dnr_drms_mlrp-submittals@state.co.us

Non-Parties who would like to address the Board during public comment of the Rulemaking Hearing must notify the Board Administrator via e-mail at Dnr_drms_mlrp-submittals@state.co.us by January 9, 2026.

PREHEARING STATEMENTS, ALTERNATIVE PROPOSED RULES, REPLY

Prehearing Statements: Each Party is strongly encouraged to file a written Prehearing Statement. Prehearing Statements must include comments, legal and factual issues, and evidence and argument that the Party wants the Board to consider regarding the proposed new rules and amendments. Prehearing Statements are limited to 15 double-spaced pages, 12-point font. This 15-page limit does not include exhibits to be used during the formal rulemaking hearing.

Alternative Proposed Rules: In addition to filing a Prehearing Statement, Parties may file Alternate Proposed Rules to be adopted by the Board in lieu of or in addition to all or a portion of the Division's proposed new rules and amendments.

Deadline for filing Prehearing Statement and Alternate Proposed Rules is December 3, 2025.

Alternate proposed rules may only be considered by the Board if the subject matter of the alternate proposed rules is consistent with and fits within the subject matter and scope of the rulemaking hearing. Any alternate proposed rule must include the following information: (1) a clear statement of the alternate proposed rule; (2) a statement of the Board's authority to promulgate the alternate proposed rule; (3) a statement describing how the alternate proposed rule is consistent with and fits within the subject matter and scope of the proposed rulemaking and (4) a clear and concise statement of the basis and purpose for the alternate proposed rule.

Reply: Any Party and Division staff may file a Reply to Prehearing Statements. Additionally, any comment or response to Alternate Proposed Rules shall be included in that Party's Reply. Replies shall be limited to 5 double-spaced pages, 12-point font.

Deadline for filing a Reply is January 9, 2026.

FILING AND SERVICE REQUIREMENTS

All filings for this rulemaking shall be submitted electronically to: Dnr_drms_mlrp-submittals@state.co.us. All filed comments, Party statements and Alternative Rules will be placed on the DRMS website rulemaking page for public review by close of business the day

following any deadline. The Division will email all filed documents to the Stakeholder and Party/Interested Party email list.

The Board or Division may take action to modify any date or filing deadline in this Notice of Rulemaking, notice of changes will be provided to Parties of record and posted to the DRMS website rulemaking page. The Board may take actions, including without limitation, modifying or amending the existing rules described or proposed herein and making conforming modifications to other rules, which it determines are reasonably necessary.

In accordance with the Americans with Disabilities Act, if any party requires special accommodations as a result of a disability for this hearing, please contact Camille Mojar at Dnr_drms_mlr-submittals@state.co.us, prior to the hearing and arrangements will be made.

MINED LAND RECLAMATION BOARD
OF THE STATE OF COLORADO

RULE 1: GENERAL PROVISIONS AND REQUIREMENTS - PERMIT PROCESS

1.1 DEFINITIONS

- (1) "the Act" refers to the Colorado Land Reclamation Act for the Extraction of Construction Materials, Section 34-32.5-101, et seq., C.R.S. 1984, as amended.
- (2) "Activity" for the purpose of protecting groundwater quality, means any mining, storing, disposing, or processing operations, or any reclamation operation or process that may discharge or cause discharge of pollutants to groundwater.
- (3) "Affected Land" means the surface of an area within the state where a mining operation is being or will be conducted, which surface is disturbed as a result of such operation. Affected lands include but shall not be limited to private ways, roads, except those roads excluded pursuant to Rule 1.1(3), and railroad lines appurtenant to any such area; land excavations; exploration sites; drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; work, parking, storage or waste discharge areas; and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in such operations are situated. All lands shall be excluded that would be otherwise included as land affected but which have been reclaimed in accordance with an approved plan or otherwise, as may be approved by the Board. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the Office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation.
- (4) "Aggrieved" means suffering actual loss or injury, or being exposed to potential loss or injury, to legitimate interests. Such interests include, but are not limited to, business, economic, aesthetic, governmental, recreational, or conservational interests.
- (5) "Ambient Groundwater Quality" for mining operations permitted prior to January 31, 1994, ambient groundwater quality shall mean the quality of the groundwater at the mine site as of January 31, 1994. For mining operations permitted on or after January 31, 1994, ambient groundwater shall mean the quality of groundwater at the time of submittal of the permit application. In establishing ambient groundwater quality, an Operator or Applicant shall use available or collected groundwater data sufficient to characterize the site's ambient groundwater quality and submit such information in a form suitable to the Office.
- (6) "Amendment" means a change in the permit or an application which increases the acreage of the affected land, or which has a significant effect upon the approved or proposed Mining Plan or Reclamation Plan.
- (7) "Anniversary date-of the permit" means the date the Office or Board issues the permit or the Notice of Intent to Conduct Exploration approval and is the date the annual fee shall be deposited with the Office on an annual basis until the Office or Board terminates the permit or Notice of Intent to Conduct Exploration.
- (8) "Applicant" means any person who applies to the Office for a mining permit.
- (9) "Aquifer" means a geologic formation, group of geologic formations, or part of a geologic formation containing sufficient saturated permeable material that could yield a sufficient quantity of water that may be extracted and applied to a beneficial use.
- (10) "Authorized Agent" means any corporate officer, corporate attorney, individual person, or persons so designated in the permit application.

- ~~(11) "Certification by an Independent Auditor" means a letter or report from a Certified Public Accountant rendering an opinion as to the financial condition of a Financial Warrantor with regard to the financial tests required for self insurance. The opinion must demonstrate clearly and fully, without significant disclaimers, that the financial tests have been met by the Financial Warrantor.~~
- ~~(1211) "Complex Application" is an application which may require the Office to respond to additional factors such as the public comment process, involve additional professional staff or outside professional or agency expertise, and is or address other issues beyond what the Office considers to be a typical application review process for the majority of applications received.~~
- ~~(1312) "Construction Material" means rock, clay, silt, sand, gravel, limestone, dimension stone, marble or shale extracted for use in the production of non-metallic construction products.~~
- ~~(14) "County Composite Applications" means the operator is a unit of county government and has the discretion to submit one (1) composite application for all similarly situated sand, gravel, or quarry operations which qualify as limited impact as described in these definitions. However, each operation shall be issued a separate permit and shall require separate, appropriate annual fees. As a guideline, "Similarly situated sand, gravel or quarry operations" means those operations within a county which, due to their location, hydrology, geology, or topography, have similar requirements for mining and reclamation. As a guideline to the counties, the Board suggests that the following situations are distinct from each other, and reasonable classifications of "similarly situated" operations:~~
- ~~(a) dry alluvial operation: Operation in alluvial material where no groundwater is encountered;~~
- ~~(b) wet alluvial operation: Operation in alluvial material where groundwater is encountered;~~
- ~~(c) dry non-alluvial operation: Operation in non-alluvial material where no groundwater is encountered;~~
- ~~(d) wet non-alluvial operation: Operation in non-alluvial material where groundwater is encountered; and~~
- ~~(e) in addition, other physical factors such as substantial differences in elevation, aspect, or vegetation may distinguish operations which would otherwise fall within a single one of the four classifications set forth above.~~
- ~~(13) "Days" as used throughout these regulations, "Working Days" means Monday through Friday and shall not include Saturdays, Sundays, State holidays, or other non-work days as declared by the Governor or Legislature. "Calendar Days" or "Days" means consecutive days, including weekends and holidays. In calculating any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. Thereafter, every day shall be counted, including holidays, Saturdays or Sundays. If the last day of the period, deadline or due date falls on a Saturday, Sunday, or legal holiday, the deadline is extended to the next Working Day.~~
- ~~(14) "Development" means the work performed in relation to a construction materials deposit, following the exploration required to prove construction materials are in existence in commercial quantities but prior to production activities, aimed at, but not limited to, preparing the site for mining, defining further the deposit by drilling or other means,~~

conducting pilot plant operations, constructing roads or ancillary facilities, and other related activities

- (15) "Exploration" means the act of searching for or investigating a construction material deposit. "Exploration" includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes, including the construction of monitoring wells, and digging pits or cuts and other works for the purpose of extracting samples or conducting baseline hydrological investigations prior to commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work. The term does not include those activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not exploring.
- (16) "Exploration Notice" shall mean that notice required by the Act to engage in the exploration for construction materials.
- (17) "Extraction" means the removal of construction materials and/or overburden from places of natural occurrence to surface locations.
- (18) "Facility" means the combined "activities" occurring on the affected land.
- (19) "Failure or Imminent Failure" means, for the purpose of emergency notification response, the actual or pending-imminent release of an- unauthorized-or-unpermitted-any material or liquid from any impoundment, embankment, slope, or from any other containment facility or system where such release poses a reasonable potential for danger to human health, property or the environment.
- (20) "Filed" means an application submitted to the Office and determined to contain the permit application information required by Rules 1.4.1, 1.6.2(1)(a)(i) and (b), 1.6.2(1)(g), and Rules:
- 1.4.2(2) for a 110 Limited Impact operation application; or
 - 1.4.3(1) for a 110(6) Limited Impact Composite operation application; or
 - 1.4.4(2) for a 111 Special Operation application; or
 - 1.4.5(2) for a 112 Reclamation Permit Operation application.
- A determination by the Office that an application submitted to the Office contains the referenced application materials shall trigger the decision making periods provided under Sections 34-32.5-110(4), 111(5), or 34-32.5-115(1) and 115(2), C.R.S., as appropriate. A determination that an application is filed does not constitute a determination that the application adequately meets statutory and regulatory requirements.
- (2021) "Financial Warrantor(s)" means a person who provides a Financial Warranty to the Board.
- (2422) "Financial Warranty" ~~shall~~ means a written promise to the Board to be responsible for reclamation costs up to the amount specified by the Board or Office or required by the Act, together with proof of financial responsibility.
- (2223) "Inert Material" means non-water-soluble and non-putrescible solids together with such minor amounts and types of other materials, unless such materials are ~~acid or toxic producing toxic or acid-forming~~, as will not significantly affect the inert nature of such solids. The term includes, but is not limited to, earth, sand, gravel, rock, concrete which has been in a hardened state for at least sixty (60) days, masonry, asphalt paving fragments, and other inert solids. Protruding rebar or other metals within Inert Materials must be removed

to a practicable extent by torching, cutting, or gridding. Any material that contains coal or plastic shall not be classified as Inert Material.

~~(23) "Filed" means an application submitted to the Office and determined to contain the permit application information required by Rules 1.4.1, 1.6.2(1)(a)(i) and (b), 1.6.2(1)(g), and Rules:~~

- ~~• 1.4.2(2) for a 110 Limited Impact operation application; or~~
- ~~• 1.4.3(1) for a 110(6) Limited Impact Composite operation application; or~~
- ~~• 1.4.4(2) for a 111 Special Operation application; or~~
- ~~• 1.4.5(2) for a 112 Reclamation Permit Operation application.~~

~~A determination by the Office that an application submitted to the Office contains the referenced application materials shall trigger the decision making periods provided under Sections 34-32.5-110(4), 111(5), or 34-32.5-115(1) and 115(2), C.R.S., as appropriate. A determination that an application is filed does not constitute a determination that the application adequately meets statutory and regulatory requirements.~~

(24) "Landowner" means any individual person or persons, firm, partnership, association, corporation, or any department, division, or agency of federal, state, county, or municipal government which owns or controls the surface rights to any land area under consideration for the extraction or exploration for construction materials. These surface rights are separate from mineral rights which may or may not be owned and controlled by the same entity.

(25) "Life of the Mine" means and includes, but is not limited to, those periods of time from when a permit is initially issued, that an Operator engages in or plans to continue extraction of construction materials, complies with the Act and these Rules, and as long as construction material reserves remain in the mining operation. It can include limited periods of non-production or Temporary Cessation. "Life of the mine" also includes that period of time after cessation of production necessary to complete reclamation of disturbed lands as required by the Board and this article, until the Board releases, in writing, the Operator from further reclamation obligations regarding the affected land, declares the operation terminated, and releases all applicable Performance and Financial Warranties.

(26) "Limited Impact Operation" applies to any mining operation which affects less than ten (10) acres for the life of the mine.

(27) "Limited Impact Permit" shall mean a permit issued to a Limited Impact Operation.

(28) "Meeting" as the term is used in these Rules, means the regular monthly session held by the Board in accordance with Section 34-32.5-106, C.R.S. 1984, as amended. The topics to be considered include, but are not necessarily limited to:

- (a) approval or denial of permit applications;
- (b) approval or denial of applications for permit revisions, amendments, and permit transfers;
- (c) cause to hold a formal hearing with respect to a particular application or operation pursuant to Section 34-32.5-114, C.R.S. 1984, as amended;
- (d) determinations with respect to temporary cessation; and
- (e) other permit-related considerations which do not require a "formal hearing."

- (f) These meetings may also include, but are not necessarily limited to hearings, rule-making proceedings in accordance with the Administrative Procedures Act, Section 24-4-103, C.R.S. 1984, as amended, and executive sessions.
- (29) "Mining" means the extraction of construction materials.
- (30) "Mining Operation" means the activities associated with development, production -and/or extraction of a construction material from its natural occurrences or within refuse on affected land. The term includes, but is not limited to, open mining and surface operations. ~~and~~. The term also includes the following operations on affected lands: transportation, ~~or~~ processing, construction of facilities to support the mining operations, stripping, and removal and stockpiling of overburden -on affected lands. The term does not include: the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe; the development or extraction of coal; the extraction of geothermal resources; smelting, refining, cleaning, preparation, transportation, and other off-site operations not conducted on affected land.
- (31) "Modification" means any amendment or revision of any previously granted permit, including permit transfers, increases or decreases of the amount of financial warranty required by the Board, and declarations regarding temporary cessation, which is either:
- (a) initiated by the Board pursuant to Rule 3.3.2 as necessary to bring the operation into compliance with the provisions of these Rules or the Act, or
- (b) the subject of a petition for a formal hearing granted by the Board pursuant to Section 34-32.5-114 of the Act.
- (32) "Office" means the Office of Mined Land Reclamation within the Division of Reclamation, Mining and Safety (DRMS).
- (33) "Off-site" means the area outside of the permitted affected area.
- (34) "Open Mining" means the extraction of construction materials by removing the overburden lying above such deposits and mining directly from the deposits thereby exposed. The term includes mining directly from such deposits where there is no overburden. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying, and dredging.
- (35) "Operator" means any person, firm, partnership, association, corporation, or any department, division, or agency of federal, state, county, or municipal government engaged in or controlling a mining operation.
- (36) "Overburden" means all of the earth and other materials which lie above natural construction materials and also means such earth and other materials disturbed from their natural state in the process of mining.
- (37) "Owner of Record" means the owner or owners of a surface property or mineral interest shown on the records of the County Assessor as of the date of filing.
- (38) "Party" means a person who demonstrates that they are directly and adversely affected or aggrieved by the conduct of a mining operation, proposed mining operation, or an order of the Board and whose interest is entitled to legal protection under the Act.
- (39) "Performance Warranty" shall mean a written promise to the Board, by the operator, to comply with all requirements of the Act.

- (40) "Permittee" means any person holding a mining Permit.
- (41) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, or corporation or other entity, or any department, division, or agency of federal, state, county, or municipal government.
- (42) "Point of Compliance" means locations down-gradient of the facility or activity at which water sampling may be conducted to demonstrate compliance with applicable groundwater standards established by the Water Quality Control Commission, or permit conditions required by the Office or Board to measure compliance with the MLRB permit.
- (43) "Processing" means any activities associated with the preparation of construction materials for use. These activities include, but are not limited to: on-site transport, waste products from air emissions control and water treatment, crushing, screening, washing, slabbing, polishing, grinding, concrete or asphalt mixing or other such action exclusive of extraction.
- ~~(44) "Production" means active, orderly mining operations performed in relation to the extraction of a construction material from its natural occurrences, the processing or sale of an extracted mineral, or movement of extracted mineral material off site for further processing or sale. Minimal excavation and/or activity may not constitute production and is evaluated with respect to the scale of the mining operation.~~
- ~~(44) "Rating of 'A' or Better" means, with regard to financial warranties, that the rating organization has determined that the obligations are at least of an upper medium grade, meaning that factors giving security to the principal and interest are considered adequate but that elements may be present which suggest the possibility of adverse effects if economic and trade conditions change.~~
- (45) "Reclamation" means the employment during and after a mining operation of procedures reasonably designed to minimize as much as practicable the disruption from the mining operation and to provide for the establishment of plant cover, stabilization of soil, the protection of water resources, or other measures appropriate to the subsequent beneficial use of such affected lands. Reclamation shall be conducted in accordance with the performance standards of the Act.
- (46) "Refuse" means all waste material directly connected with the cleaning and preparation of substances mined by a mining operation.
- (47) "Regular Operation" applies to all mining operations not included within the definitions of Limited Impact, Special, or Exploration Operations, specifically, any mining operation affecting ten (10) acres or more.
- ~~(48) "Rolling Stock" means any portable or mobile equipment.~~
- ~~(49) "Salvage Value" of Project-related fixtures or equipment means the market value of the particular fixture or equipment less any necessary costs of demolition and/or removal, as determined by the Office or Board in accordance with the requirements in Rule 4.12.2.~~
- (5048) "Special 111(1)(a) Operation Permit" applies to any sand, gravel or quarry aggregate operation, or combination thereof:
- (a) which is operated for the sole purpose of obtaining materials for highway, road, utility, or similar construction;
 - (b) under a federal, state, county, city, town, or special district contract;

- (c) where the contract calls for work to be commenced and completed within a specifically short time; and
 - (d) which will affect thirty (30) acres or less.
- (~~50-149~~) "Special One-time Excavation 111(1)(b) Operation Permit" applies to any operation of a one-time excavation project which:
- (a) is not performed pursuant to a federal, state, county, city, town, or special district contract;
 - (b) generates small quantities of excess construction materials, twenty thousand (20,000) tons or less, that are incidental to the intent of the one-time project and introduces those materials into the construction materials market;
 - (c) is clearly defined, of short duration of less than one (1) year and scope;
 - (d) does not employ material processing activities typically associated with mining operations, such as crushing, washing, or asphalt and concrete production, unless approved by the Office;
 - (e) all extraction and export of materials are completed within twelve (12) months of permit issuance. Any Operator with a Special One-Time Excavation 111(1)(b) Operation Permit for which extraction and export activities are not completed within twelve (12) months after issuance of the permit, shall replace the Special One-Time Excavation 111(1)(b) Operation Permit with the applicable regular construction materials permit. All fee, warranty and processing requirements shall apply as a new permit application. A fee, as specified in Section 34-32.5-125(1)(a), C.R.S., shall be submitted at the time of the applicable regular construction materials permit application;
 - (f) reclaims all affected lands within twelve (12) months after issuance of the permit; and
 - (g) will affect thirty (30) acres or less.
- (~~5450~~) "Special Permit" shall mean a permit issued in accordance with the provision of Section 34-32.5-111, C.R.S. 1984, as amended.
- (~~5251~~) "Structure, Significant, Valuable and Permanent Man-made" means a non-portable improvement to real property which has defined, current and recognizable value of an economic nature; generally including but not limited to: buildings, houses, barns, fences, above or below ground utilities, irrigation ditches, maintained or public roads, bridges, railroad tracks, cemeteries, communication antennas, pipelines, water wells, water storage structures, discharge and conveyance structures, etc.
- (~~5352~~) "Technical Revision" means a change in the permit ~~or an application~~, which does not have more than a minor effect upon the approved ~~or proposed Mining or~~ Reclamation Plans.
- (~~5453~~) "Temporary Cessation" means those limited periods of non-production as specified according to Rule 1.13.
- (~~5554~~) "Toxic and/or Acid-forming-Producing Materials" means natural or reworked earth materials having acid or toxic chemical and physical characteristics that, under mining or post-mining conditions of drainage, exposure, or other processes, produce materials which contain

detrimental amounts of chemical constituents such as acids, bases, or metallic compounds.

(5655) "Topsoil or Growth Medium" means the material at the surface of the earth which has been so modified and acted upon by physical, chemical, and biological agents that it will support rooted plants necessary to achieve reclamation goals.

(5756) "Vegetation Cover" means an ocular estimate of the percentage of ground covered by the above-ground living plant parts.

(5857) "Vegetation Type" means a designation for a natural grouping of plant species named according to one or more visually-dominant species.

~~(59) "Working Day" means Monday through Friday, except for those days that are State holidays.~~

~~(60) "1976 Act" refers to the Colorado Mined Land Reclamation Act of 1976, Section 34-32-101, et seq., C.R.S. 1984, as amended.~~

1.2 ACTIVITIES THAT DO NOT REQUIRE A RECLAMATION PERMIT

1.2.1 Specified by Rule

The Board has determined that certain types of activities do not need reclamation permits either because the excavated substance is not a construction material as defined in Section 34-32.5-103(3), Colorado Revised Statutes 1984, as amended or because the activity is not a mining operation as defined by Section 34-32.5-103(13), C.R.S. 1984, as amended. Such activities include the following:

- (a) the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe;
- (b) the development or extraction of coal (refer to the Colorado Surface Coal Mining Reclamation Act Section 34-33-101, et seq., C.R.S. 1984, as amended);
- (c) cleaning, preparation, transportation, and other off-site operations not conducted on permitted land; and
- (d) the extraction of geothermal or groundwater resources.

1.2.2 Reserved

1.2.3 Reserved

1.2.4 Extraction or Exploration on Federal Lands

Any person who intends to extract or explore for construction materials on federal lands shall apply for a Mined Land Reclamation Board permit or submit a Notice of Intent to ~~e~~Conduct ~~e~~Exploration operations unless specifically exempted by the Board according to the provisions of Rule 1.2.

1.3 PUBLIC INSPECTION OF DOCUMENTS

- (1) Except as provided in Rule 1.3(3) all applications, public notices, inspection reports, documents, maps, exhibits, correspondence, tests, analyses, records of actions or findings of the Board or Office and other information required under this law or these Rules shall be promptly made available for inspection to any member of the public at the offices of the Office, during its normal business hours.
- (2) Upon request, copies shall be provided at cost or other suitable arrangements made for copying at the requester's expense, as allowed by copyright law.
- (3) An Operator may mark "CONFIDENTIAL" information supplied in a permit application disclosing the location, size, or nature of the deposit or depth and thickness of the deposit and thickness and type of overburden to be removed.
 - (a) Confidential information so marked shall not be available to the public until the mining operation is terminated, unless the Operator gives a written consent on company letterhead and signed by an authorized agent of the company to release all or any part of the information.
 - (b) All information in a Notice of Intent to Conduct Exploration shall be treated as confidential. Such information shall not be available to the public until a finding by the Board that reclamation is satisfactory, unless the Operator gives a written consent to the release of all or any part of the information.
 - (c) Anyone who willfully and knowingly violates the provisions of confidentiality shall be punished as provided by law.

1.4 APPLICATION REVIEW AND CONSIDERATION PROCESS

1.4.1 Applications - General Provisions

- (1) Application forms, attachments, maps and fees shall be submitted in accordance with the specific requirements for each permit type.
- (2) All tests, analyses, surveys and maps shall be prepared by qualified persons.
- (3) All information submitted in an application must be accurate and complete, and acknowledged as such by the signature, or other certification as designated and approved by the Office, of an authorized agent on an application form provided by the Board.
- (4) Prior to Office consideration of the application, submit proof of all required notices either by submitting return receipts of a Certified Mailing, electronic proof of service, or by proof of personal service.
- (5) All application forms shall contain the following information:
 - (a) the address, e-mail, and telephone number of the general-business office and the local address or addresses, e-mail, and telephone number of the Operator/Applicant;
 - (b) the name, address, e-mail, and telephone number of the Owner of the surface of the affected land and the source of the Operator's/Applicant's legal right to enter and initiate a mining operation on the affected land;

- (c) the name, address, e-mail, and telephone number of the Owner of the subsurface rights of the affected land and the source of the Operator's/Applicant's legal right to enter and initiate a mining operation on the affected land;
 - (d) a statement that the Operator/Applicant has applied for or will seek all necessary approvals from local government;
 - (e) a statement that the operations will be conducted in accordance with the terms and conditions listed in the application, as well as with the provisions of the Act and these Rules, as amended, in effect at the time the Permit is approved or amended; and
 - (f) the Operator's/Applicant's signature or other certification as designated and approved by the Office.
- (6) In addition to submitting an appropriately completed Permit application form, the Operator/Applicant shall submit all applicable Exhibits specified in Rule 6 for the appropriate type of operation.
- (7) In the case of any complex Permit applications, technical revisions, serious unforeseen circumstances or significant snow cover on the affected land that prevents a necessary on-site inspection, the decision date established by the Office may be extended up to sixty (60) Days beyond the usual maximum limit for an operation of that particular type and size. The Office shall notify the Applicant and any persons commenting on the application, of such findings and of the new decision date as soon as possible.
- (8) The Office shall notify the Applicant of any deficiencies that prevent the application from being considered filed by the Office within ten (10) Working Days of receiving the application. In the case of 111 Special Operation applications, the Office shall notify the Applicant within five (5) Working Days. An Applicant has sixty (60) Days from such notice to submit all the necessary documents that the Office needs for an application to be considered filed. If this date does not fall on a Working Day, then the date will be automatically set to the next Working Day. If, at the end of the sixty (60) day period, the application has not been determined to be filed with the Office, the Office may deny the application and terminate the application file. If the Office denies and terminates the application file, the Office shall determine if the Applicant desires a return of the applications and shall provide the applications to the Applicant at no cost to the Office. Otherwise, the Office may dispose of all copies as appropriate. An Applicant may appeal such denial to the Board according to the provisions of Rule 1.4.11.
- (9) At the request of the Applicant, the review time may be extended and the decision date reset, not to exceed three hundred and sixty-five (365) days from the date the application was filed. The additional time may be requested to allow the Applicant an opportunity to provide information necessary to meet the adequacy requirements of the Office. If, at the end of the three hundred and sixty-five (365) day period, the application has outstanding adequacy issues, the Office may set the matter for a Board hearing. At the hearing the Board may deny, or approve the application with or without conditions. To allow the Applicant an opportunity to provide information necessary to meet the adequacy requirements of the Office, the Applicant may request that the Office's review time be extended and the Office's decision date reset, not to exceed three hundred and sixty-five (365) Days from the date the application was filed. If, at the end of the three hundred and sixty-five (365) day period, the application has outstanding adequacy issues and there have been timely filed objections to the application, the Office may issue a rationale recommending approval or denial of the application and shall set the matter for a Board hearing. If there remain adequacy issues after three hundred and sixty-five (365) Days but

no objections to the application have been timely submitted, the Office may issue the decision on the application or set the matter for a Board hearing. At the hearing the Board may at the request of the Applicant extend the review time and decision date, deny the application, or approve the application with or without conditions.

- (10) The Applicant has the burden of demonstrating that the application meets the minimum requirements of the Act, Rules, and Regulations.
- (11) The Applicant shall follow the appropriate Notice Procedures, according to permit type, as outlined in Rule 1.6.
- (12) A condition or limitation to approval of the application, unless acknowledged and consented by the Applicant in writing, shall be treated as a denial.
- (13) Failure of an Applicant to publish the notice pursuant to Rule 1.6.2(1)(d) shall add a sufficient number of days for the required public notice to be accomplished. An additional time period, as determined by the Office, may be added for the Office or Board to make a decision. Such time period shall not exceed thirty (30) ~~d~~Days for any 110 ~~or 110(6)~~Limited Impact application, ninety (90) ~~d~~Days for any 112 Reclamation Permit application without objections, or one hundred and twenty (120) ~~d~~Days for any 112 Reclamation Permit application with objections.

1.4.2 Specific Application Requirements for 110 Limited Impact Permit Applications

- (1) All general application requirements outlined in Rule 1.4.1 shall be required for 110 Limited Impact Operations.
- (2) An application will be considered filed for the purpose of calculating the thirty (30) ~~d~~Day decision-making time period under Section 34-32.5-110(4), C.R.S., as amended, when the application file includes all of the following submittals:
 - (a) the application fee, as determined under Section 34-32.5-125, C.R.S., as amended;
 - (b) one (1) original and one (1) copy, or an electronic submittal as designated and approved by the Office, of:
 - (i) the application form;
 - (ii) all information, attachments, maps, and exhibits, as listed and described in Rules 1.4.1 and 6.3;
 - (iii) an affidavit that notice signs were posted on-site pursuant to Rule 1.6.2(1)(b);
 - (iv) the appropriate information under Rule 6.5 if required by the Office; and
 - (v) proof of notice according to the provisions of Rule 1.6.2(1)(a).
- (3) Proof of the notices required pursuant to Rules 1.6.2(1)(d), (e), and (f) is not required in order for an application to be considered filed, but such proof must be submitted to the Office prior to the Office's decision to approve an application, pursuant to Rule 1.6.2(1)(g).

~~1.4.3 Reserved Specific Application Requirements — 110(6) County Composite Limited Impact Permit~~

~~(1) All general application requirements outlined in Rules 1.4.1, 1.4.2(2), and (3) shall also be required for and apply to a County Composite 110(6) Operation.~~

~~(2) Applications shall comply with Sections 34-32.5-110(1) through (7), C.R.S. 1984, as amended. Financial Warranty requirements under Section 34-32.5-110(2), C.R.S. 1984, as amended, shall not be required if:~~

~~(a) the Operator is a unit of county government or the State Department of Transportation; and~~

~~(b) the Operator submits a Performance Warranty, in lieu of financial warranty, stating that the affected lands will be reclaimed in accordance with the terms of the permit and Section 34-32.5-116, C.R.S. 1984, as amended.~~

1.4.4 Specific Application Requirements - 111 Special Operations Applications

- (1) Prior to submission of an application for a 111 Special Operations Permit, any County Applicant shall apply for and receive a Declaratory Order by the MLRB that it qualifies for a 111 Special Operation Permit.
- (2) All general application requirements outlined in Rules 1.4.1 and 1.4.2(2) shall be required for and apply to a 111 Special Operation.
- (3) The Office shall approve or deny the application within fifteen (15) calendar days after the date the application is filed.
- (4) In the event of an objection regarding the approval or denial of a 111 Special Operation Permit, the provisions of Rule 1.4.11 shall apply.
- (5) A governmental subdivision shall be exempt from an application fee and a Financial Warranty when such subdivision, acting as an Operator, requires a permit solely to extract construction material for the construction of public roads under a contract with the Department of Transportation or otherwise.

1.4.5 Specific Application Requirements - 112 Reclamation Permit Operations

- (1) All general application requirements outlined in Rule 1.4.1, shall be required for a 112 Reclamation Permit Application.
- (2) An application will be considered filed for the purpose of calculating the decision-making time periods under Section 34-32.5-115(1), C.R.S., as amended, when the application file includes all of the following submittals:
 - (a) The application fee, as determined under Section 34-32.5-125 C.R.S., as amended;
 - (b) one (1) original and one (1) copy, or an electronic submittal as designated and approved by the Office, of:
 - (i) the application form;
 - (ii) all information, attachments, maps, and exhibits, as listed and described in Rules 1.4.1 and 6.4;

- (iii) an affidavit that notice signs were posted on-site pursuant to Rule 1.6.2(1)(b);
 - (iv) the appropriate information under Rule 6.5 if required by the Office; and
 - (v) proof of notice according to the provisions of Rule 1.6.2(1)(a).
- (3) Proof of the notices required pursuant to Rules 1.6.2(1)(d), (e), and (f) is not required in order for an application to be considered filed, but such proof must be submitted to the Office prior to the Office's decision to approve an application, pursuant to Rule 1.6.2(1)(g).

1.4.6 Office Consideration - 110 ~~or 110(6)~~ Limited Impact Operation Permit Applications

- (1) The Office shall approve or deny a 110 Limited Impact ~~or 110(6) Limited Impact~~ application within thirty (30) ~~d~~Days of the date the application is considered filed. If this date does not fall on a Working Day, then the date for consideration by the Office will be automatically set to the next Working Day. -However, the date set for consideration by the Office may be extended pursuant to the provisions of Rule 1.8 (unless the submitted materials satisfy Rule 1.8.1(4)) or of Rules 1.4.1 (9) or (13). The time for consideration shall not be extended beyond thirty (30) ~~d~~Days after the last such change submitted under Rule 1.8., unless requested by the Applicant.
- (2) In the event that an objection to a 110 ~~or 110(6)~~ Limited Impact permit application, submitted in the form of a protest or petition for a hearing, is received by the Office pursuant to the provisions of Rule 1.7, the Office shall proceed to issue its decision by the date set for consideration in Rules 1.4.6(1), 1.4.1(9), 1.4.1(13) or 1.8. However, the Office may set the matter for a hearing before the Board, pursuant to the provisions of Rule 1.4.11.

1.4.7 Office Consideration - 111 Special Operations Permit Applications

- (1) The Office shall approve or deny the application within fifteen (15) calendar days after the date the application is filed. If this date does not fall on a Working Day, then the date for consideration by the Office will be automatically set to the next Working Day.
- (2) In the event of an objection regarding the approval or denial of a 111 Special Operation Permit, the provisions of Rule 1.7.1(2)(b) shall apply.

1.4.8 Office Consideration - 112 Reclamation Permit Application with No Objections

- (1) When a 112 Reclamation Permit application has been filed, and there are no protests or petitions for a hearing on the application submitted by a party pursuant to Rule 1.7, the Office shall issue the decision to approve or deny the application, as provided for in Section 34-32.5-115 C.R.S., no more than ninety (90) ~~d~~Days after the application ~~was-is~~ filed with the Office. If this date does not fall on a Working Day, then the date for consideration by the Office will be automatically set to the next Working Day. The Office shall not set a new date unless the date for consideration has been extended pursuant to Rules 1.4.1(7), (9), or (13).
- (2) The date set for a decision on the application may be extended, pursuant to Rule 1.8 (unless the submitted materials satisfy Rule 1.8.1(4)). Such date shall not be extended beyond ninety (90) ~~d~~Days after the last revision to the application.

1.4.9 Office Consideration - 112 Reclamation Permit Application to which an Objection Has Been Received

- (1) If a timely and sufficient objection or petition for a hearing on a 112 Reclamation Permit Application is received by the Office from a party pursuant to Rule 1.7, the Office shall set a date for consideration of the application in conformity with the provisions of this Rule. Such date shall be no more than ninety (90) ~~d~~Days after the application is filed with the Office. If this date does not fall on a Working Day, then the date for consideration by the Office will be automatically set to the next Working Day. The date for consideration may be extended pursuant to Rules 1.4.1(7), (9), or (13), or 1.8 (unless any submitted materials satisfy Rule 1.8.1(4)). Instead of a decision, the Office will issue a recommendation to the Board by the date set for Office consideration.
- (2) In addition, the Office shall:
 - (a) schedule the permit application for a hearing before the Board;
 - (b) provide all parties notice of ~~any the~~ Pre-hearing Conference and of the Board hearing related to consideration of the application. Unless notice is waived in writing by all ~~p~~Parties, the ~~e~~Office shall provide all ~~p~~Parties at least thirty (30) ~~d~~Days written notice of the ~~f~~ormal Board ~~h~~earing date; and;
 - (c) on or before the date set for Office consideration of the application, issue a recommendation to the Board for approval, approval with conditions, or denial of the application. Such recommendation shall identify the issues raised by the Office or by the petitions for a hearing filed with the Office. The Office's recommendation and rationale for approval or denial shall be sent to the Applicant and to all objectors of record at least three (3) Working Days prior to the Pre-hearing Conference. Upon request, the Office will also send by electronic mail its recommendation and rationale to a party, or a party may pick up a copy at the Office. Copies of the Office's recommendation and rationale will be available at the Pre-hearing Conference.
- (3) Where a 112 Reclamation Permit Application is set for a hearing, the Board shall make a final decision on the application within one hundred and twenty (120) ~~d~~Days after the date the application was filed, unless the date set for consideration has been extended pursuant to Rules 1.4.1(7), (9), or (13), 1.8, or Section 34-32.5-115(2), C.R.S.
- (4) The decision rendered by the Board shall be considered final agency action for the purposes of the judicial review provisions of Section 24-4-106, C.R.S.

1.4.10 Reserved

1.4.11 Administrative Appeal of an Office Decision

- (1) Any person who ~~can~~demonstrates that they are directly and adversely affected or aggrieved by an action of the Office, including a decision to grant or deny a permit application, other than an application considered under the provisions of Rule 1.4.9, and whose interests ~~are~~is entitled to legal protection under the Act may petition for a hearing before the Board on such action within:
 - (a) sixty (60) ~~d~~Days of the date of the Office decision if the Office decision was a denial, without a hearing, of an application for a permit or a Notice of Intent; or
 - (b) thirty (30) ~~d~~Days for an appeal of any other Office decision.
 - (c) Such hearings before the Board shall comply with this Rule and Section 24-4-105, C.R.S.

- (d) Such petitions for a hearing shall state how the petitioner is directly and adversely affected or aggrieved by the Office's decision, and how the petitioner's interests are entitled to protection under the Act. The petitioner shall list and explain any issue the petitioner believes should be considered by the Board at the hearing on the matter. The petition for a hearing shall specify the application or file number assigned by the Office.
- (2) If no petition decision is made by the Board within sixty (60) eDays of the date the petition is submitted, the petition will be deemed denied. Such denial shall be considered final agency action for the purposes of the judicial review provisions of Section 24-4-106, C.R.S.
- (3) The Office shall give notice of any Formal Board Hearing to consider an appeal according to the provisions of Rule 1.6.1(4).
- (4) The Office may determine whether to hold a pre-hearing conference dependent upon the number of parties to the Formal Board Hearing and/or complexity of the issues, or the Board may so direct the Office as the Board sees fit.

1.4.12 Appeal of a 112 Reclamation Permit Application Denial

If the Office issues a decision to deny an application for a 112 Reclamation Permit, it shall schedule the application for a hearing before the Board unless the Applicant decides to withdraw the application. Such hearing shall be scheduled prior to the deadline for a final decision on the application pursuant to Section 34-32.5-115(2), C.R.S., and Rule 1.4.9(3) or 1.4.8(2) above, and shall be conducted in conformance with the provisions of Section 24-4-105, C.R.S.

- (a) Within ten (10) eDays of receipt of the letter of denial, the Applicant shall file a statement of issues to be considered by the Board at the hearing. The statement shall include an explanation of the grounds for seeking a reversal of the Office's decision.
- (b) If there are no other parties to the proceedings on the application the Applicant may waive the statutory deadline for a final decision. In that event, the Applicant shall file the statement of issues to be considered by the Board at the hearing within sixty (60) eDays of the receipt of the letter of denial.

1.4.13 Automatic Application Approval

- (1) If the Office or the Board fail to make a decision on a permit application by the deadlines set forth in Rules 1.4.6, 1.4.7, 1.4.8, and 1.4.9, or as extended by Rule 1.8, the application shall be deemed approved and the permit shall be granted upon submittal by the Applicant and approval by the Office of the appropriate performance and financial warranties.
- (2) Where an Applicant has waived its right, in writing, to a decision by the deadlines set forth in statute or by these Rules, the automatic approval provisions of Rule 1.4.13(1) shall not apply.

1.5 ANNUAL FEE

Each year, on the anniversary date of the permit, the Permittee shall submit the appropriate annual fee specified in Section 34-32.5-125(1)(b), C.R.S.

1.6 PUBLIC NOTICE PROCEDURES

1.6.1 Office/Board Procedures - Permit Application Decision Dates

- (1) The Office shall give such notice of the decision date for applications for all types of mining operations, including applications for:
 - (a) 110 Limited Impact Operations;
 - (b) 111 Special Operations; and
 - (c) 112 Reclamation Operations.

- (2) The Office shall give notice, as required by ~~this~~ Rule 1.6 and the following specific provisions, of the decision date of the application to:
 - (a) the Applicant;
 - (b) the county(s) in which the proposed mining operation is to be located;
 - (c) any municipality within two (2) miles of the proposed mining operation; ~~and~~
 - (d) the Colorado State Board of Land Commissioners (State Land Board); and
 - ~~(e)~~ the public, by newspaper release, by electronic submittal on the Office website as designated and approved by the office, and posting as prescribed in Rule 2.2.1(a)(iii).

- (3) The Office shall send written and/or electronic notice of the date, time and place of any Pre-hearing Conference to:
 - (a) the Applicant;
 - (b) all persons who submitted timely statements in support of or objections to the application and a basis for party status; and
 - (c) the Board of County Commissioners and the applicable Conservation District.

- (4) The Office shall provide notice of the date, time, and place of any application hearing by the Board, by:
 - (a) sending written and/or electronic notice to the Applicant, any person previously filing a protest or petition for a hearing or statement in support of the application, and the local Board of County Commissioners;
 - (b) publishing notice in a newspaper of general circulation in the locality of the proposed mining operation once a week for two (2) consecutive weeks immediately prior to the hearing; and
 - (c) mailing list, newspaper release, the Office website, and posting as prescribed in Rule 2.2.1(a)(iii).

1.6.2 General Applicant Procedures

- (1) The Applicant shall:

- (a) Prior to submitting the application to the Office, send a notice, on a form approved by the Board, to the local Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the Conservation District.
- (i) The Applicant shall include proof of such notice with the application at the time the application is submitted to the Office.
 - (ii) Proof of notice shall be in the form of a return receipt of a Certified ~~m~~Mailing, e-receipt, or a date-stamped copy of the notice acknowledging receipt by the appropriate local Board.
- (b) Prior to submitting the application to the Office ~~for a 112 Reclamation Permit~~, post notices (signs) at the location of the proposed mine site, as required by the Office, of sufficient number along publicly accessible areas and a minimum size of eleven (11) inches wide by seventeen (17) inches high, with appropriate font size, to clearly identify the site as the location of a proposed mining operation. ~~giving name, address, and phone number of the Applicant, and stating that (name of Applicant) has applied for a mining permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the County Clerk's or Recorder's office and should send comments prior to the end of the public comment period to the Colorado Mined Land Reclamation Office, and state the Office's address, as given on the cover of these Rules. For any class of 110 Limited Impact or 111 Special Operation, the Applicant need only post notice at the location of the proposed access to the site.~~ After having posted such notices, failure by an Applicant to maintain such notices ~~(sign)~~ shall not constitute just cause to deny approval of the application. At the time the application is filed with the Office, the Applicant shall provide a signed affidavit that such notices ~~(signs)~~ were posted according to the provisions of this Rule. Notices shall contain:
- (i) name, address, e-mail, and phone number of Applicant;
 - (ii) a statement that the Applicant has applied for a mining permit with the Colorado Mined Land Reclamation Board;
 - (iii) location where additional information on the operation may be obtained, including the Office Website; and
 - (iv) location, including the Office Website link, for submitting statements of support or objections with the Office.
- (c) Prior to submitting the application to the Office and/or prior to submitting amendments to the application, place for public review a copy of the application and amendments, without confidential items, with the Clerk or Recorder of the county or counties in which the affected land is located and provide proof as required by Rule 6.3.9 for 110 Limited Impact and 111 Special Operations and Rule 6.4.18 for 112 Reclamation Operations.
- (d) Except for 111 Special Operation Permit applications, within ten (10) ~~e~~Days after the Office notifies the Applicant that the application is considered filed, publish a public notice in a newspaper of general circulation in the locality of the proposed mining operation containing:
- (i) name, ~~and~~ address, e-mail, and phone number of Applicant;

- (ii) location of the proposed mining operation by section, township and range and street address where applicable;
 - (iii) proposed dates of commencement and completion of the operation;
 - (iv) proposed future use of affected land;
 - (v) location where additional information on the operation may be obtained, including the Office Website; and
 - (vi) location, including the Office Website link, and final date for submitting statements of support or objections with the Office.
- (e) Except for 111 Special Operation Permit applications, the applicant shall mail or personally serve a copy of the notice provided for in Rule 1.6.2(1)(d) immediately after the first publication to
- (i) all Owners of Record of the surface and mineral rights of the affected land; and
 - (ii) the Owners of Record of all land surface within 200 feet of the boundary of the affected lands.
- (f) As soon as designated by the Office, mail a copy of the ~~Notice~~ notice provided for in Rule 1.6.2(1)(d) to any other Owners of Record who might be affected by the proposed mining operation. The Office shall designate such owners, if any, during its adequacy review process. (Not applicable to 111 Special Operation Permit applications.)
- (g) ~~Prior to Office consideration of the application, submit proof of publication and proof of all required notices.~~ Proof of Notice may be by submitting return receipts of a Certified ~~mail~~ Mailing or by proof of personal service. An application will be considered filed by the Office when the Applicant supplies the proper application fee, a signed affidavit that all notices as provided for in Rule 1.6.2(1)(b) have been posted, and the application meets the applicable requirements of Rules 1.4.1, 1.4.2, ~~1.4.3,~~ 1.4.4, or 1.4.5. Prior to Office consideration of the application, proof of notice provided for in Rules 1.6.2(1)(d), (e), and (f) must be received by the Office.
- (2) The copy of the permit application, adequacy responses of the applicant, application revisions, and any permit amendment applications placed at the office of the County Clerk or Recorder shall not be recorded, but shall be retained until final agency action, as defined at C.R.S. 24-4-105(14), on said application has occurred, and be available for inspection during such period. At the end of such period, such application may be reclaimed by the Applicant or destroyed. Applicants should contact the Office prior to removal of the copy of the application materials placed with the office of the County Clerk or Recorder in order to ensure compliance with C.R.S. 24-4-105(14). The copy of the permit application, adequacy responses of the applicant, application revisions, and any permit amendment applications on file with the Office Website constitute the official public file and shall remain accessible to the public.

1.6.3 Specific Provisions - 110 Limited Impact Permit Applications

- (1) The following Notice Rules and the notice requirements of Rule 1.6.2 also apply to applications for new 110 Limited Impact Permits.

- (2) The Office shall give written notice, by mailing or e-notify, of the decision date for the application.
- (3) The Public Notice, as required in Rule 1.6.2(1)(d), shall be published once.

1.6.4 Specific Provisions - 111 Special Operations Permit Application

The Office shall, upon filing, give notice by an expeditious method, of the decision date of the application.

1.6.5 Specific Provisions - 112 Reclamation Permit Application

- (1) The Public Notice, as required in Rule 1.6.2(1)(d) shall be published four (4) times, once a week for four (4) consecutive weeks.
- (2) Within ten (10) working days after the last publication or as soon thereafter as proof has been obtained, the Applicant shall mail proof of the publication required by Rule 1.6.2(1)(d) to the Office. Proof of publication may consist of either a copy of the last newspaper publication, to include the date published, or a certified or notarized statement from the paper. An application may not be approved until such proof has been obtained.

1.6.6 Conditions that Require New Notice to the Public

If a notice is in error or a change to the application is so substantial, as determined by the Office, that it affects any of the terms contained in the notice that was published in the newspaper or mailed to the owners of the affected and adjacent lands, or the change is an amendment to the application, the Applicant shall be required to publish and mail a new notice of the application. In the event that the Applicant is required to issue a new notice, all applicable deadlines shall begin to run anew.

1.7 SUBMISSION OF COMMENTS AND PETITIONS FOR A HEARING

1.7.1 General Provisions

- (1) Any person has the right to submit written statements supporting or objecting to any application for a permit or for an amendment, or revision of a previously granted permit. For a person to become a party, the person must meet the definition of a party as provided in these regulations. Any party may petition for a hearing on any application for a permit, or for an amendment or technical revision to a previously granted permit.
- (2) In order for statements supporting or objecting to an application, petitions for a hearing, and/or submissions to become a party to be considered timely, the following deadlines shall apply:
 - (a) In the case of a 112 Reclamation Permit Application, such written comments, protests, and petitions for a hearing must be received by the Office not more than twenty (20) calendar days after the last date for the newspaper publication of notice of the application provided for in Rules 1.6.2(1)(d) and 1.6.5(1). Written comments, protests and/or petitions must contain the name, mailing address, e-mail, and telephone number of the interested parties. The Office shall set the matter for a hearing before the Board upon timely receipt of a written objection, protest, or petition for a hearing under this Rule.
 - (b) In the case of a 111 Special Operations Permit application, any person directly or adversely affected or aggrieved by the Office's decision to grant or deny the 111

Special Operations Permit application and whose interests are entitled to legal protection under the Act may appeal the Office's decision pursuant to Rule 1.4.11. The written appeal must contain the name, mailing address and telephone number of the person directly or adversely affected or aggrieved by the Office's decision.

- (c) In the case of a 110 Limited Impact Permit application, such written comments, protests or petitions for a hearing must be received by the Office not more than ten (10) eDays after the last date for newspaper publication of notice of the application provided for in Rules 1.6.2(1)(d) and 1.6.3(3). The written comment, protest and/or petition must contain the name, mailing address, e-mail, and telephone number of the interested parties. The Office may set the matter for a hearing before the Board upon timely receipt of a written petition for a hearing under this Rule, but in any case shall approve or deny the permit application within thirty (30) eDays of the date the Office considers the application filed according to the provisions of Rules 1.4.1(9), (13) or 1.8. If the Office does not set the matter for a hearing, any person who demonstrates that they are directly and adversely affected or aggrieved by the Office's decision to grant or deny the 110 Limited Impact Permit application and whose interests are entitled to legal protection under the Act may appeal the Office's decision pursuant to Rule 1.4.11.

- (3) If the Office receives any written objections to an application pursuant to the Rule 1.7.1(2), the Office shall provide a copy of the objection to the Applicant within ten (10) eDays of receipt.

1.7.2 Specific Provisions - 110 Limited Impact Operations ~~and 110(6) County Composite Operations~~

- (1) Comments shall be submitted in accordance with Rule 1.7.1.
- (2) To be considered, such statements must be received by the Office within ten (10) eDays after the last date of the Applicant's newspaper publication.

1.7.3 Specific Provisions -111 Special Operations Permit Applications

- (1) Comments, to be considered, must be received by the Office within five (5) ~~w~~Working eDays after the application has been filed.
- (2) Upon consideration, the Office shall approve or deny the application within the fifteen (15) eCalendar eDays after the application has been filed.
- (3) Objections to final decisions by the Office shall be handled according to the procedures outlined for 110 Limited Impact Permits, specifically Rule 1.4.11.

1.7.4 Specific Provisions - 112 Reclamation Permit Applications

- (1) Comments shall be submitted in accordance with Rules 1.7.1 and 1.7.4.
- (2) In the event the Office receives an objection within twenty (20) eCalendar eDays of the last day of publication and in accordance with this Rule 1.7, it shall set the permit application for a hearing before the Board, according to the provisions of Rule 2.

1.8 AMENDMENTS ~~AND TECHNICAL REVISIONS~~ TO A PERMIT APPLICATION

1.8.1 General Provisions - 110 Limited Impact or 112 Reclamation Permit Applications

- (1) An Applicant may amend ~~or make technical revisions to~~ an application for a permit under consideration by the Office by filing a copy of such amendment ~~or technical revision~~ with the Office and placing a copy with the County Clerk and Recorder.
- (2) Within five (5) ~~w~~Working ~~d~~Days of placement with the County Clerk or Recorder, the Applicant shall provide the Office with an affidavit or receipt demonstrating that the amendment ~~or technical revision~~ was placed with the County Clerk and Recorder not later than the close of business on the day the amendment ~~or technical revision~~ was filed with the Office.
- (3) Any amendment ~~or technical revision~~ to an application shall constitute a new filing for the sole purposes of determining the date for the consideration of the application by the Office, and for the deadline for a final decision on the application. The provisions of Rules 1.6.6 and 1.10 shall apply to submitted amendments and as determined by the Office, be accompanied by a basic fee as specified in Section 34-32.5-125, C.R.S. 1984, as amended. ~~the provisions of Rules 1.8.2 or 1.8.4 shall apply to technical revisions for 110 Limited Impact or 112 Reclamation Permit applications, respectively.~~
- (4) If the Office determines that additional information is submitted by the Applicant for the purpose of detailing, clarifying or explaining any part of the application, whether at the request of the Office or otherwise, then such additional information shall not constitute a change or an addition resulting in an amendment ~~or technical revision to the application.~~
- (5) If the ~~Operator Applicant~~ notifies the Office of a proposed change in post-mining land use ~~or a change in the proposed mining plan or reclamation plan~~, the Office shall decide whether such change ~~is significant enough to require the submittal of an amendment.~~ ~~in post-mining land use requires a change in the Reclamation Plan and whether such change shall require a Technical Revision or Permit Amendment.~~ A significant change to the proposed mining or reclamation plan as determined by the Office, a change to the proposed post-mining land use, and/or an increase in the proposed permit acreage requires the submittal of an amendment to the application.
- (6) Within five (5) ~~w~~Working ~~d~~Days of the filing of an amendment ~~or technical revision~~ to an application, the Office shall set a new date for the consideration of the application. The new date shall be set pursuant to Rule 1.6.6, ~~1.8.2 or 1.8.4, as applicable.~~

~~1.8.2—Technical Revisions to 110 Limited Impact Permit Applications~~

~~The Office shall set a new date for the consideration of a technical revision to an application a 110 or 110(6) Limited Impact Permit only as necessary to afford an adequate opportunity for a review of the technical revision by the Office and by any interested members of the public.~~

~~1.8.32~~ 111 Special Operation Permit Applications

- (1) An Applicant may amend ~~or technically revise~~ an application for a 111 Special Operations by filing a copy of the amendment ~~or technical revision~~ with the Office and by providing the Office with proof of submittal of notice of the amendment ~~or technical revision~~ to an application to the local Board of County Commissioners. Proof of notice shall be submitted with the amendment ~~or technical revision~~ to the application. An amendment to an application must be submitted on a form approved by the Board.
- (2) Within three (3) ~~w~~Working ~~d~~Days of the filing of an amendment ~~or a technical revision~~ to an application with the Office, the Office shall set a new date for the consideration of the application. A new date shall be set only as necessary to afford an adequate opportunity

for a review of the amendment ~~or technical revision~~ to the application by the Office and by any interested members of the public.

~~1.8.4~~ **Technical Revisions to 112 Reclamation Permit Applications**

- ~~(1) Written objections to the application:
The Office shall not set a new date for consideration of an application for a 112 Reclamation Permit for which it has received written objections, any earlier than twenty (20) days after the date of filing a technical revision to the application, unless the Applicant and all parties agree on an earlier date.~~
- ~~(2) No written objection to the application:
The Office shall set a new date for the consideration of an application to which no objection has been submitted only as necessary to afford the Office an adequate opportunity to review the technical revision.~~

1.9 TECHNICAL REVISION TO A PERMIT

1.9.1 Filing and Review Process

An application for Technical Revision shall be filed ~~in writing with the Office by electronic submittal as designated and approved by the Office~~. The Office shall act on a Technical Revision application within thirty (30) ~~d~~Days after the Technical Revision has been filed with the Office. ~~If this date does not fall on a Working Day, then the date will be automatically set to the next Working Day.~~ A Technical Revision is considered filed when the submittal includes the appropriate fee. A Technical Revision shall be considered automatically approved within thirty (30) ~~d~~Days after filing unless the application is denied. Notice of Technical Revisions shall be acknowledged in the monthly activity report attached to the monthly Board agenda.

1.9.2 Denial and Appeal Process

In the event that the Office decides to deny an application for Technical Revision, the Office will notify the ~~Applicant-Operator~~ in writing within ten (10) ~~d~~Days after the decision deadline. The ~~Applicant-Operator~~ may appeal the decision to the Board for a final determination by submitting a petition for a hearing pursuant to the provisions of Rule 1.4.11.

1.10 AMENDMENT TO A PERMIT

1.10.1 112 Reclamation Permit and 110 Limited Impact Permit Amendments

- (1) Where applicable, there shall be filed with any application for a 112 Reclamation Permit amendment, attachment(s) map(s) and one (1) original and one (1) copy, or by electronic submittal as designated and approved by the Office, of the application with the same content as required for an original application, except that the Applicant will not be required to submit any information which duplicates applicable previous submittals. However, the Applicant shall clearly describe where in the original application and supporting documents the information not included in the amendment application, but necessary to render the amendment technically adequate, may be found.
- (2) A 110 Limited Impact permit amendment submittal shall include attachment(s), map(s), and one (1) original and one (1) copy, or by electronic submittal as designated and approved by the Office, of the application with the same content as required for an original application, except the Applicant will not be required to submit any information which

duplicates applicable previous submittals. However, the applicant shall clearly describe where, in the original application and supporting documents, the information not included in the amendment application, but necessary to render the amendment technically adequate, may be found.

- (3) The amendment application shall be accompanied by a basic fee as specified in Section 34-32.5-125, C.R.S.
- (4) ~~An Application~~ for amendments shall be reviewed by the Board or Office in the same manner as an applications for a new Permits.
- (5) All aspects of the mining operation and Reclamation Plan that are subject to the amendment will be subject to these Rules, as amended, in effect at the time the Permit is amended.

1.10.2 111 Special Operation Permit Amendments

111 Special Operation permit amendments are not allowed by statute. An Operator may only make changes defined under Rule 1.1(~~5352~~).

1.11 CONVERSIONS

1.11.1 Purposes and Types

- (1) A conversion is an application to change an existing permit to another type of permit based on an increase in acreage of the mining operation such as changing a 110 Limited Impact Permit or a 111 Special Operation to a 112 Reclamation Permit.
- (2) Unless such mining is incidental to the permitted activity, any Operator who intends to mine any commodity other than a "construction material" commodity, as defined in Section 34-32.5-103(3), C.R.S., shall apply for a conversion to a new permit under the provisions of Section 34-32-101, et seq, C.R.S. Upon issuance of the new permit, the existing permit under Section 34-32.5-101, et seq, C.R.S., shall be terminated. Such determinations may be made through a declaratory order by the Board.
- (3) Any Operator with a Special One-Time Excavation 111(1)(b) Operation Permit for which extraction and export activities are not completed within twelve (12) months after issuance of the permit, shall ~~replace-convert~~ the Special One-Time Excavation 111(1)(b) Operation Permit with the applicable regular construction materials permit. All fee, warranty and processing requirements shall apply as a new permit application. A fee, as specified in Section 34-32.5-125(1)(a), C.R.S., shall be submitted at the time of the applicable regular construction materials permit application.

1.11.2 Application Process

- (1) Except for permit conversions under Rules 1.11.1(2) and 1.11.1(3), the original Permittee cannot convert a Permit unless the permit has been in existence for two (2) consecutive years.
- (2) All fee, warranty and permit processing requirements shall apply as though the Conversion application were a new permit application. A fee, as specified in Section 34-32.5-125(1)(a), C.R.S., shall be submitted at the time of the application submittal.
- (3) Contents of application:

- (a) except as otherwise indicated in this Rule 1.11.2, the Operator shall provide all the information required by the Act and these Rules for the size of operation. However, the Operator need not supply any information required by the provisions of the Act which has been previously supplied unless such information is different from that in the original application. However, the Applicant-Operator shall clearly describe where in the original application and supporting documents the information not included in the conversion application, but necessary to render the conversion application technically adequate, may be found.
- (b) In addition, the application shall show:
 - (i) the area mined or disturbed; and
 - (ii) the area reclaimed since the original permit application.

1.12 PERMIT TRANSFERS AND SUCCESSION OF OPERATORS

1.12.1 Approval Process

- (1) Where one Operator succeeds another at any uncompleted operation, the first Operator shall be released from all liability as to that particular reclamation operation and all applicable Performance and Financial Warranties as to such operation shall be released if the successor Operator assumes, as part of the obligation under the Act and these Rules, all liability for the reclamation of the affected land, and the obligation is covered by replacement Performance and Financial Warranties as to such affected land.
- (2) Requests for permit transfers and succession of Operators must be submitted on "Request for Transfer of Construction Material Permit and Succession of Operators" forms provided by the Board. To be considered filed, Each request must include an executed Performance Warranty, State approved W-9, and applicable replacement Financial Warranty, as well as proof of notice to all Owners of Record of the surface of the affected land and the mineral rights of the substance to be mined, any updated legal right of entry agreements if necessary, and updated damage waiver agreements or a geotechnical report demonstrating approved safety factors to protect off-site structures within 200 feet of the affected lands.
 - (a) The Office shall act on a Succession of Operator application within thirty (30) ~~d~~Days.
 - (b) Succession of Operator requests will be considered automatically approved after thirty (30) ~~d~~Days of the date the Succession of Operator request is filed with the Office unless the Operator is notified by the Office that the request is deficient or denied. Succession of Operator requests must be submitted on forms provided by and approved by the Board, and include the fee specified in Section 34-32.5-125(1) C.R.S., and the properly executed financial and performance warranties, and damage waiver agreements or geotechnical stability reports, when required.
- (3) Approval of a permit transfer and succession of Operator request shall be given by the Office if it finds that the successor Operator is capable of assuming all responsibility for the conditions included under the original permit. Notice of Permit Transfer will be acknowledged in the monthly activity report attached to the monthly Board agenda.

1.12.2 Denial and Appeal Process

- (1) In the event that the Office decides to deny a succession of Operator application, the Office will notify the Applicant in writing within ten (10) ~~d~~Days of the decision deadline.
- (2) The Applicant may appeal the Office's decision to the Board for a final determination according to the provisions of Rule 1.4.11.

1.13 TEMPORARY CESSATION

1.13.1 General Provisions

- (1) A permit granted pursuant to these Rules shall continue in effect as long as:
 - (a) an Operator continues to engage in the extraction of construction material and/or the mining operation and complies with the provisions of the Act; ~~and~~
 - (b) construction material reserves are shown by the Operator to remain in the mining operation; ~~and the Operator shows a reasonable plan to resume the mining operation or commence final reclamation; and~~
 - (c) the mining operation is maintained in compliance with the requirements set forth in Rule 1.13.5(2)(d).
- (2) The Board will consider all relevant testimony and facts related to a mining operation in its determination as to whether or not temporary cessation has occurred. The Board recognizes that no one factor is necessarily determinative, but that each determination will be based on site-specific conditions; ~~and activity. In considering whether or not an operation is in production, the Board may take into consideration, among other factors, orderly mining operations or activities that further advance the mining operation commensurate with the scale of the operation, or other relevant facts.~~ Factors to be included in the determination if a mine will be considered for temporary cessation, include, but are not limited to the following:

1.13.2 Indications of Temporary Cessation

- (1) there are no personnel working at the site for one hundred and eighty (180) consecutive days as may be determined through annual reports, inspections and/or operator submissions;
- (2) ~~there are only security personnel at the site~~ activity at the site is limited to general maintenance, housekeeping or similar related activity;
- (3) ~~there are personnel other than security people at the site, but they are engaged in activities which can be described as maintenance or housekeeping, or related activity~~ activities at the site are not significantly advancing the site towards completion of the mining operation or final reclamation. The Board will consider activities at the site in relation to the scale of the operation and other relevant facts;
- ~~(4) there are personnel at the site, but they are engaged in activities which are not significantly moving the site towards completion of the mining operation. The Board will judge these activities in relation to the size of the operation, the nature of the deposit and other facts;~~
- ~~(5)~~ (4) there is no sale or processing of material or movement of stockpiled material off site;
- ~~(6)~~ (5) there is only minimal ~~or token excavation of construction material or other material;~~ activity given the scale of the mining operation, including limited excavation of mineral or

other material, and such activity is not orderly or does not advance the mining operation or final reclamation, as determined by the Office or Board;

~~(76)~~ mine development has ceased and mining has not recommenced; or

~~(7)~~ the permit has not exhausted ten (10) consecutive years of non-production.

1.13.3 Indications Against Temporary Cessation

(1) Extraction of construction materials has been completed, production has ceased, and only final reclamation and related activities remain at the site; occurring at the site are part of the "life of the mine" (see Definition or see Section 34-32.5-103(11), C.R.S.); or

~~(2)~~ production has ceased for more than ten (10) consecutive years;

~~(23)~~ a permit has been issued, but the mining operation has not commenced on the affected lands; or

~~(4)~~ a 111 Special Operation permit has been issued.

1.13.4 ~~Temporary Cessation for a Portion of a Mining Operation Reserved~~

~~There may be Temporary Cessation for part of the mining operation when one or more operations of several separable types within a permit has been discontinued. Movement of portable equipment between permitted sites shall not be construed to be Temporary Cessation.~~

1.13.5 Notice by Operator

(1) If the Operator plans to, or does, temporarily cease production ~~of the mining operation~~ for one hundred and eighty (180) days or more, the Operator must file a Notice of Temporary Cessation ~~in writing, to the Office, electronically on a form approved by the Office; such Notice shall set forth the reasons for the temporary cessation and the expected duration of the temporary cessation.~~

(a) Initial period shall be the first five (5) years of Temporary Cessation beginning with the one hundred and eighty (180) day period of production cessation.

(b) The second five (5) year period of Temporary Cessation shall begin at the end of the initial period of Temporary Cessation.

(2) The Notice of Temporary Cessation for the initial period shall include the following to be considered filed for review by the Office and Board and must include:

(a) the date of cessation of production;

(b) the reasons for non-production or cessation of the mining operation;

(c) a plan for resumption of mining;

(d) the measures to be taken to comply with reclamation requirements and/or other activities related to the performance standards of Rule 3.1 while the mine is in Temporary Cessation; and including, but not limited to, any permit requirements or environmental monitoring and water treatment if required, and a schedule for reporting monitoring data;

- (e) demonstration that the existing Financial Warranty is adequate to cover the reclamation liability; and
 - (f) an acknowledgement of the five (5) year limit date of the initial period of Temporary Cessation.
- (3) The Notice for the second period shall include the following to be considered filed for Board consideration:
- (a) demonstration that the existing Financial Warranty is adequate to cover the reclamation liability;
 - (b) explanation as to why the Operator has not recommenced operations or begun reclamation;
 - (c) demonstration of continued commitment to conduct mining operations at the site by the end of the second five (5) year period including a plan for resumption of mining operations and production-;
 - (d) the measures to be taken to comply with reclamation requirements and/or other activities related to the performance standards of Rule 3.1 while the mine is in Temporary Cessation including, but not limited to, any permit requirements for environmental monitoring and water quality treatment if required, and a schedule for reporting monitoring data; and
 - (c) an acknowledgement of the ten (10) consecutive year limit for non-production and temporary cessation of mining activities.
- (4) Prior to the Board Hearing to consider the request ~~for the~~of a second five (5) year period of Temporary Cessation, the Office shall:
- (a) conduct an inspection of the site to verify compliance with the Act and Construction Material Rules and Regulations, and any required permit conditions;
 - (b) review the permit file for complaints against the operation and the status of resolution of those complaints;
 - (c) report to the Board at the Hearing comments by any owner of affected land or local government comments.
- (5) The Notice of Temporary Cessation shall be separate from any other correspondence or reports and submitted to the Office electronically on the approved form.
- (6) The requirement of a Notice of Temporary Cessation shall not apply to Operators who resume the mining operation within one (1) year and have included in the permit applications a statement that the affected lands are to be used for less than one hundred and eighty (180) days per year.

1.13.6 Notice of Resumption of Mining Operations

If the Operator plans to resume mining operations and/or production, the Operator must file a Notice of Resumption of Mining operations electronically on a form approved by the Office at least thirty (30) days prior to reactivation. Such Notice shall set forth the following:

- (a) date of resumption of mining operations;

- (b) a detailed description of the mining operations that are to resume;
- (c) anticipated date of the resumption of production;
- (d) the measures to be taken to comply with reclamation requirements and/or other activities related to the performance standards of Rule 3.1 including, but not limited to, any permit requirements for environmental monitoring and water treatment if required;
- (e) demonstration that the existing Financial Warranty is adequate to cover the reclamation liability; and
- (f) any resumption of mining activities must be legitimate in nature considering the scale of the mining operation and is orderly or advances the mining operation or final reclamation. The Office and/or Board may reject any notice of resumption of mining operations if such activity is reasonably characterized as inconsistent with Rule 1.13.2(5).

1.13.67 Board/Office Procedure

- (1) Upon receipt of the above submission as outlined in Rule 1.13.5~~(2)~~ or 1.13.6, the Office will place the Notice of Temporary Cessation or Notice of Resumption of Mining on the tentative agenda of the next regular Board meeting and give notice to the Operator, the county planning commission, any federal jurisdiction, and any municipalities within two (2) miles of the proposed operation, by mail or electronic notification.
- (2) The Board, at said meeting and in consultation with the Operator and ~~other interested parties, any other person who demonstrates that they are directly and adversely affected or aggrieved and whose interest is entitled to legal protection under the Act,~~ may take whatever action(s) it deems necessary and are authorized by law, including but not necessarily limited to:
 - (a) acceptance of the Notice of Temporary Cessation or Notice of Resumption of Mining as submitted;
 - (b) acceptance of the Notice of Temporary Cessation or Notice of Resumption of Mining as submitted with modifications and other necessary activities as established by the Board;
 - (c) a determination that the mining operation is not in a state of temporary cessation or has not resumed mining operations; or
 - (d) continuance of the matter for another month or more to allow the Operator to revise the Notice of Temporary Cessation or Notice of Resumption of Mining and/or to allow the Office staff to conduct a site inspection or otherwise review the matter as necessary.
- (3) When no reclamation or performance standard issues or problems are indicated in the Notice of Temporary Cessation or Notice of Resumption of Mining or by field or file inspection, and no concerns are expressed by interested persons, the Notice ~~shall not be placed on the agenda or heard by the Board. In such cases, the county and appropriate municipality will be notified and the fact of the receipt of the Notice by the Office will be acknowledged in the monthly activity report attached to the monthly agenda~~ for an initial period of Temporary Cessation or any Notice of Resumption of Mining may be moved from the tentative agenda to the consent agenda of the final agenda for Board consideration.

(4) Any objections to a Notice of initial period of Temporary Cessation or Resumption of Mining must be received no later than three (3) Working Days prior to the scheduled Board meeting.

(5) All Notices for a second consecutive period of Temporary Cessation or where timely objections have been received shall be noticed and scheduled for Board consideration at the next regularly scheduled Board meeting following receipt of the Notice and timely objection.

1.13.78 Application Requirements - Substitute for Notice of Temporary Cessation

Where certain mining operations have periods of inactivity exceeding one hundred and eighty (180) days, ~~the Operator a permit applicant~~ may include in the permit application, ~~or amendment of technical revision,~~ the information otherwise required when filing a Notice of Temporary Cessation (Please see Rules 6.3.3(1)(a) or 6.4.4(e)). If approved by the Board or Office, such Notice in the permit shall serve as a substitute for the Notice of Temporary Cessation with the following conditions:

- (a) The Operator must report to the Board through the Annual Report:
 - (i) the condition of the operation at the time of cessation;
 - (ii) what specific measures have been and will be implemented to comply with reclamation and performance standards; ~~and~~
 - (iii) plans for resumption of mining; ~~and~~
 - (iv) any two consecutive annual reports that indicate no mining operations and/or production shall require the mining operation to be placed into Temporary Cessation regardless of the Substitute Notice.

1.13.89 Five Year Term of Temporary Cessation

- (1) A permit granted pursuant to these Rules shall continue in effect as long as:
 - (a) the mining operation and production are ~~is~~ resumed within five (5) years of the beginning of Temporary Cessation; ~~or~~
 - (b) the Operator files a request for an extension of the period of Temporary Cessation with the Board meeting the requirements of Rule 1.13.5(3) and secures Board approval of that request.
 - (c) the Operator is conducting reclamation pursuant to an approved reclamation plan or Board order.
- (2) The Board shall, when necessary, establish the commencement of ~~Temporary Cessation~~ to determine the start of the five (5) year period described in Rule 1.13.89. Regardless of a request by the Operator or the Office, a five (5) year period of Temporary Cessation is a factual determination.
- (3) Once the maximum limit of ten (10) consecutive years of Temporary Cessation has been reached, final reclamation of the affected lands shall be initiated with all reasonable diligence, as soon as practicable and as conditions allow. Final reclamation shall be completed within five years, unless extended by the Board or Office.

1.13.910 Ten Year Limitation for Temporary Cessation

In no case shall Temporary Cessation be continued for more than ten (10) consecutive years without terminating the mining operation and fully complying with the Reclamation Plan requirements of the Act and these Rules.

1.14 TERMINATION

1.14.1 Permit Termination

- (1) A permit granted pursuant to these Rules shall continue in effect as long as:
 - (a) the Board does not take action to declare termination of the life of the mine, which action shall require a sixty (60) ~~e~~Day notice to the Operator alleging a violation of the permit, the Act or Rules; or
 - (b) there is a discontinuance of the mining operation with a Temporary Cessation filing as provided in Rule 1.13.5 or 1.13.~~78~~ for ten (10) or less consecutive years; or
 - (c) there is no failure to submit the reports required under Rules 1.13.5 and 1.13.~~78~~; or
 - (d) there is no failure to comply with the requirements of Rule 1.13.~~89~~.
- (2) In the event the Operator is not in compliance with the provisions of Rule 1.14.1(1), the Board shall provide a reasonable opportunity for the Operator to meet with the Board to present the full case and further provide reasonable time for the Operator to bring violations into compliance. Such hearings and procedures shall be in compliance with the requirements of Rule 3.3.2; or at such hearings the Board may:
 - (a) declare termination of the life of the mine according to the provisions of this Rule and after finding a violation in accordance with Rule 3.3.2, set forth reclamation timetables and other provisions leading to termination of the permit; or
 - (b) declare that a mining operation is in a state of Temporary Cessation, establishing a commencement date and any additional permit conditions, as necessary, according to a review of the facts.

1.15 ANNUAL REPORT INCLUSIONS

- (1) The Annual Reclamation Report shall include all information specified on the Annual Reclamation Report Form, in the format required by the Office, and specifically:
 - (a) the Operator shall submit, together with the Annual Reclamation Report, an updated statement regarding the sufficiency of the value of the Financial Warranty. Additional reasonable data to substantiate the value of the existing Financial Warranty shall be provided if requested by the Office or Board; and
 - (b) for any Financial Warranty which is submitted in the form of a Deed of Trust or a Security Agreement, the Operator ~~shall~~ may be required to submit, together with the Annual Reclamation Report, an update by a qualified appraiser indicating any changes in property value, and a statement summarizing any circumstances which may affect the adequacy of the Deed of Trust or Security Agreement, or the value of the property subject thereto.

- (c) The Operator shall provide all monitoring information required as part of the approved Reclamation Plan.
 - ~~(d) A map showing the permit boundary, the affected land boundary if different than the permit boundary, the location of stockpiled topsoil, the extent of current disturbances to affected lands including areas that were newly affected during the reporting period, areas reclaimed during the reporting period, the estimated extent of new areas to be affected in the next reporting period, areas to be reclaimed in the next reporting period, and any other information requested by the Office for the requirements of Section 34-24-102, C.R.S.~~
 - ~~(e) changes over the preceding year regarding any disturbances to the prevailing hydrologic balance;~~
 - ~~(f) changes over the preceding year regarding any disturbances to the quality and quantity of water in surface and groundwater systems;~~
 - ~~(g) reclamation accomplished to date and during preceding year;~~
 - ~~(h) new disturbances that are anticipated to occur during the upcoming year; and~~
 - ~~(i) anticipated reclamation that will be performed during the upcoming year.~~
- (2) An Operator may request a one-time change to a date other than the anniversary date of the permit for the purpose of submitting Annual Reclamation Reports.
 - (3) The Annual Report for Special 111(1)(a) Operations shall include a statement as to the date the public road construction project has or will terminate.

~~**1.16 ADDRESS CHANGE, SALE OF PROPERTY BY AN OPERATOR, CHANGE IN PROPERTY LEASE, OR BUSINESS NAME OR OWNERSHIP CHANGE, AND NOTICE OF FILING OF A PETITION IN BANKRUPTCY**~~

- ~~(1) It shall be the duty of the Operator to keep the Office notified of any mailing address change by promptly sending written notice of such change to the Office. The Office is entitled to assume, in the absence of such Notice, that it may proceed with the last previous address provided by the Operator, and the Operator will be bound by such Notice as if actually received.~~
- ~~(2) Where an Operator is the owner of the lands to be mined and the Operator sells such lands, the Operator shall promptly notify the Office of such sale. Where an Operator leases the lands, the Operator shall promptly notify the Office of any substantial changes that affect right of legal entry upon the lands to be mined.~~
- ~~(3) Where an Operator's official business name changes or there is a change in business ownership or business form, the Operator shall contact the Office within thirty (30) days of such change in order to revise performance and financial warranty documents and complete the Succession of Operator forms.~~
- ~~(4) Where an Operator files a petition in bankruptcy, the Operator shall immediately notify the Office via certified mail of such filing.~~

1.16 MISCELLANEOUS PERMIT ADMINISTRATION CHANGES

1.16.1 Operator Address Change

- (1) It shall be the duty of the Operator to keep the Office notified of any mailing or e-mail address change by sending written notice or filing an electronic notice of such change to the Office within thirty (30) Days. The Office is entitled to assume, in the absence of such Notice, that it may proceed with the last previous address provided by the Operator, and the Operator will be bound by such Notice as if actually received.

1.16.2 Sale of Property by an Operator

- (1) Where an Operator is the owner of the affected lands and the Operator sells such lands, the Operator shall notify the Office of such sale within thirty (30) Days.

1.16.3 Change in Property Lease

- (1) Where an Operator leases the affected lands, the Operator shall notify the Office of any changes that affect their right of legal entry to the affected lands within thirty (30) Days.

1.16.4 Business Name or Ownership Change

- (1) Where an Operator's official business name changes or there is a change in business ownership or business form, the Operator shall contact the Office within thirty (30) Days of such change in order to revise performance and financial warranty documents and complete the Succession of Operator forms, if applicable.

1.16.5 Notice of Bankruptcy Filing

- (1) Where an Operator files a bankruptcy petition, the Operator shall notify the Office via certified mail of such filing within five (5) Working Days.

1.16.6 Operation Name Change

- (1) Where an Operator wishes to change the operation name of a permit, the change shall be submitted as a Technical Revision unless the change is proposed during a Succession of Operator application.

1.16.7 Death of an Operator

- (1) Upon death of an Operator, the executor of the Operator's estate or other legally appointed representative shall establish legal right to act on the Operator's behalf within sixty (60) Days or as soon as practical. A copy of the death certificate and legal documentation of assignment as executor, etc. shall be sufficient.

RULE 2: BOARD MEETINGS - PERMIT APPLICATION HEARINGS, DECISIONS AND APPEALS

2.1 BOARD MEETINGS

2.1.1 General Provisions

Except for Executive Sessions of the Board, all meetings shall be open to the public and any member of the public may, at the discretion of the Board, address the Board on any subject within the Board's jurisdiction. In the event the item is not on the agenda, no formal action may be taken by the Board until the full notice provisions in these Rules are met.

2.2 NOTICE PROCEDURES FOR MEETINGS OF THE BOARD

2.2.1 Regular Board Meetings

Except as otherwise provided by law or these Rules, Public Notice of regular meetings shall be provided by the Board as follows:

- (a) A minimum of ten (10) days prior to the meeting, Notice of its date, time, place, format, and agenda by:
 - (i) mailing or e-mailing to all persons having requested Notice of Board meetings and prepaid costs of the service, unless costs are waived for good cause, and to Operators whose Permit(s) or operation(s) may be the specific subject of consideration at the meeting;
 - (ii) publishing at least once in a newspaper of general circulation in the state, listing each Applicant's name, local address and the location of the affected land by section, township and range and by street address, if applicable;
 - (iii) posting in a conspicuous, publicly accessible location at the offices of the Office of Mined Land Reclamation, the Office Website, and in all Press Rooms of the State Legislature; and
 - (iv) mailing a copy of the agenda to the local newspaper in the locality of the proposed mining operation.
- (b) All parties entitled to notice of the hearing, including the Applicant or Operator shall be given notice of the time, place, format, and nature thereof, the legal authority and jurisdiction under which it is to be held, and the matters of fact and law asserted. Such hearing shall be conducted pursuant to these Rules and the provisions of Section 24-4-105, C.R.S.

2.2.2 Other Meetings

Public Notice of all other meetings shall be provided by the Board as prescribed in Rule(s) 2.2.1 and/or 1.12.2 except upon a Board finding that an emergency condition exists, whereupon notice shall be provided as much in advance of the meeting as possible.

2.2.3 Agenda Changes or Additions

Additions or changes to the agenda after the 10-day notification may be made regarding emergency situations, informational items, and Special Permits as outlined in Rules 1.4.4 and 1.7.3. In this event, the Board will endeavor to give notification, if possible, as outlined above, and will be required to notify any Operator or individual scheduled to be heard.

2.3 BOARD QUORUM

- (1) Four (4) Board members shall constitute a quorum.
- (2) The Board shall act by majority vote of members present, except that four (4) affirmative votes are required for any amendment of these Rules.

2.4 RESERVED

2.5 DECLARATORY ORDERS (Section 24-4-105, C.R.S.)

2.5.1 Cause for Seeking a Declaratory Order

Any person who is or may be directly and adversely affected or aggrieved and whose interests are entitled to legal protection under the Act may petition the Board for declaratory order to terminate controversies or to remove uncertainties as to the applicability to the Petitioner of any statutory provision of or any rule or order of the Board made pursuant to the Colorado Land Reclamation Act For The Extraction Of Construction Materials (Section 34-32.5-101, C.R.S. et seq.).

2.5.2 Petition Submission

- (1) The petition must be submitted electronically to the Board, and is served on the Office, at a minimum, seven-ten (7-10) days prior to the Board meeting at which it is to be considered. At a hearing the Board may grant, deny, or continue consideration of the petition. Unless requested by the Board, all hearings for considerations of petitions shall be non-evidentiary. The Petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the Petitioner and any other facts the Petitioner desires the Board to consider.
 - (a) At the regularly scheduled Board meeting, the Board will determine in its discretion and without notice to Petitioner, whether to rule upon any such petition.
 - (b) If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the Petitioner of its action and state the reasons for such action.
- (2) Any petition filed pursuant to this rule shall set forth the following:
 - (a) the name, e-mail address and physical address of the Petitioner and whether the Petitioner is a Permittee pursuant to the Colorado Mined Land Reclamation Act;
 - (b) the statute, rule or order to which the petition relates;
 - (c) a concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the Petitioner.

2.5.3 Consideration of Petition

In determining whether to rule upon grant or deny a petition filed pursuant to this Rule, the Board will consider the following matters, among others:

- (a) whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to Petitioner of any statutory provision or rule or order of the Board.
- (b) whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court involving one or more of the Petitioners.
- (c) whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court, but not involving any Petitioner.
- (d) whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
- (e) whether the Petitioner has some adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado Rules of Civil Procedure, which will terminate the controversy or remove any uncertainty as to the applicability to the Petitioner of the statute, rule or other in question.

2.5.4 Procedure for Consideration

If the Board determines that it will rule on the petition the following procedures shall apply:

- (a) Notice of hearing shall be provided to the Petitioner and all parties granted intervention pursuant to Rule 2.5.5. The Board may, without further notice, rule upon the petition based solely upon the facts presented in the petition. In such a case, any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
- (b) The Board may order the petitioner to file a written brief, memorandum or statement of position.
- (c) The Board may set the petition, upon due notice to Petitioner, for a non-evidentiary hearing.
- (d) The Board may request the petitioner to submit additional facts, in writing. In such event, such additional facts will be considered as an amendment to the petition.
- (e) The Board may take administrative notice of facts pursuant to the administrative procedure act (Section 24-4-105(8), C.R.S.) and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.
- (f) If the Board rules upon the petition without a hearing, it shall within ten (10) ~~w~~Working ~~d~~ays notify the petitioner of its decision by electronic notice and deposit in the mail.
- (g) The Board may, in its discretion, set the petition for hearing upon due notice to Petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the Petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire. For the purpose of such a hearing, to the extent necessary, the Petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the Petitioner and any other facts the Petitioner desires the Board to consider.

2.5.5 Party Status and Petition to Intervene

- (1) The Office shall be granted party status upon request.
- (2) Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board based upon the interest of the person and whether that interest is entitled to legal protection under the Act and how that person is affected or aggrieved by the petition for Declaratory Order.
- (3) A petition to intervene shall set forth a concise statement of the facts necessary to demonstrate the nature of its position, and the manner in which the statute, rule or order in question does or does not apply to the Petitioner.

2.5.6 Effect of a Declaratory Order

Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute final agency action subject to judicial review pursuant to Section 24-4-106, C.R.S.

2.6 PRE-HEARING PROCEDURES - MOTIONS, WITNESS AND EXHIBIT LISTS

The provisions of this Rule 2.6 shall apply to the Applicant and any entity that has party status.

- (1) All motions, except those made during a hearing, or when the Board deems an oral motion to be appropriate, shall be in writing and shall state the grounds for the motion. Motions shall be received electronically by the Board no later than two (2) Working Days following the Pre-hearing Conference. Any written response to a motion must be received electronically by the Board no later than three (3) Working Days prior to the date of the Formal Board Hearing.
- (2) A party to a Formal Board Hearing may use witnesses or exhibits at the Formal Board Hearing. Parties shall provide a written list of all potential witnesses and exhibits at the Pre-hearing Conference in accordance with the following:
 - (a) The list of potential witnesses must include each witness' name, current address, e-mail, and phone number, area of expertise (if expert witness), and the subject matter of the testimony. Parties are not obligated to use any witness even if listed, but parties may not, without express permission from the Board at the Formal Board Hearing, introduce testimony from a witness that was not listed in accordance with this Rule.
 - (b) Information on exhibits shall be exchanged as follows:
 - (i) For any materials not already in the Office public files, each party to the Hearing shall provide all other parties to the Hearing and the Office with copies of any materials to be used as exhibits at the Formal Board Hearing at or before by the close of business the day of the Pre-hearing Conference via electronic means, unless otherwise ordered by the Pre-hearing Conference officer. Where an item cannot practicably be reproduced, the exhibit must be made available to the parties and the Office for inspection upon request.
 - (ii) For any materials that are already in the Office public files, and for any materials not provided to the other parties pursuant to the exception set out in Rule 2.6(2)(b)(i), each party shall provide all other parties and the Office with a list of the materials to be used with sufficient specificity to describe the exhibit, including but not limited to the specific title or

description of each exhibit, such as maps, reports, adequacy responses, correspondence, agreements, data printouts, photographs, and drawings. The list must also specify where the other parties to the Formal Board Hearing and the Office may review and obtain a copy of, or inspect, each exhibit.

- (3) All motions, responses, replies, witness lists, and exhibit lists shall identify the names, e-mail, mailing address, and phone number of the submitting party, and the file number assigned to the case by the Office. If a party is represented by an attorney or other representative, the name, address and phone number of the attorney or other representative shall be provided on all documents submitted to the Board. All motions and lists shall be served on all parties and the Office at the same time and manner they are served on filed with the Board. ~~The Filing with the Board shall be served done electronically through the Office of Mined Land Reclamation its secretary. Service on the Office shall not constitute filing with the Board.~~

2.7 PRE-HEARING CONFERENCES

2.7.1 General Provisions

Prior to the Formal Board Hearing on any matter application, the Board may hold a Pre-hearing Conference in accordance with the following procedures:

- (1) The Pre-hearing Conference will be held to describe the Office's review process, to explain the rights and responsibilities of parties, to discuss and resolve issues to the extent possible, to describe the Board Hearing processes, to propose a list of issues under the Board's jurisdiction, to simplify that list, and to identify parties.
- (2) The Pre-hearing Conference shall be conducted by a Pre-hearing Conference Officer appointed by the Board.
- (3) The Pre-hearing Conference Officer shall prepare a proposed Pre-hearing Order. The proposed Pre-hearing Order shall be made available to all parties prior to the Formal Board Hearing. In no instance shall the Pre-hearing Conference Officer's recommendations to the Board be considered final agency action for the purposes of judicial review under Section 24-4-106, C.R.S.
- (4) The proposed Pre-hearing Order shall include:
 - (a) a recommended list of the parties and their names, e-mails, mailing addresses, and phone numbers;
 - (b) a recommended list of issues to be considered by the Board at the Formal Board Hearing; and
 - (c) a recommended schedule for the hearing with time allotments set for presentation by each party and the Office.
- (5) In the case of a Pre-hearing Conference held on the matter of a 112 Reclamation Permit application, the Pre-hearing Conference shall be held after the Office has issued its written recommendation and at least ten (10) eCalendar dDays prior to the Formal Board Hearing.

2.7.2 Board Consideration of the Proposed Pre-hearing Order

At the Formal Board Hearing on a matter for which a Pre-hearing Conference was held, the Pre-hearing Conference Officer or a representative of the Pre-hearing Conference Officer shall present the proposed Pre-hearing Order to the Board for its consideration. The Board shall consider any objection to the proposed Pre-hearing Order submitted by a party, as well as any changed circumstances related to the Formal Board Hearing arising subsequent to the Pre-hearing Conference, and shall subsequently adopt, amend and adopt, or reject the proposed Pre-hearing Order. If the proposed Pre-hearing Order is rejected by the Board, the Chair of the Board shall direct the Formal Board Hearing on the matter.

2.7.3 Parties Rights and Responsibilities

- (1) All parties have the right to present evidence, call witnesses, and cross-examine all other parties' witnesses. All parties are entitled to be represented by an attorney, or may designate a proxy, by way of a written proxy authorization, to attend the Pre-hearing Conference on behalf of the party. The proxy authorization must be on a form approved by the Board and presented to the Pre-hearing Conference Officer on or before the date of the Pre-hearing Conference.
- (2) In order for a person to seek judicial review of the Board's decision, that person must have been a party to the Formal Board Hearing that considered the issue. However, all parties to the Formal Board Hearing on a matter that do not file for judicial review are required by Section 24-4-106, C.R.S., to be named as defendants in any judicial review action.
- (3) Any person who is a party to a matter before the Board and who wishes to withdraw as a party must do so in writing prior to the commencement of or on the record during the Formal Board Hearing on the matter.
- (4) Any party who does not attend the Pre-hearing Conference forfeits its party status and all associated rights and privileges, unless such party provides a fully executed proxy authorization form to the Pre-hearing Conference Officer and the party's authorized representative is present. A party may attend the Pre-hearing Conference via telephone, or if applicable via video conference, if such a request is made to the Pre-hearing Conference Officer, or a representative, at least five (5) ~~w~~Working ~~d~~Days, or less for good cause shown, prior to the scheduled Pre-hearing Conference date, and facilities at the site of the Pre-hearing Conference allow for a conference call.
- (5) If all parties to a 112 Reclamation Permit application that is to be considered at a Formal Board Hearing withdraw, the Board directs the Office to act on behalf of the Board and to timely approve or deny the application, unless the Office determines that a Formal Board Hearing should be held.

2.8 HEARINGS

2.8.1 General Provisions - Board Hearings

- (1) Except as otherwise provided by statute, the proponent of an order shall have the burden of proof, and every party to the proceeding shall have the right to present its case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Subject to these rights and requirements, where a hearing will be expedited and the interests of the parties will not be substantially prejudiced thereby, a person conducting a hearing may receive all or part of the evidence in written form.

- (2) Any party, other than an Operator/Applicant, who does not attend the Board Hearing forfeits its party status and all associated rights and privileges. A party may not appear at a Formal Board Hearing by proxy.
- (3) A party may file a motion to attend the hearing via telephone or video conference pursuant to the following requirements:
- (a) A party may file an e-mail request for telephonic or video appearance with the Board Chair no later than fourteen (14) eCalendar dDays prior to the Hearing. The motion shall state the reason(s) for requesting to participate at the hearing by phone or video. The motion shall be served by mail or electronic attachment on all parties.
 - (b) Any party may file with the Board Chair a response to the request for telephonic or video appearance. The response must be filed by e-mail no later than ten (10) eCalendar dDays prior to the hearing.
 - (c) The Board Chair will rule on the request for telephonic or video appearance at least seven (7) eCalendar dDays prior to the hearing. In the event the Board Chair does not issue a ruling on the request no later than seven (7) eCalendar dDays prior to the hearing, the request for telephonic or video appearance shall be deemed denied.
- (24) The rules of evidence and requirements of proof shall conform to the extent practicable, with those in civil non-injury cases in district courts. However, when necessary to do so in order to ascertain facts affecting the substantial rights of the parties to the proceeding, the Board may receive and consider evidence not admissible under such rules, if such evidence possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.
- (a) Objections to evidentiary offers may be made and shall be noted in the record.
 - (b) The Board shall give effect to the rules of privilege recognized by law.
 - (c) The Board may exclude incompetent and unduly repetitious evidence.
 - (d) Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available; but, upon request, the party shall be given the opportunity to compare the copy with the original.
- (35) The Board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to it.
- (46) The Board may take notice of general, technical, or scientific fact, but only if the fact so noticed is specified in the record or is brought to the attention of the parties before final decision and every party is afforded an opportunity to controvert the fact so noticed.
- (57) The Board and Office shall proceed with reasonable dispatch to conclude any matter presented to it with due regard for the convenience of the parties or their representatives.

2.8.2 Board Decision

- (1) In any case on which the Board has conducted a hearing, the Board shall prepare, file and serve upon each party, its decision in the form of a written order.

- (2) Every such decision rendered by the Board at a hearing shall thereupon become the final decision of the Board and Office on such matter.
- (3) Each written order shall include a statement of findings and conclusions upon all the material issue of fact, law or discretion presented by the record and the appropriate order, sanction, relief, or denial thereof.
- (5) Unless otherwise provided by law, the Final Board Order shall be served on each party and the Office by personal service or by mailing by First Class Certified mail to the last address furnished to the Office by such party and shall be effective on the date mailed or such later date as may be stated in the Final Board Order.

2.9 RECONSIDERATION OF BOARD DECISIONS

2.9.1 Cause for Seeking Reconsideration

- (1) Any party to a hearing may petition the Board to reconsider its decision.
- (2) Such petitions must set forth a clear and thorough explanation of the grounds justifying reconsideration, including but not limited to and must include new and relevant facts that were not known at the time of the hearing and the explanation why such facts were not known at the time of the hearing.

2.9.2 Petition Submission

Petitions for reconsideration must be received by the Office within twenty (20) eCalendar eDays of the effective date of the Board's written decision. The effective date of the Board's ~~decision is the date the Board Order is signed, or such other date as may be stated in the Final Board Order~~ Order is the date of mailing as set forth in the Order's Certification of Service.

2.9.3 Consideration of Petition

The Board may grant or deny the petition based solely on the written submittal in support of the petition or written opposition thereto, or the Board may, in its discretion, grant the parties, as defined in Rules 1.1(38) and 1.7.1, an opportunity to present oral arguments. The Office staff shall act as staff to the Board, except on matters related to enforcement.

2.9.4 Automatic Denial of Petition

The petition shall be deemed denied unless it is granted, or the Board takes other action on the petition, within sixty (60) eDays of receipt of the petition.

2.9.5 Time Limitations

The timely filing of a petition for reconsideration shall not toll the time in which the Parties to the hearing may seek judicial review of the Board's decision.

RULE 3: RECLAMATION PERFORMANCE STANDARDS, INSPECTION, MONITORING, AND ENFORCEMENT

3.1 RECLAMATION PERFORMANCE STANDARDS

These performance standards shall be applicable to all mining operations. Exploration operations are subject to the relevant performance standards of this Rule as determined by the Office.

3.1.1 Establishing Post-Mining Use

- (1) In consultation with the Landowner, where possible, and subject to the approval of the Board or Office, the Operator shall choose how the affected lands shall be reclaimed. These decisions can be for forest, rangeland, pastureland, cropland, general agriculture, residential, recreational, industrial/commercial, developed water resource, wildlife habitat, or other uses.
- (2) The results of these decisions shall be formulated into a Reclamation Plan, as specified in Rule 6.3.4 or 6.4.5, as required for the size and type of operation.

3.1.2 Reclaiming Substituted Land

Reclamation shall be required on all the affected land except that the Operator may substitute land previously mined and owned by the Operator but not otherwise subject to the Mined Land Reclamation Act, or the Operator may reclaim an equal number of acres of any land previously mined, but not owned by the Operator, if the Operator has not previously abandoned unreclaimed mining lands. Such exchanges can be done only with the approval of the Board and the Owner of the land to be reclaimed.

3.1.3 Time Limit and Phased Reclamation

All reclamation shall be carried to completion by the Operator with all reasonable diligence, and each phase of reclamation shall be completed within five (5) years from the date the Operator informs the Board or Office that such phase has commenced, or from the date the Office has evidence that mining or exploration has ceased or the end of life of mine has been declared, unless extended by the Board or Office. The 5-year period may be applied separately to each phase as it is commenced throughout the life of the mine.

3.1.4 Public Use

On lands owned by the Operator, the Operator may permit the public to use the same for recreational purposes, in accordance with the Limited Landowner Liability Law contained in Article 41 of Title 33, C.R.S. 1984, as amended, except in areas where such use is found by the Operator to be hazardous or objectionable.

3.1.5 Reclamation Measures - Materials Handling

The Operator shall set forth the measures that will be taken to meet all the following requirements:

- (1) Grading shall be carried on so as to create a final topography appropriate to the final land use selected in the Reclamation Plan.

- (2) When backfilling is a part of the plan, the Operator shall replace overburden and waste materials in the mined area and shall ensure adequate compaction for stability and to prevent leaching of toxic or acid-forming materials.
- (3) All grading shall be done in a manner to control erosion and siltation of the affected lands, to protect areas outside the affected land from slides and other damage. If not eliminated, all highwalls shall be stabilized, safeguarded, and where feasible, blended into the natural topography as approved by the Office.
- (4) All backfilling and grading shall be completed as soon as feasible after the mining process. The Operator shall establish reasonable timetables consistent with good mining and reclamation procedures.
- (5) All refuse and ~~acid-forming or toxic-producing~~ toxic or acid-forming materials that have been mined shall be handled and disposed of in a manner that will control unsightliness and protect the drainage system from pollution.
- (6) Any drill or auger holes that are part of the mining operation shall be plugged with non-combustible material, which shall prevent harmful or polluting drainage. Adits and shafts should be closed, and where practicable, backfilled and graded in a manner consistent with the post mine land use and shall comply with the provisions of the Act, Construction Material Rules and Regulations.
- (7) Maximum slopes and slope combinations shall be compatible with the configuration of surrounding conditions and selected land use. In all cases where a lake or pond is produced as a portion of the Reclamation Plan, all slopes, unless otherwise approved by the Board or Office, shall be no steeper than a ratio of 2:1 (horizontal to vertical ratio), except from 5 feet above to 10 feet below the expected water line where slopes shall be not steeper than 3:1. If a swimming area is proposed as a portion of the Reclamation Plan, the slope, unless otherwise approved by the Board or Office, shall be no steeper than 5:1 throughout the area proposed for swimming, and a slope no steeper than 2:1 elsewhere in the pond.
- (8) If the Operator's choice of reclamation is for agricultural or horticultural crops which normally require the use of farm equipment, the Operator shall grade so that the area can be traversed with farm machinery.
- (9) An Operator may backfill ~~structural inert~~ fill material generated within the MLRB permitted area into an excavated pit within the permit area as provided for in the MLRB Permit. If an Operator intends to backfill inert ~~structural~~ fill generated outside of the approved permit area, it is the Operator's responsibility to provide the Office notice, submitted as a technical revision, of any proposed backfill activity not identified in the approved Reclamation Plan. If the Office does not respond to the Operator's notice within thirty (30) ~~d~~Days after receipt of such Notice-revision submitted to by the Office, the Operator may proceed in accordance with the provisions of this Rule. The Operator shall maintain a Financial Warranty at all times adequate to cover the cost to stabilize and cover any exposed backfilled material. The Notice to the Office shall include but is not limited to:
 - (a) a narrative that describes the approximate location of the proposed activity;
 - (b) the approximate volume of inert material to be backfilled;

- (c) a signed affidavit certifying that the material is clean and inert, as defined in Rule 1.1(~~2223~~);
 - (d) the approximate dates the proposed activity will commence and end, however, such dates shall not be an enforceable condition;
 - (e) an explanation of how the backfilled site will result in a post-mining configuration that is compatible with the approved post-mining land use; ~~and~~
 - (f) a general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids; ~~and~~
 - (g) a commitment to provide an annual report to summarize the type, amount, and location of all imported and backfilled material within the reporting period and an updated certification that all material was clean, inert, and placed in accordance with the approved plan.-
- (10) All mined material to be disposed of within the affected area must be handled in such a manner so as to prevent any unauthorized release of pollutants to the surface drainage system.
- (11) No unauthorized release of pollutants to groundwater shall occur from any materials mined, handled or disposed of within the permit area.

3.1.6 Water - General Requirements

- (1) Hydrology and Water Quality: Disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quantity or quality of water in surface and groundwater systems both during and after the mining operation and during reclamation shall be minimized by measures, including, but not limited to:
- (a) compliance with applicable Colorado water laws and regulations governing injury to existing water rights;
 - (b) compliance with applicable federal and Colorado water quality laws and regulations, including statewide water quality standards and site-specific classifications and standards adopted by the Water Quality Control Commission;
 - (c) compliance with applicable federal and Colorado dredge and fill requirements; and
 - (d) removing temporary or large siltation structures from drainage ways after disturbed areas are revegetated and stabilized, if required by the Reclamation Plan.
- (2) Earth dams, if necessary to impound water, may be constructed if the formation of such impoundments will not damage adjoining property or conflict with water pollution laws, rules or regulations of the federal government, the state of Colorado or with any local government pollution ordinances.
- (3) All surface areas of the affected land, including spoil piles, shall be stabilized and protected so as to effectively control erosion.

- (4) The Office may require the submission of baseline site characterization data, sufficient to ensure that impacts will be detected, prior to the initiation of mining, including but not limited to, ambient groundwater and surface water quality data sufficient to characterize potentially impacted waters.
- (5) Drilling pits used during exploration or mining shall be constructed and operated to minimize impacts to public health, safety, welfare and the environment, including soil, waters of the State, including groundwater, and wildlife. In its discretion, the Office may require the use of pit liners, fencing, netting or other measures to minimize impacts to the public health, safety, welfare and the environment.

3.1.7 Groundwater - Specific Requirements

- (1) Standards and conditions applicable to classified and unclassified groundwater.
 - (a) State-wide groundwater quality standards: Operations that may affect groundwater quality shall comply with all state-wide groundwater quality standards established by the Water Quality Control Commission (hereafter, the WQCC).
 - (b) Classified areas: Operations that may affect the quality of groundwater in a specified area that has been classified by the WQCC shall comply with the standards applicable to such specified area.
 - (c) Unclassified areas: Operations that may affect the quality of groundwater which has not been classified by the WQCC shall protect the existing and reasonably potential future uses of such groundwater.
 - (d) Water quality standards applicable to groundwater that has been classified, state-wide standards for certain pollutants, and interim narrative standards set by the WQCC shall supersede any numeric protection levels established for the subject pollutants pursuant to this Rule 3.1.7.
- (2) Establishing permit conditions, including numeric protection levels, protective of unclassified groundwater uses.
 - (a) Pursuant to the procedures specified in Rule 3.1.7(3), permit conditions shall be established for each operation that may have a reasonable potential to adversely affect the quality of a specified area that has not been classified by the WQCC. Such permit conditions may be in the form of numeric protection levels, practice-based permit conditions, or both.
 - (b) Points of compliance for numeric protection levels shall be set pursuant to Rule 3.1.7(5).
 - (c) Permit conditions, whether practice-based or numeric protection levels, shall be established as follows:
 - (i) The permit conditions shall be protective of the existing and reasonably potential future uses of the groundwater that may be affected. The WQCC's groundwater quality table values (The Basic Standards For

Ground Water 5 CCR 1002-41), shall be used as a guide in establishing the permit conditions.

- (ii) Where ambient groundwater quality exceeds values for protection of existing and reasonably potential future uses of groundwater, such as groundwater table values or other numeric criteria, permit conditions shall be established to protect those uses against further lowering of groundwater quality.
- (3) Procedures for establishing permit conditions to protect the quality of unclassified groundwater.
- (a) New operations and modifications of existing permits: Any application for a new operation, or an application for a modification of an existing permit which modification has a reasonable potential to adversely affect the quality of unclassified groundwater, that is approved by the Office or the Board on or after September 1, 1993, shall include permit conditions pursuant to Rule 3.1.7(2).
 - (b) Existing operations: For operations subject to a permit issued before September 1, 1993, which permit is not the subject of an application or a modification as described in Rule 3.1.7(3)(a), permit conditions shall be established as follows:
 - (i) Upon a determination that a violation of a permit provision affecting groundwater quality has occurred, the Board may order the Operator to submit an application to modify the permit to comply with Rule 3.1.7(2), and may set a reasonable schedule for submittal of such application. Nothing in this Rule shall be construed to limit the Board's authority under Section 34-32.5-124, C.R.S. 1984, as amended.
 - (ii) The Office shall follow the pre-enforcement procedure set out below before requiring an Operator who is in compliance with all permit provisions and regulation requirements related to groundwater quality to modify the permit. The Office may bring an enforcement action under Section 34-32.5-116(4), C.R.S. 1984, as amended, or earlier version thereof. Such enforcement action may result in a finding of a violation of that statutory provision upon finding that there is or may be a reasonable potential for degradation of groundwater quality that adversely affects existing or reasonable potential future uses of such groundwater. The Office shall follow the pre-enforcement procedure outlined below before bringing such an enforcement action:
 - (A) When the Office has reason to believe, based on evidence, that there is or may be a reasonable potential for degradation of groundwater quality that adversely affects uses, the Office shall notify the Operator of the evidence and of the possible need to modify the permit to include permit conditions that comply with Rule 3.1.7(2). The notification may require the Operator to submit necessary information, and shall allow a minimum of ninety (90) ~~days~~ days for the Operator to respond. Following a response from an Operator provided with notice under this Rule 3.1, the Office shall allow a reasonable period to negotiate appropriate permit conditions with the Operator pursuant to Rule 3.1.7(2).

- (B) The Office may bring an enforcement action if the Operator fails to respond within the time specified, or the Office and the Operator do not negotiate appropriate permit conditions within a reasonable period of time, pursuant to Rule 3.1.7(3)(b)(ii)(A). Upon finding a violation of the Act, or Rules promulgated thereunder, the Board may modify the permit to include groundwater protection provisions in compliance with Rule 3.1.7(2).
 - (C) The pre-enforcement procedures described in this Rule 3.1.7(3)(b)(ii) shall not apply if there is an imminent danger to the health, safety, and general welfare of the people of this state. In such a case, the Office may immediately initiate an enforcement action and may seek a cease and desist order. This provision shall not be construed to prevent the Water Quality Control Division from pursuing its remedies under Section 25-8-307, C.R.S. (1989).
- (4) Procedures for establishing compliance with standards promulgated by the WQCC.
- (a) Existing permits affecting groundwater, subject to existing groundwater quality standards: The Office shall provide notice to operations subject to a permit issued prior to January 31, 1994 if such operation has a reasonable potential to exceed groundwater quality standards promulgated by the WQCC. Such existing groundwater quality standards may include standards applicable to groundwater that has been classified by the WQCC, interim narrative standards and state-wide standards for certain pollutants. The notice shall provide the Operator with a reasonable opportunity to respond and modify the permit if necessary, to establish permit conditions adequate to implement such groundwater standards.
 - (b) WQCC standards promulgated after a permit is issued: If there is a reasonable potential to exceed groundwater quality standards promulgated after the permit is issued the Office shall provide the Operator with notice of the applicable groundwater quality standards. The Operator shall be afforded a reasonable opportunity to submit an application to modify the permit as necessary to implement such groundwater quality standards.
 - (c) Permit conditions established pursuant to Rules 3.1.7(4)(a) and (b) shall include a reasonable schedule of compliance. Such permit conditions may be in the form of numeric protection levels, practice-based permit conditions, or both.
 - (d) If an Operator has a reasonable potential to exceed groundwater quality standards promulgated by the WQCC, the Operator shall modify the permit as necessary to implement such standards in compliance with Rule 3.1.7, within a reasonable period of time after receiving a Notice issued pursuant to Rules 3.1.7(4)(a) and (b). If the Operator fails to do so the Office may initiate an enforcement action to enforce compliance with this Rule and establish any necessary permit conditions.
 - (e) Permits, or applications to modify a permit, shall not be approved unless such permit or modification includes conditions adequate to implement all groundwater

quality standards promulgated by the WQCC applicable to such permit or modification.

- (5) Any Operator, on a voluntary basis, may submit information concerning the protection of the quality of groundwater affected by the operation to the Office. The Operator may submit such information and a plan for monitoring, where appropriate, including monitoring at points of compliance, for the Office's consideration. The information submitted must satisfy the requirements of Rules 3.1.7(6) and (7). Such voluntary submission by an Operator shall be considered a Technical Revision provided the submittal satisfies Rule 1.8.
- (6) Points of Compliance:
 - (a) In order to evaluate protection afforded groundwater quality, comply with groundwater standards, or to demonstrate compliance with permit conditions established by the Office to protect groundwater quality, one or more points of compliance shall be established. Through incorporation into a permit and on a schedule approved by the Office, an Operator shall comply with groundwater quality standards established by the Water Quality Control Commission at points of compliance.
 - (i) Where the Water Quality Control Commission has not established standards, then any permit condition established by the Board or Office to protect groundwater quality shall be demonstrated to be met at points of compliance or as specified in the approved permit.
 - (b) Where groundwater quality standards have been established, the point of compliance shall be established according to the following criteria:
 - (i) for existing facilities at which an adverse impact to groundwater quality could occur, the point of compliance will be set as follows:
 - (A) at some distance hydrologically down-gradient from the facility or activity that is causing, or which has the potential to cause, the contamination, and selecting that distance closest to the facility or activity, considering the technological feasibility of meeting the requirements for protecting water quality:
 - (I) a specified distance, as determined by Rule 3.1.7(6)(b)(i)(B) below;
 - (II) the hydrologically down-gradient limit of the area in which contamination has been identified; or
 - (III) the facility permit boundary.
 - (B) In determining a specified distance the Office shall take into consideration the following factors;
 - (I) the classified use, established by the Water Quality Control Commission, for any groundwater or surface water which could be impacted by contamination from the facility;

- (II) the geologic and hydrologic characteristics of the site, such as depth to groundwater, groundwater flow direction and velocity, soil types, surface water impacts, and climate;
 - (III) the toxicity, mobility, and persistence in the environment of the contaminants used or stored at the facility and which could reasonably be expected to be discharged from the facility;
 - (IV) the potential of the site as an aquifer recharge area; and
 - (V) recommendations submitted by the facility owner or Operator, including technical and economic feasibility.
- (ii) For any new facility or new activity which may cause an adverse impact on groundwater quality, the point of compliance will be set as follows:
- (A) unless modified by the Office as specified in Rule 3.1.7(6)(b)(ii)(B) below, the point of compliance will be set at the hydrologically down-gradient limit of the area below the facility or activity potentially impacting groundwater quality.
 - (B) The point of compliance determined in Rule 3.1.7(6)(b)(ii)(A) above may be modified by the Office on a case-by-case basis with consideration of the following factors:
 - (I) the classified use, established by the Water Quality Control Commission, for any groundwater or surface water which could be impacted by contamination from the facility;
 - (II) the geologic and hydrologic characteristics of the site, such as depth to groundwater, groundwater flow direction and velocity, soil types, surface water impacts, and climate;
 - (III) the toxicity, mobility, and persistence in the environment of contaminants used or stored at the facility which could reasonably be expected to be discharged from the facility;
 - (IV) the potential of the site as an aquifer recharge area; and
 - (V) recommendations submitted by the facility owner or Operators including technical and economic feasibility.
- (7) Groundwater Monitoring:
- (a) For existing operations through permit modifications, and for new permit applications, a groundwater monitoring program shall be required on a case-by-

case basis where an adverse impact on groundwater quality may reasonably be expected.

- (b) If groundwater monitoring is required, the Operator shall include the following information as part of a permit application or permit modification to an existing permit:
 - (i) a map that accurately locates all proposed groundwater sample points and any locations that are proposed as a point of compliance;
 - (ii) the method of monitoring well completion where monitoring wells are required;
 - (iii) method of sampling, frequency of sampling and reporting to the Office;
 - (iv) parameters analyzed, water quality analysis methods, and quality control and quality assurance methods;
 - (v) formations, aquifers or strata to be sampled;
 - (vi) identify the potential sources of groundwater contamination that will be monitored by each point of compliance monitoring point;
 - (vii) a time-schedule for implementation; and
 - (viii) ambient groundwater quality data sufficient to characterize potentially impacted groundwater quality.
- (8) Release of Reclamation Liability: An Operator shall demonstrate, to the satisfaction of the Office, that reclamation has been achieved so that existing and reasonably potential future uses of groundwater are protected.
- (9) An Operator must provide the Office a written report within five (5) ~~ww~~Working ~~d~~Ways when there is evidence of groundwater discharges exceeding applicable groundwater standards or permit conditions imposed to protect groundwater quality ~~when-whether~~ these or other conditions are explicitly identified in the permit as requiring such notice.

For additional performance standards related to water, see Rules 3.1.5 and 3.1.6.

3.1.8 Wildlife

- (1) All aspects of the mining and reclamation plan shall take into account the safety and protection of wildlife on the mine site, at processing sites, and along all access roads to the mine site with special attention given to critical periods in the life cycle of those species which require special consideration (e.g., elk calving, migration routes, peregrine falcon nesting, grouse strutting grounds).
- (2) Habitat management and creation, if part of the Reclamation Plan, shall be directed toward encouraging the diversity of both game and non-game species, and shall provide protection, rehabilitation or improvement of wildlife habitat. Operators are encouraged to contact Colorado Parks and Wildlife and/or federal agencies with wildlife responsibilities to

see if any unique opportunities are available to enhance habitat and/or benefit wildlife which could be accomplished within the framework of the Reclamation Plan and costs.

3.1.9 Topsoiling

- (1) ~~Where it is necessary to remove overburden in order to mine the construction material,~~ Topsoil shall be removed and segregated from overburden and other spoil. If such topsoil is not replaced on a backfill area within ~~a time short enough to avoid deterioration of the topsoil~~the same growing season, not to exceed 180 days, vegetative cover or other means shall be employed so that the topsoil is protected from wind and water erosion, remains free of any contamination by toxic or acid-forming material, and is in a usable condition for reclamation.
- (2) Where practicable, woody vegetation present at the site shall be removed from or appropriately incorporated into the existing topsoil prior to excavation within the affected areas. The Operator should make a reasonable effort to ensure that existing vegetation is put to a beneficial use such as firewood, mulching, lumber, etc.
- (3) Topsoil stockpiles shall be stored in places and configurations to minimize erosion and located in areas where disturbance by ongoing mining operations will be minimized. Such stockpile areas must be included in the affected areas and subject to all reclamation requirements. The Board may require immediate planting of an annual and/or perennial on topsoil stockpiles for the purpose of stabilization.
- (4) Once stockpiled, the topsoil shall be rehandled as little as possible until replacement on the regraded, disturbed area. Relocations of topsoil stockpiles on the affected land require Board or Office approval. Approval in most cases would be granted by way of technical revision.
- (5) The Operator shall take measures necessary to assure the stability of replaced topsoil on graded slopes such as roughing in final grading to eliminate slippage zones that may develop between the deposited topsoil and heavy textured spoil surfaces.
- (6) If, in the discretion of the Board or Office, such existent topsoil is of insufficient quantity or of poor quality for sustaining vegetation, and if other materials can be shown to be more suitable for vegetation requirements, then the Operator shall remove, segregate, and preserve in a like manner such other materials which are best able to support vegetation.
- (7) When growing media is replaced, it shall be done in as even a manner as possible. Fertilizer or other soil amendments shall be added, if required in the Reclamation Plan or as the soil tests indicate.
- (8) Vegetative piles shall be removed from the area or utilized in accordance with the Reclamation Plan.

3.1.10 Revegetation

- (1) In those areas where revegetation is part of the Reclamation Plan, land shall be revegetated in such a way as to establish a diverse, effective, and long-lasting vegetative cover that is capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer, and is at least equal in extent of cover to the natural vegetation

of the surrounding area. Except for certain post mining land uses approved by the Board or Office, the use of species native to the region shall be emphasized. Native plant species that encourage pollinators should receive first consideration, but introduced species may be used in the revegetation process when found desirable and approved by the Board or Office. Greater emphasis on non-native species may be proposed for intensively managed forestry and range uses.

- (2) If the Operator's choice of reclamation is forest planting, they may, with the approval of the department, select the type of trees to be planted. If the Operator is unable to acquire sufficient planting stock of desired tree species from the state or elsewhere at a reasonable cost, they may defer planting until planting stock is available to plant such land as originally planned, or they may select an alternate method of reclamation.
- (3) If the Operator's choice of reclamation is for rangeland, the land shall be restored to slopes commensurate with the proposed land use and shall not be too steep to be traversed by livestock. The area may be seeded either by hand, or power, or by the aerial method.
- (4) The revegetation plan shall provide for the greatest probability of success in plant establishment and vegetation development by considering environmental factors such as seasonal patterns of precipitation, temperature and wind; soil texture and fertility; slope stability; and direction of slope faces. Similar attention shall be given to biological factors such as proper inoculation of legume seed, appropriate seeding and transplanting practices, care of forest planting stock, and restriction of grazing during initial establishment. The Board or Office, in consultation with the Landowner and the local Conservation District, if any, shall determine when grazing may start.
- (5) To ~~insure~~ensure the establishment of a diverse and long-lasting vegetative cover, the Operator shall employ appropriate techniques of site preparation and protection such as mechanical soil conditioning by discing and ripping; mulching; soil amendments and fertilizers; and irrigation.
- (6) Methods of weed control shall be employed for all prohibited noxious weed species, and whenever invasion of a reclaimed area by other weed species seriously threatens the continued development of the desired vegetation. Weed control methods shall also be used whenever the inhabitation of the reclaimed area by weeds threaten further spread of serious weed pests to nearby areas.
- (7) When necessary, fire lanes or access roads shall be constructed through the area to be planted. These lanes or roads shall provide access for planting crews, supervision and inspection.
- (8) Planting required for reclamation may be delayed, through the period of use related to places of refuse disposal, haulage roads and road cuts. Normal stabilization of surfaces is required. No planting is required:
 - (a) on any affected land being used or proposed to be used by the Operator for the deposit or disposal of refuse until after the cessation of operations productive of such refuse;
 - (b) on lands proposed for future mining;

- (c) within depressed haulage roads or final cuts while such roads or final cuts are being used or made;
 - (d) where permanent pools or lakes have been formed; and
 - (e) on any affected land so long as the chemical and physical characteristics of the surface and immediately underlying material of such affected land are toxic, deficient in plant nutrients, or composed of sand, gravel, shale, or stone to such an extent as to seriously inhibit plant growth and such condition cannot feasibly be remedied by chemical treatment, fertilization, replacement of overburden, or like measures.
- (9) Where adverse characteristics of the surface, not feasibly remedied by artificial measures, would seriously inhibit plant growth, planting may be delayed or provided on substitute acres, depending upon natural corrective processes over a ten (10) year period.

3.1.11 Buildings and Structures

If the affected land is owned by a legal entity other than any local, state, or federal entity, any buildings or structures including those constructed or placed on the affected lands in conjunction with the mining operations or which are historic structures as determined by the State Historic Preservation Office may, at the option of the Operator and Landowner and with the approval of the Board, remain on the affected land after reclamation if such buildings or structures will not conflict with the post-mining land use and the structures conform to local building and zoning codes.

3.1.12 Signs and Markers

- (1) At the entrance of the mine site the Operator shall post a sign, which shall be clearly visible from the access road, with a minimum size equaling one hundred and eighty-seven (187) square inches, such as eleven (11) inches in height and seventeen (17) inches in width, with appropriate font size, with the following:
- (a) the name of the Operator and the operation name;
 - (b) a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board and, as determined by the Office, the location where information can be obtained; and
 - (c) the permit number.
- (2) The boundaries of the affected area will be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries.
- (a) for Limited Impact 110 Operations and Special 111 Operations the permit boundary for the purposes of this Rule shall be considered the affected area;
 - (b) for Regular 112 Reclamation Operations the area proposed to be disturbed by mining operations for which a Financial Warranty and Performance Warranty have been posted shall be the affected area.

- (3) The Office may approve an alternative plan for identifying the boundaries of the affected land if the Operator includes such a plan in the permit application or through a technical revision.

3.1.13 Spill Reporting

The Operator shall notify the Office of a spill of any toxic or hazardous substance, including spills of petroleum products, that occurs within the mined land permit area or area encompassed by a Notice of Intent and which would be required to be reported to any Division of the Colorado Department of Public Health and the Environment, the National Response Center, the Colorado Emergency Planning Commission, any local Emergency Planning Commission, local Emergency Planning Committee, or the State Oil Inspector. The Operator shall:

- (1) within twenty-four (24) hours of the time the spill is reported to any other agency(ies) with jurisdiction over the spill, notify the Division of Reclamation, Mining and Safety, via phone or email;
- (2) include in the notice any relevant information known at the time contact is made with the Office that would assist the Office in assessing spill seriousness, such as:
 - (a) operation name, DRMS permit number and name of person reporting the spill,
 - (b) telephone number of a responsible company official for the Office staff to use as a contact,
 - (c) date and time of spill,
 - (d) type of material spilled (CAS number if applicable, from the material safety data sheet (MSDS) form),
 - (e) estimate of the amount spilled, whether any material has left the permit area, and where the spilled material went, and
 - (f) initial measures taken to contain and clean up the spill.
- (3) copy the Office on any correspondence and/or written reports provided to other agencies. Supplement those reports if necessary to include the information outlined in Rule 3.1.13(2).
- (4) For permits approved prior to the effective date of these Rules, the requirements of Rule 3.13 shall supersede stipulations to permits regarding spill reporting.

3.2 INSPECTION AND MONITORING

- (1) Entry upon lands for inspection: the Board or Office may enter upon the lands of the Operator at all reasonable times for the purpose of inspection to determine whether the provisions of the Act and these Rules have been complied with.
- (2) Persons authorized under the Act and these Rules to conduct inspections shall, prior to entry onto any lands, notify the Operator of their intent to enter and inspectors shall comply with all federal, state, local and company safety rules.

- (3) Any state official or employee of the Office shall promptly report to the Board any possible violation of a permit, law or these Rules of which they have knowledge, whether obtained from personal inspection or from written reports on mining operations.
- (4) Upon an Office determination of a possible violation, the Office shall issue a Notice of Possible Violation(s), and shall mail such notice by certified mail, return receipt to the last known address of the Permittee. The Office shall schedule the matter of possible violation(s) for a Board Hearing according to the provisions of Rules 3.3.1 or 3.3.2.
- (5) All inspections shall include a written report which:
 - (a) describes every possible violation of the permit, law, or these Rules;
 - (b) is personally signed by the Inspector; and
 - (c) is mailed within a reasonable time to the mine office, or other suitable location designated by the Operator.
- (6) A report of how and when a violation is resolved and a report of any subsequent inspection to verify compliance shall be filed.
- (7) All operations applying for a regular permit, conversion, or amendment thereto shall be inspected after the application is filed and prior to Board consideration. Other Applicants shall be so inspected as time and staff resources permit.
- (8) Mining operations shall be inspected a sufficient number of times each year to ensure compliance with the permit, law, and these Rules. The frequency of inspection shall be determined by the extent of the operation, rate of mining, degree of actual or potential environmental impact, ~~and~~ the Operator's past record of compliance, and by Board Policy.
- (9) The Board or Office is authorized to inspect any ongoing Exploration Operation or any Exploration Operation prior to the request for release of Performance and Financial Warranties, in order to determine compliance with these Rules.

3.3 ENFORCEMENT AND PROCEDURES

3.3.1 Operating Without a Permit or Conducting Exploration Without a Notice of Intent – Penalty

- (1) Whenever an Operator or Person conducting extraction or exploration fails to obtain a valid Permit or file a Notice of Intent under the provisions of the Act, the Board or the Office may issue an immediate Cease and Desist Order. Concurrently with the issuance of such an Order, the Board or the Office may seek a restraining order or injunction pursuant to Rule 3.3.3. The Operator or Person conducting extraction or exploration shall be afforded an opportunity for a hearing before the Board. The Office shall schedule the matter for a hearing before the Board no sooner than thirty (30) ~~d~~Days after issuance of such Cease and Desist Order; except that an earlier date for a hearing may be requested by the alleged violator and the hearing must be set no later than the next succeeding Board meeting if requested by the alleged violator.

- (2) Operators who mine substantial acreage beyond their approved permit boundary may be found to be operating without a permit. Any Operator who operates without a permit shall be subject to a civil penalty of not less than one thousand dollars (\$1,000) per day nor more than five thousand dollars (\$5,000) per day for each day the land has been affected. Such penalties shall be assessed for a period not to exceed three hundred and sixty-five (365) days.
- (3) Any Person conducting exploration without filing a Notice of Intent as required under the Act shall be subject to a civil penalty of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) per day for each day the land has been affected. Such penalties shall be assessed for not less than one (1) day and not more than sixty (60) days.
- (4) In addition to the civil penalties imposed in Rules 3.3.1(2) and (3), the Board shall also assess a civil penalty in an amount not less than the amount necessary to cover the Office's costs expended in investigating the alleged violation.

3.3.2 Operating With a Permit or Conducting Exploration With a Notice of Intent - Failure to Comply

- (1) Whenever the Board or Office has a reason to believe that there has occurred a violation of an Order, Permit, Notice of Intent, or regulation issued under the authority of the Act or these Rules, written Notice shall be given to the Operator of the possible violation at least thirty (30) ~~4~~Days prior to the scheduled Board hearing date, unless such Notice is waived, in writing, by the Operator. Such Notice shall be served personally or by Certified Mail, Return Receipt Requested, upon the possible violator or the possible violator's agent, for service of process. The Notice shall state the provision alleged to be violated and the facts alleged to constitute the violation, and may include the nature of any corrective action proposed to be required. The Notice shall state the date, time and place of the Formal Hearing where the Board will consider the possible violation.
- (2) Following a determination, by the Office, of reason to believe a violation exists, the Board shall hold a hearing on whether or not there is a violation.
 - (a) At the hearing, if the Board determines that a violation of the provisions of a Permit, a Notice of Intent, the Act, or these Rules has occurred, the Board may order the modification, suspension or revocation of the Permit. If the Board suspends or revokes the Permit of an Operator, the Operator may continue mining operations only for the purpose of bringing the mining operations into satisfactory compliance with the provisions of the Operator's Permit and all applicable safety regulations. Once such operations are complete to the satisfaction of the Board, the Board shall reinstate the Permit of the Operator.
 - (b) At the hearing, if the Board determines that a violation of the provisions of a permit, the Act, or these Rules has occurred, the Board shall assess a Civil Penalty of not less than one hundred dollars (\$100.00) per day nor more than one thousand dollars (\$1,000.00) per day for each day during which such violation occurs. Operators who affect substantial acreage beyond their approved permit boundary may be found to be operating without a permit and, in such case, the Civil Penalty shall be assessed according to the schedule in Rules 3.3.1(2) or (3).

- (c) At the hearing, if the Board determines that a violation of the provisions of a permit, a Notice of Intent, the Act, or these Rules has occurred, the Board may issue a Cease and Desist Order. The order shall:
- (i) specify the provisions(s) violated;
 - (ii) specify the facts which constitute the violation(s);
 - (iii) set forth the time by which the violations(s), act(s), or practices(s) must be terminated;
 - (iv) include, at the Board's discretion, any corrective action; and
 - (v) be served personally or by Certified Mail, return receipt requested, upon the Operator or their agent for service of process.
- (3) After a finding by the Board of a failure to comply, pursuant to Rule 3.2, any expenses incurred by the Board or Office in carrying out corrective actions, including administrative costs, may be assessed against the violator.

3.3.3 Injunctive Relief

- (1) In the event any Operator fails to comply with a Cease and Desist Order, the Board may request the Attorney General to bring suit for a temporary restraining order, a preliminary injunction, or a permanent injunction to prevent any further or continued violation of such order.
- (2) If the Board determines that the situation is an emergency, the emergency shall be given precedence over all other matters pending in such court.

3.3.4 Violation of a Cease and Desist Order - Surety Forfeiture

The Board shall institute proceedings to have the surety of the Operator forfeited for violation by the Operator of a Cease and Desist Order entered pursuant to Rule 3.3. Such proceedings shall be conducted in accordance with Rule 4.20.

3.3.5 Non-Payment of Annual Fees

Where an Operator is late in payment of the Annual Fee by longer than sixty (60) ~~e~~Calendar ~~d~~Days, the Office shall set the matter for a hearing before the Board for permit revocation and forfeiture of the financial warranty.

RULE 4: PERFORMANCE WARRANTIES AND FINANCIAL WARRANTIES

4.1 GENERAL PROVISIONS

- (1) No governmental office of the state, other than the Board, nor any political subdivision of the state shall have the authority to require a Performance or Financial Warranty of any kind for any mining operation.
- (2) No permit may be issued pursuant to the Act until the Board or Office receives and approves the Performance and Financial Warranties required herein. If these Warranties are not received within one (1) calendar year of approval of an application for any new permit, amendment or conversion, the Board shall hold a hearing, in accordance with the notification and comment provisions of Rule 1.6, to reconsider the previous approval. If the Board affirms the original application approval, the Board shall establish a new deadline for submittal of the Financial and Performance ~~w~~Warranties. If the required ~~w~~Warranties are not posted by the date set by the Board, the application shall be denied.
- (3) Whenever two or more persons or entities are named as Operators in a single permit, the Operators may limit the scope of their individual Performance Warranties so long as the warranties, in the aggregate, warrant performance of all requirements of the Act.
- (4) Whenever two or more persons or entities act as Financial Warrantors, they may limit the scope of their individual warranties so long as all Financial Warranties, in the aggregate, equal the amount required by the Board.
- (5) Financial Warranties may be provided by the Operator, by any Third-party, or by any combination of persons or entities.
- (6) Financial Warrantors who provide proof of financial responsibility of any type or types described in Rules 4.3.2, ~~4.3.7, or~~ 4.3.8, ~~or 4.3.9~~ shall not be required to secure the same by the posting of Third-party sureties or otherwise pledging or encumbering property for the benefit of the state.
- (7) Financial Warranties shall be maintained in good standing for the entire life of any permit issued under the Act and these Rules. Financial Warrantors shall immediately notify the Board of any event which may impair their warranties.
- (8) Where one Operator succeeds another at any uncompleted operation, the Office shall release the first Operator from all liability as to that particular reclamation operation and shall release all applicable Performance and Financial Warranties as to such operation if the successor Operator assumes, as part of the obligation under the Act, all liability for the Reclamation of the affected land, and the obligation is covered by replacement Performance and Financial Warranties as to such affected land.
- (9) ~~95%~~**100%** of the proceeds of all Financial Warranties forfeited under the provisions of Section 34-32.5-118, C.R.S., shall be deposited in a special account established by the Board for the purposes of reclaiming lands which were obligated to be reclaimed under the permits upon which such Financial Warranties have been forfeited.
- (10) Proof of financial responsibility may be of any type and in such amount authorized herein, subject to approval by the Board or Office.

4.1.1 General Requirements - Performance Warranties

Each application for any Permit or amendments thereto shall be accompanied by a Performance Warranty.

- (a) The Performance Warranty shall be in a form approved and prescribed by the Board.
- (b) A Performance Warranty shall be signed by the Operator and/or by a person or persons authorized to bind the Operator.

4.1.2 General Requirements - Financial Warranties

- (1) A Financial Warranty shall be signed by a person or persons authorized to sign a Financial Warranty.
- (2) No Financial Warranty shall be required where the Operator is a unit of municipal or county government or the State Department of Transportation and the Operator submits a written guarantee, in lieu of a financial warranty, stating that the affected lands will be reclaimed in accordance with the terms of the permit, these Rules, and Section 34-32.5-116, C.R.S.
- (3) Any proof of financial responsibility submitted or revised on or after July 1, 1993, shall be in compliance with Rules 4.2.1(1) through (7), and 4.1.2(6) and (7).
- (4) If the Board or Office has reason to believe that any proposed Financial Warranty does not fully and accurately reflect the current financial condition of the Financial Warrantor, the Board or Office may decline to accept the Financial Warranty as submitted.
- (5) Each Financial Warrantor providing proof of financial responsibility in a form described in Rules ~~4.3.6, 4.3.7, 4.3.8, 4.3.9, or 4.3.10~~ shall annually cause to be filed with the Board or Office a certification by an independent auditor that, as of the close of the Financial Warrantor's most recent fiscal year, the Financial Warrantor continued to meet all applicable requirements of Rule 4. Financial Warrantors who no longer meet said requirements shall comply with Rule 4.15.
- (6) The Board or Office may by permit condition require proof of value on a periodic basis of any Warranty held by the Board.
- (7) The Board or Office may by permit condition limit certain types of Warranties to specific purposes only or require a designated percentage of the total Warranty be held in easily valued and convertible instruments.
- (8) The Board or Office may refuse to accept any type of Financial Warranty if:
 - (a) the value of the Financial Warranty offered is dependent upon the success, profitability, or continued operation, of the mine;
 - (b) for Deeds of Trust, ~~First Priority Liens or Salvage Credit~~, the Operator has not complied with Rule 4.9; or
 - (c) the Board determines that the Financial Warranty offered cannot reasonably be converted to cash within one hundred and eighty (180) ~~d~~Days of forfeiture.

- (9) Any Operator/Applicant that desires to utilize a Financial Warranty described in Rule 4.3.6; ~~4.3.7, or 4.3.8, 4.3.9, or 4.3.10~~ shall pay to the Office an Annual Fee for the reasonable and necessary cost of establishing and reviewing the Financial Warranty.
- (a) No costs may be charged hereunder unless and until the Operator/Applicant signs written fee agreements with the Office. Said agreements shall be in such form as the Board may prescribe. Invoices pursuant to said agreements shall include a statement for services and expenses included in the total amount;
 - (b) rates charged by the Office hereunder may not exceed prevailing rates for similar services, and shall reflect the actual cost of establishing and reviewing the Financial Warranty;
 - (c) the Operator/Applicant shall be responsible for all costs properly charged hereunder, even if no permit issues from the Board; and
 - (d) funds paid to the Office are to be made available for the use of outside legal and financial advice for the purpose of reviewing the Financial Warranty of Operators/Applicants desiring to use the Self-Insurance provision.
- (10) The original bond documents shall be submitted to the Office and held in safekeeping by the State Treasurer's Office.

4.1.3 Provisions for Recovery of Costs

Any instruments offered as a Financial Warranty pursuant to this Rule 4, shall provide that the Board or Office may recover the necessary costs, including attorney's fees or fees incurred in foreclosing on or realizing the collateral used to secure such Financial Warranty in the event such Financial Warranty is forfeited, in the following manner:

- (a) for any Corporate Surety Bond issued by a corporate surety company authorized to do business in this state, the face amount of the bond shall be increased by five hundred dollars (\$500);
- (b) for any irrevocable Letter of Credit issued by a bank authorized to do business in the United States, the face amount of the Letter of Credit shall be increased by five hundred dollars (\$500);
- (c) for any Certificate of Deposit, the face amount of the Certificate of Deposit shall not be increased;
- (d) for any Individual Reclamation Fund, the amount of the trust fund required to be maintained shall be increased by five hundred dollars (\$500);
- (e) for any Cash Escrow Account, the amount of the Cash Escrow Account required to be maintained shall not be increased; and
- (f) for any Deed of Trust or Security Agreement encumbering real or personal property creating a first priority lien in favor of the state, the value of the real or personal property available to secure the amount of the Financial Warranty attributable to costs of reclamation shall be reduced by an amount to be determined by the Board or Office, but in any case, a

minimum of five thousand dollars (\$5,000) and up to a maximum amount of two percent (2%) of reclamation costs;

- (g) any monies collected and not used to fulfill the requirements of this Rule 4.1.3, shall be returned to the Financial Warrantor upon completion of reclamation and liability release by the Board or Office.

4.2 FINANCIAL WARRANTY LIABILITY AMOUNT

4.2.1 Adequacy of Financial Warranties

- (1) All Financial Warranties shall be set and maintained at a level which reflects the actual current cost of fulfilling the requirements of the Reclamation Plan.
- (2) Financial Warranty Review - the Office or Board may, in its discretion, review any Financial Warranty for adequacy at any time. In the event the Office or Board determine that the Financial Warranty is insufficient to perform reclamation, the Permittee shall have up to sixty (60) ~~e~~Days to post additional Financial Warranty from the date of written notice from the Office or Board of such insufficiency. If the Permittee disagrees with the Office Notice to Increase the Financial Warranty, the Office shall schedule the matter for a hearing before the Board. The Permittee may be scheduled for a Formal Board Hearing for possible revocation of the permit after sixty (60) ~~e~~Days, from the date of notice of any such adjustment, if the amount of any increased Financial Warranty has not been provided.
- (3) The Board or Office shall prescribe the amount and duration of Financial Warranties, taking into account the nature, extent, and duration of the proposed mining operation, the magnitude, type and estimated cost of planned reclamation, and the requirements of the Act.
- (4) In any single year during the life of the permit, the amount of required Financial Warranties shall not exceed the estimated cost of fully reclaiming all lands to be affected in said year, plus all lands affected in previous permit years and not yet fully reclaimed. For the purpose of this Rule, reclamation costs shall be computed with reference to current reclamation costs. The amount of the Financial Warranty shall be sufficient to assure the completion of reclamation of affected lands if the Office has to complete such reclamation due to forfeiture. Reclamation includes all measures taken to assure the protection of water resources, including costs to cover necessary water quality protection, treatment and monitoring as may be required by Permit, these Rules or the Act.
- (5) The Financial Warranty amount shall include an amount equal to five percent (5%) of the amount of the cost of reclamation to defray the administrative costs incurred by the Office in conducting the reclamation.
- (6) When mining on federal land and the federal land management agency requires that a Financial Warranty be posted with their agency, the amount of Financial Warranty posted with the state shall be the difference between the amount required to be posted by the federal land management agency, and the amount required by the Mined Land Reclamation Board. In no event shall the amount of Financial Warranty posted with the state be less than one hundred dollars (\$100). In addition, the application shall contain a provision that in the event the federal land management agency reduces the Financial

Warranty, the Permittee must post an acceptable replacement Warranty with the state prior to any release by the federal land management agency. The replacement Warranty shall be sufficient to cover the cost of reclamation liability unless the state conducts an inspection and concurs with the federal land management agency finding.

4.2.2 Specific Provisions - 110 ~~and 110(6)~~-Limited Impact Operations

- (1) This Rule shall be applicable to Financial Warranties provided for Permits applied for pursuant to Section 34-32.5-110(1), C.R.S., as of July 1, 1993. The Financial Warranty for a Limited Impact Permit shall be in an amount to be determined by the Office.
- (2) The Financial Warranty for any Limited Impact Permit which is filed pursuant to Section 34-32.5-110(1), C.R.S., including those which are automatically issued as a result of Office inaction within thirty (30) ~~eD~~Days pursuant to the Act (Section 34-32.5-110(4), C.R.S.) shall be in an amount equal to the estimated cost of reclamation.
- (3) Divisions of state government and units of municipal and county government are exempt from submitting Financial Warranties and are not required to provide reclamation costs. Quasi-governmental agencies are not entitled to the financial warranty exemption unless otherwise approved by the Board.

4.2.3 Permit Conversion

The conversion of any 110 Limited Impact Permit to a 112 Reclamation Permit shall require a Financial Warranty in an amount equal to the estimated cost of reclamation.

4.2.4 Specific Provisions - 111 Special Operations

- (1) The Financial Warranty for a 111 Special Operation Permit which is automatically issued as a result of Office inaction within fifteen (15) ~~eC~~alendar ~~eD~~Days, pursuant to the Act (Section 34-32.5-111(5), C.R.S.), shall be in an amount of not less than ~~two-three~~ thousand five hundred dollars (\$~~23~~,500) per acre of affected land. However, the Office or Board may require such other greater amount necessary to ensure that estimated costs of reclamation are assured.
- (2) Divisions of state government and units of municipal and county government are exempt from submitting Financial Warranties and are not required to provide reclamation costs. Quasi-governmental agencies are not entitled to the financial warranty exemption unless otherwise approved by the Board.

4.2.5 Specific Provisions - 112 Reclamation Permit Operations

- (1) The Financial Warranty for any 112 Reclamation Permit shall be in an amount to be determined by the Board in accordance with the guidelines set forth herein.
- (2) The Financial Warranty for any 112 Reclamation Permit which is automatically issued as a result of Board inaction within the one hundred and twenty (120) ~~eD~~ay period pursuant to the Act shall be in an amount equal to two thousand dollars (\$2,000.00) for each acre of Affected Land, or other such amount as the Board may determine at a subsequent hearing.

- (3) If, at a hearing, the Board determines that the Financial Warranty is not adequate, the Operator shall have sixty (60) ~~4~~Days to post the additional Financial Warranty in a form and amount acceptable to the Board.
- (4) Divisions of state government and units of municipal and county government are exempt from submitting Financial Warranties and are not required to provide reclamation costs. Quasi-governmental agencies are not entitled to the financial warranty exemption unless otherwise approved by the Board.

4.2.6 Specific Provisions - Exploration Notice

- (1) Upon filing the Notice of Intent to Conduct Exploration, the person shall provide Financial Warranty in the amount of two thousand dollars (\$2,000.00) per acre of the land to be disturbed, or such other amount as determined by the Office, based on the projected costs of reclamation.
- (2) Statewide Warranties may be submitted for exploration, provided such warranties are in an amount equal to the estimated cost of reclamation per acre of affected land.

4.3 TYPES OF FINANCIAL WARRANTIES

Proof of financial responsibility may consist of any one or more of the following, subject to approval by the Board:

4.3.1 Cash Bond

Cash or Certified funds assigned to the Board.

4.3.2 Cash Escrow Account

A fund of cash or cash invested in

- (i) securities issued or directly and fully guaranteed or insured by the United States or any agency or instrumentality thereof, including treasury bills, discount notes of the Federal Home Loan Bank, Federal National Mortgage Association, and Federal Farm Credit System (provided that the full faith and credit of the United States is pledged in support thereof) having maturities of not more than one hundred and eighty (180) ~~4~~Days from the date of acquisition;
- (ii) time deposits, certificates of deposit and banker's acceptances with maturities of not more than one hundred and eighty (180) ~~4~~Days from the date of acquisition by such person of a commercial bank having, or which is the principal banking subsidiary of a bank holding company having, a long-term unsecured debt rating of at least "AAA" or the equivalent thereof from Standard & Poor's;
- (iii) repurchase obligations with a term of not more than seven (7) ~~4~~Days for underlying securities of the types described in clause (i) above entered into with any bank meeting the qualifications specified in clause (ii) above;

- (iv) investments in money market funds substantially all assets of which are comprised of securities of the types described in clauses (i) through (iii) above; or
- (v) other instruments as approved by the Board established in the form of an escrow account.

4.3.3 Corporate Surety Bonds

A Surety Bond issued by a corporate surety authorized to do business in this state.

4.3.4 Irrevocable Letters of Credit

An Irrevocable Letter of Credit issued by a bank authorized to do business in the United States; the Operator/Applicant must provide evidence that the bank issuing the Letter of Credit is in good financial standing and condition, as may be evidenced by its rating by an appropriate rating system.

4.3.5 Certificates of Deposit

A Certificate of Deposit assigned to the Board.

4.3.6 Deeds of Trust and Security Agreements

A Deed of Trust or security agreement encumbering real or personal property and creating a first lien in favor of the State.

4.3.7 ~~Self-Insurance~~Reserved

~~Self insurance through credit rating or net worth, as further described in Rules 4.10.1 and 4.10.2, respectively.~~

4.3.8 Individual Reclamation Fund

A trust fund which shall be funded by periodic cash payments representing a fraction of total receipts, providing assurance that the funds required for reclamation will be available.

~~**4.3.9 Salvage Credit**~~

~~Credit for the Salvage Value of project related fixtures and equipment (excluding rolling stock) owned or to be owned by the Financial Warrantor within the permit area, represented by a security agreement creating an equipment lien, less the value of any encumbrances of higher priority, which encumbrances shall be limited to government encumbrances.~~

~~**4.3.10 First Priority Lien on Project-related Fixtures and Equipment**~~

~~A Deed of Trust or security agreement encumbering specific project related fixtures and equipment that must remain on site upon completion of mining operations, or that must be demolished or removed in order for the Reclamation Plan to be performed, creating a first priority lien in favor of the State.~~

~~**4.3.11 Negotiable Bonds of the United States Government**~~

~~A Treasury note backed by the full faith and credit of the United States Government.~~

4.4 SPECIFIC REQUIREMENTS FOR CASH BONDS

Cash or Certified funds shall be held in trust by the State Treasurer's Office. All interest shall accrue to the benefit of the Financial Warrantor except where a permit is revoked and the Financial Warranty is forfeited, the interest shall accrue to the Division of Reclamation, Mining and Safety. The accrued interest shall be used for reclamation of the site.

4.5 SPECIFIC REQUIREMENTS FOR CASH ESCROW ACCOUNTS

- (1) Cash Escrow Accounts shall be administered by an independent Escrow Agent other than the Office and shall consist of cash and/or cash invested in financial instruments as described in Rule 4.3.2. If the Escrow Agent is a bank, the bank shall be rated as well-capitalized as defined in the Uniform Bank Performance Report.
- (2) The Escrow Agent shall be a United States bank or other financial institution, company, corporation, business or firm.
- (3) Investment of the Cash Escrow Account(s) shall be proportioned as follows:
 - (i) not less than fifty percent (50%) of the Cash Escrow Account(s) shall be convertible into cash or other immediately available funds within twenty-four (24) hours; and
 - (ii) the balances of the Cash Escrow Account(s) shall be convertible into cash or other immediately available funds within one hundred and eighty (180) ~~d~~Days.
- (4) All interest shall accrue for the benefit of the Operator.
- (5) All maintenance fees for the Cash Escrow Account(s) shall be paid for by the Operator.
- (6) The Escrow Agent shall provide to both the Operator and the Board monthly account statement detailing the activities and interests earned on the Cash Escrow Account(s), the cost and market value of the Cash Escrow Account(s), and the balances of the various types of instruments into which the Cash Escrow Account(s) are invested.
- (7) On the anniversary of the Cash Escrow Account(s), the Operator shall report to the Board the status of its activities under the Permit, including, but not limited to, the estimated reclamation costs for the area disturbed to date and the estimated amount of reclamation costs for the additional area to be disturbed during the following twelve (12) months. Based upon this annual report, the Board may require the balance of the Cash Escrow Account(s) be increased to an amount that is not less than the total amount of estimated reclamation costs. The Board shall notify the Operator in writing of any required increase in the amount of Cash Escrow Account(s) and, within sixty (60) ~~d~~Days of the receipt of such notice, the Operator shall deposit the amount of the increase with the Escrow Agent. The Operator shall submit to the Board the corporation's annual report, which lists the Cash Escrow Account(s) in the report footnotes. The Operator shall also submit an annual report of the Escrow Agent.
- (8) In addition to the above requirements, any agreement establishing the Cash Escrow Account(s) shall provide the following:

- (a) Upon order of forfeiture of the Cash Escrow Account(s) by the Board, the Escrow Agent shall release the principal of the Cash Escrow Account(s) to the Board within five (5) ~~4~~Days after presentment of the Board forfeiture order to the Escrow Agent. The Operator agrees not to contest or otherwise challenge the Escrow Agent's disbursement of the Cash Escrow Account(s) in accordance with this Rule.
- (b) The Operator may not use the Cash Escrow Account(s) as collateral for any loan, mortgage or other obligation or as a guarantee or security interest for any obligation of the Operator, including any security interest which may be filed under Article 9 of the Uniform Commercial Code as in effect in Colorado.
- (c) The Board may file a security interest and lien upon the Cash Escrow Account(s) in accordance with Article 9 of the Uniform Commercial Code in effect in Colorado.
- (d) The Board is not responsible for and is not indemnifying, insuring, or otherwise holding harmless the Escrow Agent or the Operator with respect to the agreement for any loss, liability, cost damage or expense including attorney's fees, the Escrow Agent may suffer or incur by reason of any action, claim or proceeding brought by or against the Escrow Agent arising out of or relating in any way to the agreement or the Cash Escrow Account(s).

4.6 SPECIFIC REQUIREMENTS FOR CORPORATE SURETY BONDS

- (1) The Operator/Applicant shall submit a fully executed Corporate Surety on a form provided by the Office.
- (2) A Power of Attorney authorizing the party signing on behalf of the insurance company shall be submitted with the Corporate Surety.

4.7 SPECIFIC REQUIREMENTS FOR IRREVOCABLE LETTERS OF CREDIT

- (1) The Irrevocable Letter of Credit shall be executed on the issuing bank's letterhead using the language provided by the Office.
- (2) The Irrevocable Letter of Credit shall be automatically renewable. The Letter of Credit shall provide that, in case of non-renewal, the bank must notify the Office and the Operator, by Certified Mail, at least ninety (90) ~~4~~Days prior to the expiration date of the Letter of Credit.
- (3) The bank shall provide documentation in the form of a balance sheet certified by a Certified Public Accountant demonstrating that the Letter of Credit does not exceed ten percent (10%) of the bank's capital surplus accounts. This documentation shall be provided by the Operator, annually, as part of the Operator's Annual Report.

4.8 SPECIFIC REQUIREMENTS FOR CERTIFICATES OF DEPOSIT

- (1) The Certificate of Deposit shall be assigned to the State of Colorado/Mined Land Reclamation Board.

- (2) The Certificate of Deposit shall be automatically renewed.
- (3) The account shall be a public funds account.
- (4) The Certificate of Deposit shall be issued by an eligible public depository under the Public Deposit Protection Act (PDPA), as required by Section 11-10.5-101, C.R.S.

4.9 SPECIFIC REQUIREMENTS FOR DEEDS OF TRUST AND OTHER SECURITY INTERESTS IN REAL OR PERSONAL PROPERTY

4.9.1 General Provisions

- (1) The Board or Office may accept interests in real and personal property as Financial Warranties of not more than ~~eighty-five percent (85%)~~ seventy-five percent (75%) of the ~~estimated appraised~~ value of ~~any such the~~ property. To qualify for the use of Deeds of Trust, an Operator must have reclamation liabilities in excess of thirty (30) million dollars. The total amount of interests in real and personal property shall not exceed twenty-five percent (25%) of the total required financial warranty unless specifically approved by the Board.
- (2) Any person offering such Financial Warranty shall:
 - (a) submit current information necessary to show clear title to the property and the current appraised value ~~of such the~~ property. This information shall contain a completed appraisal in a form approved by the Board.
 - (b) Submit together with the Annual Report as required by Rule 1.15, the following:
 - (i) an update by a qualified independent appraiser indicating any changes in property value;
 - (ii) a statement summarizing any circumstances which may affect the adequacy of the Deed if it is a Trust or security agreement; and
 - (iii) proof that there are no past-due property taxes.
- (3) The Board or Office may refuse to accept any Deed of Trust or security agreement if the property or equipment offered is necessary in the functioning or completion of the approved Reclamation Plan.

4.9.2 Deed of Trust - Real Estate

- (1) Rules 4.1.2(8)(a) and (c) shall be applicable for new Construction Materials Operations on July 1, 1993, and existing Construction Materials Operations on January 1, 1996, to Deeds of Trust existing as of July 1, 1993 and subsequent updates of these same Deeds of Trust used as collateral for Financial Warranties; and to any Financial Warranty completed before July 1, 1993 if the value of any such Financial Warranty includes any construction material value or if construction material value is used to update any such Financial Warranty. The value of any Financial Warranty described in this Rule shall include construction material value for the life of the Warranty. Updates shall mean only those changes that adjust the

construction material or property value of an existing Deed of Trust, and does not include submissions of new properties.

- (2) Failure to provide the documents required by Rule 4.9.1(2) shall indicate a reason to believe the Financial Warranty is not being maintained in good standing as required by Rule 4.1(7).
- (3) A request for an increase in the bond by the Office shall require a reappraisal of any real property used as security for the bond. Such reappraisal shall be timely, provided by the Operator and shall be completed by an independent appraiser, acceptable to the Office.

~~4.9.3 First Priority Lien – Fixtures and Equipment~~

~~With respect to first priority liens on project-related fixtures and equipment described in Rule 4.3.10, above:~~

- ~~(a) the Board or Office may, in its discretion, accept a first priority lien, in the amount of the Financial Warranty prescribed pursuant to Rule 4.2.1, on any project-related fixtures and equipment that must remain on-site in order for the Reclamation Plan to be performed, in lieu of including the cost of acquiring and installing such fixtures and equipment;~~
- ~~(b) the Board or Office may accept a first priority lien on any project-related fixtures and equipment that must be demolished or removed from the site under the Reclamation Plan. The Board or Office may, in its discretion, accept such a lien as a portion of the proof of financial responsibility if the amount credited for such lien does not exceed the cost of demolishing or removing the subject fixtures and equipment or the market value of such fixtures and equipment, whichever is less; and~~
- ~~(c) any fixtures and equipment accepted pursuant to this Rule shall be insured, with the MLRB named as the additional insured, and maintained in good operating condition and shall not be removed from the permit area without the prior consent of the Board or Office. Each Operator/Permittee or Applicant providing a lien on such equipment and fixtures shall file an Annual Report with the Office in sufficient detail to fully describe the condition, value and location of all pledged fixtures and equipment. Such Financial Warrantor shall not pledge such equipment and fixtures to secure any other obligation and shall immediately notify the Office of any other interest that arises in the pledged property, and shall comply with the requirements of Rule 4.15.~~

~~4.10 RESERVE SPECIFIC REQUIREMENTS FOR SELF-INSURANCE~~

~~4.10.1 Self-Insurance – Credit Rating~~

~~The Operator/Permittee or Applicant shall submit to the Office a certified financial statement for the most recent fiscal year and a certification by an independent auditor, which shows:~~

- ~~(a) the Financial Warrantor is the issuer of one or more currently outstanding senior credit obligations that have been rated by a nationally recognized rating organization;~~
- ~~(b) said obligations enjoy a rating of "A" or better; and~~

- ~~(c) at the close of the Financial Warrantor's most recent fiscal year, its net worth was equal to or greater than two (2) times the amount of all Financial Warranties.~~

~~4.10.2 Self-Insurance – Net Worth~~

~~The Operator/Permittee or Applicant shall submit to the Office a certified financial statement for the most recent fiscal year and a certification by an independent auditor, which shows that as of the close of said year:~~

- ~~(a) the Financial Warrantor's net worth was at least ten million dollars (\$10,000,000.00) and was equal to or greater than two (2) times the amount of all Financial Warranties;~~
- ~~(b) the Financial Warrantor's tangible fixed assets in the United States were worth at least twenty million dollars (\$20,000,000.00);~~
- ~~(c) The Financial Warrantor's total liabilities to net worth ratio was not more than two to one; and~~
- ~~(d) the Financial Warrantor's net income, excluding non-recurring items, was positive. Non-recurring items which affect net income shall be stated in order to determine if they materially affect self-bonding capacity.~~

~~4.10.3 Board or Office Right to Deny Self-Insurance~~

~~The Board or Office may deny self insurance if the Operator/Permittee or Applicant has non-recurring items that affect self-bonding capacity.~~

4.11 SPECIFIC REQUIREMENTS FOR INDIVIDUAL RECLAMATION FUND

4.11.1 Establishment of Fund

- (1) Upon commencement of production or when site conditions change that make it necessary, the Operator may establish an individual reclamation fund, to be held by an independent trustee for the Board, upon such terms and conditions as the Board may prescribe, which trust fund shall be funded by periodic cash payments representing such fraction of receipts as will, in the opinion of the Board, provide assurance that funds will be available for reclamation.
- (2) Prior to issuance of a permit, the Operator will provide another form of Financial Warranty as described herein. As the reclamation fund increases in value, this form of Financial Warranty may be decreased in value so long as the sum of Financial Warranties is that amount specified by the Board or required by the Act.
- (3) In approving the Individual Reclamation Fund as a Financial Warranty, the Board or Office shall:
- (a) approve the form of the initial Financial Warranty;
 - (b) fix the fraction of receipts to be held in trust;

- (c) identify the trustee to hold said funds for the Board;
- (d) prescribe the terms and conditions applicable to the Operator or Warrantor's payment of funds into said trust; and
- (e) prescribe the terms and conditions governing the trustee's handling of said funds.

4.12 SPECIFIC REQUIREMENTS FOR SALVAGE CREDIT RESERVED

4.12.1 Requirements for Salvage Credit

~~A Financial Warranty based on Salvage Credit must meet the following requirements:~~

- ~~(a) Project related fixtures and equipment (excluding Rolling Stock) owned or to be owned by the Operator/Permittee or Applicant within the permit area will have a Salvage Value at least equal to the amount of the Financial Warranty, or the appropriate portion thereof;~~
- ~~(b) Existing liens and encumbrances applicable to said fixtures and equipment, other than liens in favor of the United States or the State of Colorado, any other state, and any political subdivisions, will be subordinated to the lien described in Section 34-32.5-118(4)(b) and (c), C.R.S. and Rule 4.20(6).~~
- ~~(c) Said fixtures and equipment will be maintained in good operating condition, be properly insured against theft, loss, fire and vandalism, and will not be removed from the permit area without the prior consent of the Board. In addition, the Warrantor shall ensure that insurance premiums are always paid two (2) years in advance on said fixtures and equipment.~~

4.12.2 Determination of Salvage Credit

- ~~(1) The Operator/Permittee or Financial Warrantor shall provide the Office with appraisals, information regarding invoice price, current value, cost of demolition and/or removal, and any other information as is necessary to establish the Salvage Value of the particular Project related fixtures and/or equipment for which Salvage Credit is sought as all or part of the Financial Warranty for a Permit.~~
- ~~(2) The Operator/Permittee or Financial Warrantor shall provide the Office with a list of all encumbrances, and shall affirm that no other encumbrances exist to the best of the Operator's or Financial Warrantor's knowledge and belief.~~
- ~~(3) The Office may request the Operator/Permittee or Financial Warrantor to provide additional reasonable information to support the claimed Salvage Value and/or costs associated with any Project related fixture or equipment for which Salvage Credit is sought.~~
- ~~(4) Ten (10) days prior to any Board hearing regarding a Permit application for which Salvage Credit is offered as all or part of the Financial Warranty, the Office shall inform the Operator/Permittee or Financial Warrantor of its opinion as to the amount or estimate of the amount of the Salvage Value attributable to the Project related fixtures and equipment for which Salvage Credit is sought.~~

- ~~(5) At the hearing before the Board, the Office shall recommend an amount for Salvage Credit value.~~
- ~~(6) The Board shall, after considering the Office's recommendation, testimony offered by the Operator, Warrantor, or any other person, and facts adduced at the hearing, fix the amount of the Salvage Credit for the Project related fixtures and equipment, and attach conditions, as may be appropriate, to annually verify the value of the Salvage Credit.~~

4.13 ~~SPECIFIC REQUIREMENTS FOR NEGOTIABLE BONDS OF THE UNITED STATES GOVERNMENT~~RESERVED

- ~~(1) The Treasury note shall be purchased from a U.S. bank or broker.~~
- ~~(2) The Treasury note shall be for a period of five (5) years.~~
- ~~(3) The Treasury note shall be registered to the custody agent (bank or broker) and pledged to the Board and held in a joint account with the bank or broker.~~
- ~~(4) All interest shall be paid to the operator.~~
- ~~(5) The Board shall accept the value of the Treasury note at ninety percent (90%) of face value.~~
- ~~(6) The only authorized signatory on the account is that of the Board.~~
- ~~(7) The operator shall provide to the Board:
 - ~~(a) Book Entry receipt.~~
 - ~~(b) An Assignment of U.S. Treasury Note to the Board.~~~~
- ~~(8) Fees associated with the purchase and maintenance of Treasury Notes are the responsibility of the Permittee.~~
- ~~(9) The custody agent shall provide monthly statements of the account to the Board.~~
- ~~(10) If the market value of the U.S. Treasury Note drops below the required ninety percent (90%) of face value, the Permittee will supply the Board with additional funds or post an additional or replacement bond up to the required bond amount.~~

4.14 REDUCTION OF WARRANTY AMOUNT

4.14.1 Operator's Request for Reduction

- (1) An Operator may request that the Office reduce the amount of the Financial Warranty required.
- (2) Such a request must:

- (a) be made in writing or via electronic submission, per the Office designation, separate from other correspondence;
 - (b) include an estimate of the actual cost to reclaim the site based on what it would cost an independent contractor to complete reclamation, including unit costs for reclamation activities as appropriate to the operation to comply with the provisions of Rule 3.1 and the Permit's Reclamation Plan.
- (3) Such request shall be processed as described in Rule 4.16, for Exploration operations, or Rule 4.17, for all other operations.

4.15 IMPAIRMENT OF FINANCIAL WARRANTIES

- (1) Each Financial Warrantor providing proof of financial responsibility in a form described in Rules ~~4.3.6, 4.3.7, 4.3.8, 4.3.9, and 4.3.10~~ shall notify the Board within sixty (60) ~~e~~Days of any net loss incurred in any quarterly period.
- (2) Whenever the Board receives a notice under Rule 4.15(1) or fails to receive a certification or a substitute Warranty as required by Rule 4.1.2(5), or otherwise has reason to believe that a Financial Warranty has been materially impaired, it may convene a hearing for the purpose of determining whether impairment has in fact occurred.
- (3) Whenever the Board elects to convene a hearing pursuant to Rule 4.15(2), it may hire an independent consultant to provide expert advice at the hearing. The fees for any such consultant shall be paid by the Financial Warrantor, and no consultant shall be hired until the Financial Warrantor signs a written fee agreement in such form as the Board may prescribe. In the event that a Financial Warrantor refuses to sign such an agreement, the Board may, without hearing, order the Financial Warrantor to provide an alternate form of Financial Warranty.
- (4) At any such hearing, if the Board finds that a Financial Warranty has been materially impaired, it may order the Financial Warrantor to provide an alternate form of Financial Warranty.
- (5) A Financial Warrantor shall have ninety (90) ~~e~~Days to provide an alternate warranty required under Rule 4.15(4).

4.16 RELEASE OF WARRANTIES - EXPLORATION OPERATIONS

4.16.1 Operator Application for Release of Warranties

- (1) Upon the completion of reclamation, any person that filed with the Board or Office a ~~n~~ Exploration Notice of Intent to Conduct Exploration and Financial Warranties shall submit to the Office ~~by Certified Mail~~ via electronic form and separate from other types of communication to the Board or Office a Reclamation Report and request for reclamation responsibility release stating that reclamation is finished.
- (2) Such report shall contain, at a minimum:

- (a) the name of the operation, the name of the Person conducting exploration (the "Explorer"), file number of the ~~Exploration~~ Notice of Intent to Conduct Exploration and the name, mailing address, e-mail address, and phone number of the contact person;
 - (b) a signed statement , or other certification as designated and approved by the Office, by the ~~Person conducting exploration Explorer~~ that all reclamation requirements of the Exploration Notice have been satisfied;
 - (c) a narrative describing site grading, topsoil replacement, successful revegetation and other stabilization activities, as appropriate;
 - (d) suitable photographs of the reclaimed area; and
 - (e) a map of sufficient detail to determine the location of the exploration activity.
- (3) The Office shall, within ninety (90) calendar ~~d~~Days after receiving said report, or as soon thereafter as weather conditions permit, inspect the lands and reclamation described in the notice to determine if the ~~Person conducting exploration Explorer~~ has complied with all applicable requirements.
 - (4) If the Office finds the reclamation to be in compliance with the requirements of the Notice of Intent, Rules and Regulations, and the Act, the Office shall release all applicable performance and financial warranties. The financial warranty shall not be held for more than sixty (60) ~~e~~Calendar ~~d~~Days after the Office finds that the ~~Notice of Intent Operator Explorer~~ has successfully completed reclamation. However, an appeal to the release of the ~~f~~Financial ~~w~~Warranties shall stay the release on the sixtieth (60th) ~~d~~Day pending a Formal Board Hearing.

4.17 RELEASE OF PERFORMANCE AND FINANCIAL WARRANTIES FOR MINING OPERATIONS

4.17.1 Operator Requirements

- (1) The Operator of any mining operation ~~possessing a 110 Limited Impact Permit, or a 111 Special Operations Permit, or a 112 Reclamation Permit~~ may file a written notice of completion of reclamation and request for release of reclamation responsibility with the Office whenever an Operator believes any or all requirements of the Act, the Rules and Regulations, and the approved reclamation plan have been completed with respect to any or all of the Affected Lands.
- (2) The Operator shall include in the notice to the Office the names and addresses and phone numbers of all owners of record to the affected land.
- (3) The written notice requesting release shall be sent by Certified Mail or e-permitting and be separate from other types of communication to the Office.
- (4) Such notice shall contain a signed statement , or other certification as designated and approved by the Office, by the Operator or their agent that all applicable portions of the

Reclamation Plan requirements have been satisfied in accordance with these Rules and all applicable requirements under the Act.

4.17.2 Office Requirements

- (1) The Office, upon receipt of said notice of completion of reclamation, shall immediately provide notice to all owners of record to the affected land ~~and to the county(s), the local Board of County Commissioners, and the County planning commission.~~
- (2) The Office shall, within sixty (60) ~~e~~Calendar ~~d~~Days after receiving said notice, or as soon thereafter as weather conditions permit, inspect the lands and reclamation described in the notice to determine if the Permittee has complied with all applicable requirements.
- (3) If the Office fails to conduct an inspection within the time specified in Rule 4.17.2(2), or fails to advise the Permittee of deficiencies within the time specified in Rule 4.17.2(4), then all Financial Warranties applicable to reclamation described in the notice shall be deemed released as a matter of law.
- (4) Where the Office finds that a Permittee has not complied with the applicable requirements of the Act, Rules and Regulations, or the approved reclamation plan, it shall advise the Permittee of such non-compliance not more than sixty (60) ~~e~~Calendar ~~d~~Days after the date of the inspection.
- (5) Where the Office finds that a Permittee has successfully complied with the requirements of the Act, Rules and Regulations, and the approved reclamation plan, the Office shall release all applicable performance and financial warranties. Release (pending an appeal) shall be in writing and mailed within thirty (30) ~~e~~Calendar ~~d~~Days to the Permittee after the date of such findings. However, an appeal to the release of the financial and performance warranties shall stay the release on the thirtieth (30th) ~~d~~Day pending a Formal Board Hearing.

4.18 PUBLIC NOTICE AND FILING OF WRITTEN OBJECTIONS REGARDING A REQUEST FOR RELEASE OF FINANCIAL WARRANTY

- (1) Any person ~~who demonstrates that they are~~ directly and adversely affected or aggrieved ~~and whose interest is entitled to legal protection under the Act~~ may submit written objections on the request for reclamation responsibility release so long as such comments are received by the Office ~~within no more than~~ fifteen (15) ~~d~~Days ~~of after~~ notice by the Office to the county(s) and all owners of record to the affected land.
- (2) Notice of the Office's decision to release the Permittee from further reclamation responsibility shall be published in the next monthly agenda of the Board.

4.19 GENERAL PROVISIONS - APPEALS TO DECISION - RELEASE OF FINANCIAL WARRANTY

- (1) Any person directly and adversely affected or aggrieved by an Office decision to approve or deny the request for reclamation responsibility release and whose interest is entitled to protection under the Act may appeal the decision to the Board by submitting a request for Administrative Appeal to the Office according to the provisions of Rule 1.4.11. The request

for Administrative Appeal must specify the basis for being directly and adversely affected or aggrieved, a statement of why the person's interest is protected by the Act, the permit number assigned by the Office and include a statement of the factual and legal issues presented by the appeal.

- (2) If the Office decision to release a Permittee from reclamation liability is reversed by the Board on appeal, all outstanding obligations under the permit, the financial warranty, and the performance warranty shall remain in effect.

4.20 FORFEITURE OF FINANCIAL WARRANTY

- (1) A Financial Warranty shall be subject to forfeiture whenever the Board shall determine at a hearing that any one or more of the following circumstances exist:
 - (a) the Operator has violated a Cease and Desist order entered pursuant to Section 34-32.5-124, C.R.S. 1984, as amended, and, if corrective action was proposed in such order, has failed to complete such corrective action although ample time to have done so has elapsed; or
 - (b) the Operator is in default under the Performance Warranty and has failed to cure such default although they have been given written notice thereof and has had ample time to cure such default;
 - (c) the Financial Warrantor has failed to maintain the Financial Warranty in good standing as required by Section 34-32.5-117, C.R.S. 1984, as amended; or
 - (d) the Financial Warrantor no longer has the financial ability to carry out the obligations under the Act.
- (2) Whenever the Board, based on information and belief, has reason to believe that a Financial Warranty is subject to forfeiture, the Board shall so notify the Operator and all Financial Warrantors. The Board shall afford the Operator and all Financial Warrantors the right to appear before the Board at a hearing to be held not less than thirty (30) ~~d~~Days after the parties' receipt of said Notice.
- (3) At any such hearing, the Board shall be empowered to:
 - (a) withdraw or modify any determination that the Financial Warranty is subject to forfeiture;
 - (b) settle or compromise the determination; or
 - (c) confirm its determination that the Financial Warranty should be forfeited.
- (4) Upon finding that a Financial Warranty should be forfeited, the Board shall issue written findings of fact and conclusions of law to support its decision and shall issue an order directing affected Financial Warrantors to immediately deliver to the Board all amounts warranted by applicable Financial Warranties.

- (5) The Board, upon issuing any order pursuant to Rule 4.20(3), may request the Attorney General to institute proceedings to secure or recover amounts warranted by forfeited Financial Warranties. The Attorney General shall have the power, inter alia, to:
 - (a) foreclose upon any real and personal property encumbered for the benefit of the state;
 - (b) collect, present for payment, take possession of, and otherwise reduce to cash any property held as security by the Board;
 - (c) dispose of pledged property.
- (6) The amount of any forfeited Financial Warranty shall be a lien in favor of this state upon any project-related fixtures or equipment offered as proof of financial responsibility pursuant to Section 34-32.5-117(3)(f)(V)(C)-(E), C.R.S. 1984, as amended.
- (7) Said lien shall have priority over all other liens and encumbrances irrespective of the date of recordation, except liens of record on the effective date of this Act and liens of the United States, the state, and political subdivisions thereof for unpaid taxes, and shall attach and be deemed perfected as of the date the Board approves issuance of the Permit.
- (8) Funds recovered by the Attorney General in proceedings brought pursuant to Rule 4.20 shall be held in the account described in Section 34-32.5-122, C.R.S. 1984, as amended, and shall be used to reclaim lands covered by the forfeited warranties, ~~except that, five percent (5%) of the amount of the Financial Warranty forfeited and recovered shall be deposited in the Mined Land Reclamation Fund, created in Section 34-32-127, C.R.S. 1984, as amended, to cover the administrative costs incurred by the Office in performing reclamation.~~
- (9) The Board shall have a right of entry to reclaim said lands. Upon completion of such reclamation, the Board shall present to the Financial Warrantor a full accounting and shall refund all unspent moneys.
- (10) Defaulting Operators/Permittees shall remain liable for the actual cost of reclaiming Affected Lands, ~~less any amounts expended by the Board pursuant to Rule 4.20(8), notwithstanding any discharge of applicable Financial Warranties.~~
- (11) Notwithstanding any provision of this Rule 4.20 to the contrary, a corporate surety may elect to reclaim Affected Lands in accordance with an approved plan in lieu of forfeiting a bond penalty, or in accordance with the approved Plan acceptable to the Board or Office, otherwise the Board may forfeit the fund and perform reclamation.

RULE 5: EXPLORATION OPERATIONS

5.1 NOTICE OF INTENT TO CONDUCT EXPLORATION OPERATIONS

5.1.1 General Provisions

(1) Any person or organization desiring to conduct exploration or construct monitoring wells for establishment of baseline groundwater characterization for a future mine reclamation permit as defined in Rule 1.1(15), shall, prior to entry upon the land, file with the Office a Notice of Intent to Conduct Exploration (NOI) on a form provided by the Board. A separate NOI shall be filed with the Office for each non-contiguous Land Survey Quarter Section in which a proposed exploration activity is to occur. The requirement for separate notices may be waived by the Office for good cause.

(2) If the Office determines that the exploration proposed in the NOI is instead “mining,” the Office shall notify the person or organization in writing. Any appeal of this determination shall follow the procedures set forth in Rule 1.4.11.

(3) Modifications to an existing NOI must be submitted in writing and approved in advance of such activity. Modifications shall be reviewed by the Board or Office in the same manner as new NOIs, use the same NOI form, and submit the same application fee. Explorers must fill out sections of the NOI form that will change and indicate the sections that will not change.

5.1.2 Application Requirements

~~Such notice~~The NOI form (Rule 5.1.1(1)) shall, at a minimum, contain the following:

- (a) date of filing of the ~~Notice of Intent~~NOI;
- (b) the name, mailing address, e-mail address, and telephone number of the Person or organization responsible for the conducting exploration (the “Explorer”);
- (c) the name, mailing address, e-mail address, and telephone number of ~~the~~ a person to contact concerning the information in the NOI and reclamation of lands affected by exploration;
- (d) a description of lands, including:
 - (i) the site name, if applicable;
 - (ii) the location, by each quarter section, section, township and range;
 - (iii) where Public Land is involved, specify the land management agency, mailing address and telephone number;
 - (iv) the estimated acreage of land surface to be affected by the exploration activities to include areas affected by access along routes for which reclamation is the responsibility of the ~~Person conducting exploration~~Explorer; and
 - (v) a U.S.G.S. 7.5 minute quadrangle, or similar map of adequate scale, that:

- (A) identifies the proposed exploration site(s) or activity areas involving surface disturbance. Activity areas may include all drill holes, mud pits, excavations, trenches, and explorations roads; and
 - (B) includes sufficient detail to identify and locate all known exploration features and facilities that may be affected and those that are not anticipated to be affected. This includes the location of all drill holes, mud pits, excavations, trenches, and exploration roads.
- (vi) provide documentation of the legal right to enter to conduct exploration and reclamation ~~for all Owners of Record of the surface and mineral rights of the affected land, for Owners of Record described in Rule 1.6.2(1)(e)(i).~~ This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the ~~Person conducting exploration~~ Explorer has legal right to enter to conduct exploration and reclamation.
- (e) the approximate date of anticipated commencement and the date of completion of the above-described exploration activity. ~~Completion of activities and commencement of reclamation shall not exceed~~ Such activity must be completed within five (5) years of the NOI approval unless otherwise approved by the Office or Board;
 - (f) a narrative description of the methods to be used to conduct the exploration operation, including, but not limited to, the types and uses of equipment, drilling, road or other access route construction, excavations, and other site disturbance activities;
 - (g) the measures to be taken to reclaim any affected land consistent with the applicable requirements of Rule 3.1. Such reclamation must be completed within five (5) years of the completion of exploration activities notice provided for in Rule ~~5.65.3.4~~;
 - (h) a statement that exploration will be conducted pursuant to the terms and conditions listed on the approved NOI form; and
 - (i) an application fee as specified in Section 34-32.5-125(a)(IX), C.R.S.

5.1.3 Office Review

Upon receipt by the Office of a NOI to Conduct Exploration, the Office shall timely notify the ~~Person conducting exploration~~ Explorer, in writing ~~or via electronic means~~, of receipt of the NOI.

- (a) Review of a NOI and associated Financial Warranty information is required by the Office within twenty (20) ~~Working~~ ~~Days~~ of receipt by the Office. If the ~~Person conducting exploration~~ Explorer has not been notified of any deficiencies of the NOI form or Financial Warranty by the Office within twenty (20) ~~Working~~ ~~Days~~ of receipt by the Office of the NOI, exploration operations may commence. For activities on BLM or USFS lands, the twenty (20) ~~Working~~ ~~Day~~ period begins when the Office has received notification from the appropriate federal land management agency that they have received the notice of proposed activities, or the Office has otherwise determined that the appropriate federal land management agency has received the notice.

- (b) If the Office has notified the ~~Person conducting exploration Explorer~~ within twenty (20) ~~w~~Working ~~d~~Days of receipt of a NOI that it has not been filed in accordance with Rule 5.3, has been deemed complex, or of deficiencies in the Financial Warranty, the ~~Person conducting exploration Explorer~~ shall address all identified deficiencies or complexities within sixty (60) ~~d~~Days of the Office notification. If the NOI deficiencies or ~~Construction Materials Rule 5~~ complexities are not addressed within sixty (60) ~~d~~Days, the Office may terminate the NOI file. The Office shall notify the ~~Person conducting exploration Explorer~~ of such termination.
- (c) (i) The Office shall send notice of its decision on a NOI to the ~~Person conducting exploration Explorer~~;
- (ii) A prospective ~~Person conducting exploration Explorer~~ may appeal an Office determination within five (5) ~~business~~Working ~~d~~Days from the date the Office sends notice of its decision;
- (iii) The Board shall hear any such appeal at its next regularly scheduled meeting that is at least ten (10) ~~e~~Calendar ~~d~~Days from the date of such appeal; ~~and~~;
- (iv) The Office's determination shall not take effect until the expiration of the five (5) ~~business~~Working ~~d~~Days allowed for an appeal, or, in the case of an appeal, until the Board issues its decision.

5.2 CONFIDENTIALITY

5.2.1 Notice, Not a Matter of Public Record

All information provided the Office in a ~~Notice of Intent to Conduct Exploration NOI~~ shall be protected as confidential information by the Board and not be a matter of public record in the absence of written release from the Operator or upon a finding by the Board that reclamation is satisfactory, whichever may first occur.

5.2.2 Permanently Confidential

Pursuant to Sections 34-32.5-113(3) and 34-32.5-113(7)(c) and (d), C.R.S. 1984, as amended, all information contained within the temporary and final reports, required in accordance with Rules 5.4.3 and ~~5-6-15.7~~ shall remain permanently confidential.

5.3 TERMS AND CONDITIONS FOR EXPLORATION OPERATIONS

5.3.1 Protection of Surface Areas

~~The Exploration Operations described in this notice will be conducted in such a manner as to minimize surface disturbances. In addition to the measures required in Rules 5 and 3.1, precautions to be taken include~~ will be conducted in such a manner as to minimize surface disturbances and protect public health, safety, and the environment. The Explorer shall:

- (a) address the standards required in Rule 5;

- (b) address all relevant reclamation performance standards of Rule 3.1;
- (c) confinement of operations exploration to areas near existing roads or trails where practicable. Any new road used for exploration, or any existing road which is significantly upgraded must be included as part of the affected acreage. A road is significantly upgraded if it is significantly widened, or the route or gradient are significantly altered;
- (bd) drilling shall be conducted conduct drilling in such a way as to prevent cuttings and fluids from directly entering any dry or flowing stream channels drainage way;
- (ee) timely abandonment of drill holes upon completion as required by Rule 5.4;
- (f) safeguard mud pits, trenches, and excavations from unauthorized entry at all times as necessary to provide for public safety;
- (dg) reclamation of affected lands upon completion of operations or phases of an operation; and timely reclaim affected lands upon completion of exploration operations or phases of the exploration operation. Exploration activities must be completed within five (5) years of the NOI approval unless otherwise approved by the Office or Board, and reclamation must be completed within five (5) years of the completion of exploration activities; and
- (eh) backfilling and revegetating any pits backfill and revegetate trenches and other excavations upon completion of the exploration activities.

5.3.2 Protection of Wildlife

The Exploration Operation shall be conducted as to minimize adverse effects upon on wildlife, including where appropriate but not limited to, escape ways, fencing, or other acceptable wildlife barriers.

5.3.3 Financial Warranty

- (1) Upon filing the Notice of Intent to Conduct Exploration, the person NOI, the Explorer shall provide Financial Warranty in the amount of two thousand dollars (\$2,000.00) per acre of the land to be disturbed, or such other amount as determined by the Office, based on the projected costs of reclamation, taking into account the nature, extent, and duration of the exploration operation and the magnitude, type and estimated cost of the planned reclamation.
- (2) An Explorer-person may submit statewide Financial Warranties for exploration if Financial Warranties are in an amount fixed by the Office, based on the projected costs of reclamation, and such person-Explorer otherwise complies with the provisions of this Rule for every area to be explored. (Further information on Performance and Financial Warranty procedures may be found in Rule 4.)
- (3) The Board or Office shall take reasonable measures to ensure the continued adequacy of any Financial Warranty.

5.3.4 Notice of Completion of Exploration Prior to Initiating Reclamation

- (1) Upon completion of the exploration or the establishment of monitoring wells, there the Explorer shall be submitted to the Office a Notice of Completion of Exploration Operations.

Such notice shall be sent via electronic submission or certified mail separate from all other correspondence.

- (2) Within ninety (90) ~~d~~Days after the submittal of the Notice of Completion the Office shall notify the ~~person-Explorer~~ who had conducted the Exploration Operations of the steps necessary to reclaim the land. (In most cases, this will simply involve a conference to discuss the Reclamation Plans outlined in the ~~Notice of Intent~~NOI that was previously submitted by that ~~person~~Explorer.)

5.3.5 Post-Reclamation - Inspection and Release of Warranties

- (1) The Office shall inspect the lands explored within ninety (90) ~~d~~Days, or as soon thereafter as weather conditions permit, after the ~~Person conducting exploration on the lands~~Explorer submits a Reclamation Report and requests a ~~for~~ reclamation responsibility release, meeting that meets the requirements of Rule 4.16.1(2), including permanent abandonment of all exploration drill holes as required by Rule 5.4.2 or 5.4.5. If the Office finds the reclamation satisfactory, the Office shall release the applicable ~~Performance and~~Financial Warranties.
- (2) The Financial Warranty shall not be held for more than sixty (60) ~~d~~Days after the date the Office determines that reclamation has been completed satisfactorily (including permanent abandonment of all exploration drill holes).

5.3.6 Compliance with State and Federal Laws

All Exploration Operations shall be conducted in such a manner as to comply with all applicable local, state and federal laws, including but not limited to air and water quality laws and regulations, the Act, and these Rules and Regulations.

5.4 ABANDONMENT OF EXPLORATION DRILL HOLES

5.4.1 General Provisions

- (1) ~~Without regard to any exemptions from reclamation responsibility described in or authorized under Rule 1.(13) or any other provision of the Act or these Rules, all~~All drill exploration holes ~~sunk (drilled) for the purpose of exploration for locatable or leasable minerals~~ shall be permanently plugged, sealed or capped pursuant to the requirements of ~~this Rule~~these Rules immediately following the drilling of the hole and the collection of drill hole information; unless provision is made to temporarily abandon the hole pursuant to Rule 5.4.3 ~~to temporarily abandon the hole, to maintain the hole for purposes of monitoring~~ pursuant to Rule 5.4.4 ~~to maintain the hole for purposes of monitoring, or to convert the hole to a water well~~ pursuant to Rule 5.4.5 ~~to convert the hole to a water well~~.
- (2) This Rule shall not apply to holes drilled within the affected area in conjunction with a mining operation for which the Board or Office has issued a permit, nor to wells or holes drilled for the purposes of coal exploration, exploration or removal of oil and gas, nor to geothermal wells or water wells, nor to holes drilled from within underground mine workings. For purposes of this Rule, "permanent abandonment" of a exploration drill hole shall be defined as abandonment in conformance with the requirements of Rules 5.4.2 or

5.4.5, or inclusion within the permit boundary of a mining operation for which the Board or Office has issued a Permit.

- (3) Permanent abandonment shall be attested by the submission of a final report, as described in Rule 5.67.

5.4.2 Permanent Abandonment of Exploration Drill Holes

- (1) Any drill hole which evidences artesian flow of groundwater to the surface shall be plugged with neat cement grout, or a similar material sufficient to prevent such artesian flow, as approved by the Office. The ~~Operator should~~ Explorer shall exercise care in evaluating the existence of artesian flow in fluid, cuttings, rock flour, or mud-drilled holes, in which artesian flow may be temporarily inhibited by the presence of the drilling fluid or mud.
- (2) Any drill hole which encounters an aquifer in consolidated rock formations, shall be sealed, utilizing a high-quality sodium bentonite-type gel, specifically developed for use as an abandonment fluid, or an equivalent material or technique as approved by the Office.
- (3) Any drill hole limited to unconsolidated material and penetrating less than ten (10) feet ~~of penetration~~ into bedrock, shall be backfilled with materials removed from the drill hole, or an equivalent material or technique as approved by the Office. If the materials removed from the hole during drilling are inadequate to backfill the drill hole, materials representative of the undisturbed unconsolidated materials shall be backfilled into the drill hole.
- (4) Any drill hole that penetrates saturated unconsolidated materials and continues more than ten (10) feet into bedrock shall be abandoned in a manner sufficient to prevent inter-mixture of aquifers.
- (5) Any drill hole that penetrates unsaturated unconsolidated materials and continues deeper than ten (10) feet into bedrock, but does not encounter an aquifer, shall be securely capped, as approved by the Office.
- (6) The ~~Operator conducting the exploration~~ Explorer shall submit to the ~~Director of the~~ Office a copy of the final report required under Rule 5.67.

5.4.3 Temporary Abandonment of Exploration Drill Holes

An exploration drill hole may be temporarily abandoned without being permanently plugged or sealed. However, no drill hole which is to be temporarily abandoned without being plugged or sealed shall be left in such a condition as to allow fluid communication between aquifers, consistent with the Rules and Regulations for Water Well Construction, Pump Installation, and Monitoring and Observation Hole/Well Construction ("Water Well Construction Rules"), 2 CCR 402-2, and specifically Rules 10.1 and 10.4.5 of the Water Well Construction Rules, and their applicable subsection therein. Such temporarily abandoned drilled holes shall be securely capped in a manner which prevents unauthorized entry and injury to persons and animals. (Copies of the above-referenced Rules may be reviewed at the Division of Water Resources) ~~Office during normal business hours (8:00 a.m. to 5:00 p.m.) on working days. Contact the Minerals Program Supervisor at the Office address. The Water Well Construction Rules are also available from the Board of Examiners of Water Well Construction and Pump Installation Contractors ("Board of Examiners") at the Division of Water Resources or can be viewed and obtained at the Board of Examiners' web site at www.boe.state.co.us)~~

5.4.4 Establishment or Conversions to a Monitoring Well

An exploration drill hole may be established as or converted to a monitoring well for the purpose of groundwater or geophysical monitoring, if the ~~Operator conducting the exploration~~ Explorer:

- (a) has obtained the necessary permit from the State Engineer (Division of Water Resources);
- (b) cases and seals the drill hole in accordance with the requirements of the Water Well Construction;
- (c) caps the drill hole to prevent unauthorized entry and injury to persons and animals; and
- (d) submits to the Office a copy of the "Well Construction and Test Report" submitted to the Division of Water Resources describing the method and materials used in casing and sealing the drill hole to prevent commingling of aquifer waters.

(e) If the monitoring well was constructed for the purpose of hydrological investigations to acquire baseline monitoring data for a future mine reclamation permit and will remain as a part of the permit's monitoring program, the monitoring well and associated reclamation liability shall be included in the affected lands and reclamation plan of such permit. When a permit is not issued within the timeframes of the prospecting activities of Rule 5.3.1(g), the Prospector shall proceed with abandonment in conformance with the requirements of Rules 5.4.2 unless the monitoring well is converted to a water well under Rule 5.4.5.

5.4.5 Use as, or Conversion to, a Water Well

(1) If any exploration drill hole or monitoring well will ultimately be used as, or converted to, a water well:

- (a) the user of the water well must have obtained an approved well permit from the Colorado Division of Water Resources, in accordance with Articles 90, 91 and 92 of Title 37, C.R.S., prior to drilling and construction of the well; and
- (b) the ~~Operator conducting the exploration~~ Explorer shall submit to the Office the permanent abandonment report required by Rule 5.67 with an attached copy of the completely executed "Well Construction and Test Report," submitted to the Colorado Division of Water Resources as required by the Board of Examiners of the Water Well Construction and Pump Installation Contractors.
 - (i) The ~~Operator~~ Explorer need not complete those portions of the permanent abandonment report which duplicate information contained on the "Well Construction and Test Report."

(2) The user of the water well may assume the ~~Operator's~~ Explorer's responsibility for maintenance of the temporary abandonment and completion of the permanent abandonment of a exploration drill hole or monitoring well proposed to be converted to a water well, if the following requirements are satisfied:

- (a) the user of the water well ~~must~~ submits a copy of the completely executed well permit to the Mined Land Reclamation Office; and

- (b) the user of the water well and the ~~Operator conducting the exploration~~ Explorer ~~must~~ submit a completely executed "Request for Transfer of Responsibility for Abandonment of a Exploration Drill Hole Converted to a Water Well" to the Office.

5.5 SURFACE RECLAMATION

5.5.1 General Requirements

All lands affected by drilling must be reclaimed to a condition appropriate for the land use existing prior to exploration, or other beneficial use, upon completion of exploration.

5.5.2 Specific Requirements

~~This reclamation shall include, but not be limited to,~~ Reclamation shall be completed consistent with all applicable requirements of Rule 3.1 and the following:

- (a) trash must be removed from the site;
- (b) vegetation cleared from the site must be properly disposed of or dispersed;
- (c) drill cuttings must be spread to a depth no greater than one-half (1/2) inch or buried in an approved disposal pit;
- (d) mud pits, excavations, trenches, or other disturbance shall be backfilled and graded to blend with the surrounding land surface;
- (e) if vegetative cover was destroyed, an appropriate seed mix shall be used in the first normal period favorable for planting;
- (f) if necessary to assure successful revegetation, the drill site area shall be scarified, mulched and the seed covered; ~~and~~
- (g) ~~reclamation shall be completed in accordance with all applicable requirements of Rule 3.1. noxious weeds shall be controlled within the area affected by the Explorer; and~~
- (h) existing roads which are to remain as permanent roads after exploration activities are completed, shall be left in a condition equal to or better than the pre-exploration condition.

5.6 ANNUAL REPORT

- (1) An annual report must be submitted by the anniversary date of the NOI approval for each year until a reclamation responsibility release is granted. The Annual Report shall include all information specified on the Annual Report Form, in the format required by the Office, and specifically:
 - (a) the Explorer and contact person's name, address, e-mail, and telephone number, as set forth in Rules 5.1.2(b) and (c);
 - (b) the name, address and telephone number of the surface landowner where Exploration has occurred;

- (c) a description of the exploration activity that has occurred during the preceding year, to include the location of new surface drill holes, mud pits, excavations, trenches, and explorations roads;
 - (d) a description of reclamation that has occurred during the year and during the preceding years;
 - (e) the date that the exploration activity has ended or will end;
 - (f) an updated map showing the location of all holes drilled, any roads constructed, areas disturbed and areas reclaimed to date, including identification of disturbance and reclamation activities which have occurred in the preceding year. Exploration disturbance and reclamation must be identified on a site map of adequate scale to field locate these areas, which may include:
 - (i) coordinates reported in latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W); or
 - (ii) coordinates based on the Universal Transverse Mercator (UTM) North American Datum (NAD). For UTM, the Explorer will need to specify NAD 1927, NAD 1983 or WGS 84, and the applicable zone, measured in meters.
 - (g) documentation, in a manner acceptable to the Office, showing that the Financial Warranty remains in place and is adequate to fully reclaim the approved exploration site disturbance.
 - (h) signature(s) and signature date(s) , or other certification as designated and approved by the Office, of the Explorer, as set forth in Rule 5.1.2(b), attesting to the accuracy of the information contained therein.
- (2) Failure to submit an annual report for two (2) consecutive years shall constitute evidence of abandonment of the exploration activities. The Office may issue a letter stating its reason(s) to believe a site has been abandoned where the annual report has not been received within sixty (60) Days following the due date of the second annual report. Any appeal of this determination shall follow the procedures set forth in Rule 1.4.11.
- (3) Annual reports and all information contained therein shall be confidential in nature and shall not be matter of public record.
- (4) On the anniversary date of the NOI approval, the Explorer shall submit to the Office an annual fee as specified in Section 34-32.5-125(b)(iv), C.R.S.

5.67 FINAL DRILL HOLE ABANDONMENT REPORT

5.6.1 General Requirements

- (1) No later than sixty (60) days after the completion of the abandonment of any drill hole which has artesian flow at the surface, or no later than twelve (12) months after the completion of the abandonment of any other drill holes, the ~~Operator conducting the exploration~~ Explorer shall submit to the ~~Director of the~~ Office a final drill hole abandonment report containing:
 - (a) the date of completion of abandonment;
 - (b) ~~the location of such hole;~~ the location of exploration disturbance and reclamation at a scale adequate to accurately field locate these areas, as provided for in Rule 5.6(f)
 - ~~(i) for holes having artesian flow at the surface, within two hundred (200) feet of its actual location; or~~
 - ~~(ii) for all other holes, to the nearest forty (40) acre subdivision.~~
 - (c) ~~F~~or holes having artesian flow at the surface, the estimated rate of flow (if such is known); and
 - (d) a description of the plugging, sealing, and capping techniques used, including the following information when applicable:
 - (i) When mud is used for abandonment, the description shall include the viscosity (marsh funnel viscosity) of the mud when the drill hole reached bottom, the trade name of the abandonment mud utilized, and the final viscosity (marsh funnel viscosity) of the abandonment mixture; or-
 - (ii) When cement is used to abandon the drill hole, the description shall include a description of the cement grout mixture utilized to seal and plug the hole.
- (2) In the case of closely spaced drill holes having similar geologic and hydrologic characteristics, the ~~Operator-Explorer~~ may, with the approval of the Office, submit a single consolidated final report including the locations of all drill holes, and the abandonment technique.
- (3) The final report and all information contained therein shall be confidential in nature and shall not be matter of public record.
- (4) The report shall be signed, or other certification as designated and approved by the Office, by the ~~Operator conducting the exploration operation~~ Explorer or the Explorer's authorized contact, as set forth in Rule 5.1.2(c), attesting to the accuracy of the information contained therein.

5.78 WAIVER OF SPECIFIC REPORTING REQUIREMENTS REGARDING AQUIFERS

The Director of the Office may waive the administrative provisions of Rules 5.4.2(6) and 5.4.4(c) which pertain to aquifers (report requirements) upon approval of a written application submitted to the Director.

~~5.8 ANNUAL REPORT AND FEE~~

~~(1) An annual report must be submitted by the anniversary date of the Notice of Intent (NOI) approval for each year until a reclamation responsibility release is granted. The Annual Report shall include all information specified on the Annual Report Form, in the format required by the Office. The annual report shall contain:~~

~~(a) an updated map showing the location of all holes drilled, any roads constructed, areas disturbed and areas reclaimed to date, including identification of disturbance and reclamation activities which have occurred in the preceding year. Exploration disturbance and reclamation must be identified on a site map of adequate scale to field locate these areas, which may include;~~

~~(i) coordinates reported in latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W); or~~

~~(ii) coordinates based on the Universal Transverse Mercator (UTM) North American Datum (NAD). For UTM, the Prospector will need to specify NAD 1927, NAD 1983 or WGS 84, and the applicable zone, measured in meters.~~

~~(2) On the anniversary date of the Notice of Intent (NOI) approval, the Person conducting exploration shall submit to the Office an annual fee as specified in Section 34-32.5-125(b)(iv), C.R.S.~~

RULE 6: PERMIT APPLICATION EXHIBIT REQUIREMENTS

6.1 REQUIREMENTS FOR SPECIFIC OPERATIONS

6.1.1 General Provisions

This Rule provides for the specification of Exhibits required to be submitted along with each type of Permit application.

6.1.2 110, ~~110(6)~~ Limited Impact, and 111 Special Operations

These operations shall provide all the Exhibits, as described in Rule 6.3. Rule 6.5 (Geotechnical Stability Exhibit) may also be required on a case-by-case basis.

6.1.3 112 Reclamation Permit Operations

These operations shall provide all the Exhibits, as described in Rule 6.4. Rule 6.5 (Geotechnical Stability Exhibit) may also be required on a case-by-case basis.

6.2 GENERAL REQUIREMENTS OF EXHIBITS

6.2.1 General Requirements

(1) This Rule provides for the guidelines for, and information requirements of, each Exhibit required to be submitted with the permit application, as specified according to Rule 6.1.

(2) Maps and Exhibits

Maps, except the index map, must conform to the following criteria:

(a) show name of Applicant and the operation name;

(b) must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;

(c) give date prepared;

(d) identify and outline the area which corresponds with the application;

(e) with the exception of the map of the affected lands required in Section 34-32.5-112(2)(d), C.R.S. 1984, as amended, shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet; and

(f) ~~Also, that include~~ a map scale, appropriate legend, map title, ~~date~~ and a north arrow ~~shall be included~~.

6.3 SPECIFIC PERMIT APPLICATION EXHIBIT REQUIREMENTS - 110 ~~OR 110(6)~~ LIMITED IMPACT and 111 SPECIAL OPERATIONS

6.3.1 EXHIBIT A - Legal Description and Location Map

(1) The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by (a) township, range, and

section, to at least the nearest quarter-quarter section, and (b) location of the main entrance to the mine site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. A metes and bounds survey description is acceptable in lieu of Township, Range, and Section. Where available, the street address or lot number(s) shall be given. This information may be available from the County Assessor's office or U.S. Geological Survey (USGS) maps.

- (2) The main entrance to the mine site shall be located based on a USGS ~~T~~topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345 N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.
- (3) A map showing information sufficient to determine the location of the affected land on the ground and existing and proposed roads or access routes to be used in connection with the mining operation. Names of all immediately adjacent surface owners of record shall also be shown. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. The location of the proposed operation shall be shown and labeled with the mine site name.

6.3.2 EXHIBIT B - Site Description

Items (a)-(c) below must be addressed to the extent necessary to demonstrate compliance with the applicable performance standard requirements of Rule 3. At a minimum, the Operator/Applicant shall include the following information:

- (a) a description of the vegetation and soil characteristics in the area of the proposed operation. The local office of the Natural Resources Conservation Service (NRCS) may provide ~~you with~~ this information as well as recommendations for Exhibit D - Reclamation Plan;
- (b) identify any permanent man-made structures within two hundred (200) feet of the affected area and the owner of each structure. Each structure should be located on Exhibit E - Map;
- (c) a description of the water resources in the area of the proposed operation. Identify any streams, springs, lakes, stock water ponds, ditches, reservoirs, and aquifers that would receive drainage directly from the affected area. Provide any information available from publications or monitoring data on flow rates, water table elevations and water quality conditions; and
- (d) A wildlife statement prepared by ~~the~~ Colorado Parks and Wildlife (CPW) is not required for 111 Special Operations ~~, or 110, or 110(6)~~ Limited Impact Operations. The Operator/Applicant may contact the local CPW representative to verify that no critical or important wildlife habitats or wildlife species will be impacted by the proposed operation.

6.3.3 EXHIBIT C - Mining Plan

The purpose of the mining plan is to describe how mining will affect the permit area for the duration of the operation. This plan must be correlated to Exhibit E - Map. The description of the mining plan must be adequate to satisfy the requirements of Rule 3.1 and demonstrate compliance with Rule 3. At a minimum, the Operator/Applicant must include the following information:

- (a) specify the estimated dates that mining will commence and end. If the operation is intended to be an intermittent operation as defined in C.R.S 34-32.5-103(11)(b), the Applicant should

include in this exhibit a statement that conforms to the provisions of Section 34-32.5-103(11)(b), C.R.S.;

- (b) the estimated depth to which soil, suitable as a plant growth medium, will be salvaged for use in the reclamation process. This description must be consistent with information provided in Exhibit B. Sufficient soil must be salvaged to meet the vegetation establishment criteria of Rule 3.1.10. If plant growth medium is not reapplied on a graded area ~~immediately after salvage~~, within the same growing season, not to exceed 180 days, then the Operator/Applicant must specify how the topsoil will be stockpiled and stabilized with a vegetative cover or other means until used in reclamation. Plant growth medium stockpiles must be located separate from other stockpiles, out of the way of mine traffic and out of stream channels or drainage ways. The location of plant growth medium stockpiles must be shown on Exhibit E - Map;
- (c) specify the thickness of overburden or quantity of waste rock, if any, to be removed to reach the deposit. The location of any overburden stockpiles or waste rock fills must be shown on Exhibit E - Map;
- (d) specify the thickness of the deposit to be mined;
- (e) describe the major components of the mining operation such as: roads and access routes, pit, office, shop/maintenance buildings, plant, processing facilities, and any underground workings and openings such as adits or ventilation facilities. These components must be located on Exhibit E - Map;
- (f) specify the dimensions of any significant disturbances to the land surface such as pit excavations, mine benches, impoundments, stockpiles, waste rock disposal areas, etc. In addition, provide the maximum anticipated highwall height, length, and slope;
- (g) specify the dimensions of any existing or proposed roads that will be used for the mining operation. Describe any improvements necessary on existing roads and the specifications to be used in the construction of new roads. New or improved roads must be included as part of the affected lands and permitted acreage. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation. Describe any associated drainage and runoff conveyance structures to include sufficient information to evaluate structure sizing;
- (h) specify how much water will be used in conjunction with the operation, and the source of this water;
- (i) if groundwater will be encountered and/or surface water intercepted or disturbed, describe how mining will affect the quantity and quality of the surface or groundwater and the methods to be used to minimize disturbance to the surface and groundwater systems including proposed dewatering, sediment-containment or chemical treatment systems, storm water run-off controls, and groundwater points of compliance;
- (j) specify how ~~you~~ the Operator/Applicant will comply with applicable Colorado water laws and regulations governing injury to existing water rights;
- (k) if refuse ~~and acid or toxic producing or toxic or acid-forming~~ materials are exposed during mining, describe how they shall be handled and disposed of in a manner that will control unsightliness and protect the drainage system from pollution;

- (l) describe what measures will be taken to minimize disturbance to the hydrologic balance, prevent off-site damage, and provide for a stable configuration of the reclaimed area consistent with the proposed future land use;
- (m) specify whether the deposit will be processed on-site. Processing includes but not limited to crushing, screening, washing, or concrete or asphalt mixing. If the deposit will be processed, then describe the nature of the process, facilities and chemicals utilized. The process area and any structures must be described on Exhibit E - Map;
- (n) identify the primary, and if applicable, secondary and incidental commodities to be mined/extracted by the proposed operation and describe the intended use; ~~and~~
- ~~(o) name and describe the intended use of all expected incidental products to be mined/extracted by the proposed operation.~~
- ~~(op)~~ Specify if explosives will be used in conjunction with the mining or reclamation operation. In consultation with the Office, the Applicant must demonstrate, pursuant to Rule 6.5(4), Geotechnical Stability Exhibit, that off-site areas will not be adversely affected by blasting during mining or reclamation operations; and
- ~~(p)~~ state whether petroleum products will be stored on-site, provide the maximum quantities stored on-site at any one time, and specify the size and material of the storage container(s) and associated secondary containment structure(s) if applicable; if the operation has created a Spill Prevention Control and Countermeasure Plan (SPCC Plan) under the federal Clean Water Act and Colorado Water Quality Act, that plan shall be referenced with a brief description of how it minimizes disturbance to the hydrologic balance from the presence of petroleum products stored on-site; if the operation does not have a SPCC Plan, state what measures will be taken to minimize disturbance to the hydrologic balance from the storage of petroleum products.

6.3.4 EXHIBIT D - Reclamation Plan

- (1) The purpose of the Reclamation Plan is to describe the timing, procedures, criteria and materials that will be used to reclaim the affected land to the proposed future land use. This plan must be correlated to Exhibit E - Map. The description of the Reclamation Plan must be adequate to satisfy the requirements of Rule 3.1 and demonstrate compliance with Rule 3. At a minimum, the Application shall include the following information:
 - (a) specify at what point in the mining plan and to what depth(s) overburden will be replaced in relation to ongoing extraction.
 - (b) specify the maximum gradient of reclaimed slopes (horizontal:vertical). If the Application proposes slopes steeper than 3:1, the Operator/Applicant must include a justification that supports steeper slopes for the proposed post-mining land use, and demonstrates compliance with the applicable performance standards of Rule 3.1.
 - (c) specify the measures that will be taken to revegetate the site, if applicable, including
 - (i) state the thickness of plant growth medium to be replaced. Sample and analyze available soils sufficiently to establish quantity and quality;
 - (ii) state at what point in the mining plan the site will be seeded. Explain how the seedbed will be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced). State the type, application rate, and soil

incorporation methods of fertilizer application, if any. NOTE: Soil amendments shall only be applied where soil tests indicate nutrient deficiencies for the plant species to be established;

- (iii) state the grass, forb, shrub and tree species to be planted and the applicable quantities. Specify the quantity of each grass and forb species as pounds of pure live seed per acre;
 - (iv) specify the application method for grass and forb seeding. If the seed is to be broadcast, either provide the broadcast application rate or the application rate shall be twice the rate required for seed drilling. If the seedbed has not been adequately roughened prior to seeding, the seed shall be ~~raked or harrowed after broadcast application~~ incorporated into the seedbed by raking, harrowing or by other means of stabilization such as hydromulching;
 - (v) if a mulch is needed, specify the kind to be used, the crimping method, and rate of application, state what type of mulch to be used, the application rate per acre, and the crimping method if applicable, or provide a technical justification for when mulch will not be used (i.e., the use of other soil stabilizing practices, planting a sterile cover crop, site-specific limitations, etc.); and
 - (vi) explain the establishment methods for each species of shrub and/or tree, and state the number of each to be established per acre.
- (d) Specify which ponds, streams, roads and buildings, if any, will remain after reclamation. These features must be shown on the Exhibit E - Map. If ponds are part of the Reclamation Plan, slopes from five (5) vertical feet above to ten (10) vertical feet below the expected average water level cannot be steeper than 3H:1V; remaining slope lengths may not be steeper than 2H:1V. Where wildlife habitat is the proposed future land use, shorelines should be irregularly shaped to promote a diverse wildlife habitat. Colorado Parks and Wildlife (CPW) must be consulted where wildlife use-habitat is the proposed future land use.
- (e) Specify the reclamation treatment of any waste rock dumps, underground mine openings, ditches, sediment control facilities, buildings and other features specified in your-the mine plan but not previously addressed in the Reclamation Plan narrative. These features must be shown on Exhibit E - Map. This should describe the measures taken to minimize disturbance to the hydrologic balance, prevent off-site damage, and provide for a stable configuration consistent with the proposed future land use.
- (2) All 110 Limited Impact and 111 Special Operation applications must provide an estimate of the actual costs to reclaim the site based on what it would cost the State of Colorado using an independent contractor to complete reclamation. ~~(Such estimates are not required for activities contemplated by the operator and approved by the Office to be outside the scope of the proposed reclamation plan.)~~ The unit costs should include estimates for the following activities as appropriate to the operation: backfilling, grading, topsoil application, seeding, mulching, fertilization, and labor to complete reclamation. Determine and specify the point during the operation when the site has reached a point of maximum disturbance. The cost to reclaim the site to the specifications of the Reclamation Plan at this point must be estimated. Unit costs (cost per cubic yard), volumes, haul or push distances, and grades must be included when backfilling and grading are part of the Reclamation Plan. Volume and unit costs for finish grading, subsoil and topsoil application must be provided in terms

of cost per cubic yard. The estimated cost for fertilizer, seed and mulch acquisition and application must be provided as cost per acre.

- (a) Equipment costs must include such factors as equipment operator wages and benefits, fuel and lubricant consumption and depreciation. The cost to mobilize and demobilize the equipment from the nearest population center known to have the required equipment availability should be estimated.
- (b) All items referenced in the Reclamation Plan must be included in the cost calculation. These items in addition to earthwork, such as building demolition, fencing, monitoring well sealing or stream channel reconstruction must also be included in the reclamation cost estimate.
- (c) After the direct costs noted above have been estimated, the Office may add up to an additional maximum ~~eighteen~~ twenty and one-half percent (~~18.5%~~ 20.5%) of that total, which includes private contract, typical overhead costs, and a standard contingency. This additional cost is required to cover indirect costs that an independent contractor would incur when performing reclamation of the site. Based on site-specific conditions and for good cause shown by the Office, the percentage of indirect costs may be adjusted above the rate identified above. Five percent (5%) additional cost shall also be added to cover Office administration cost in the event of bond forfeiture and permit revocation.

6.3.5 EXHIBIT E - Maps

- (1) ~~In addition to the requirements of Rule 6.2.1(2), the~~ The Operator/Applicant must provide ~~a~~ maps ~~which meet the requirements of Rule 6.2.1(2)~~ that clearly describes the features associated with the mining plan and the components of the Reclamation Plan. Include at least one (1) map for the mine plan and one (1) map for the Reclamation Plan. ~~The map(s) must be drawn to a scale no smaller than appropriate to clearly show all elements that are required to be delineated by the Act and these Rules; show a north arrow, note any section corners adjacent to the proposed operation, and indicate the date illustrated.~~ At a minimum, maps must include the following information:
 - (2) Mining Plan Map
 - (a) outline and label the permit boundaries, described in Exhibit A - Legal Description, and provide latitude and longitude for each boundary corner as labels on the map or as a separate table; if available, the Operator/Applicant may also provide a digital file type, as determined by the Office, of the permit boundaries; for all 110 Limited Impact and 111 Special Operations, the Office considers the area bounded by the permit boundary to be analogous to the affected area;
 - (b) label the names of owner(s) of record of the surface of the affected area and of the land within two hundred (200) feet of the affected area, identify the owner of the substance to be mined, ~~and the type of structure and owners of record of any permanent or man-made structures within two hundred (200) feet of the affected area;~~
 - (c) outline and label all major surface features to be used in connection with the proposed operation such as: existing and proposed roads, pit boundary, topsoil stockpiles, overburden stockpiles, product stockpiles, waste rock fills, stream channels, buildings, processing plant, underground workings and openings such as adits or ventilation facilities, ponds, impoundments, dewatering pumps, diversions or waste disposal areas;
 - (d) indicate the direction that construction material extraction will proceed;

- (e) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.~~note the location of any significant, valuable, and permanent man-made structures within two hundred (200) feet of the affected area.~~ A narrative description must also be provided in Exhibit B - Site Description; and
 - (f) outline and label existing disturbance within and/or adjacent to the permit boundary (e.g., previously mined areas, roads or excavations resulting from utility construction). Re-disturbance of previously disturbed areas, by the proposed mining operation, must be included in the permit area and addressed in Exhibit D - Reclamation Plan.
- (3) Reclamation Plan Map
- (a) show the gradient of all reclaimed slopes (horizontal:vertical) sufficient to describe the post mine topography;
 - (b) indicate where vegetation will and will not be established and the general area(s) for shrub or tree planting; and
 - (c) if ponds are a part of the Reclamation Plan, outline the final shore configuration of the ponds and identify shallow areas if the future land use is for wildlife;
 - ~~(d) state the average thickness of replaced overburden by reclamation area or phase; and~~
 - ~~(e) state the average thickness of replaced topsoil by reclamation area or phase.~~

6.3.6 EXHIBIT F - List of Other Permits and Licenses Required

Provide a statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds which are held or will be sought in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source materials licenses, ~~disposal of~~ dredge and fill ~~material (404)~~ permits, permit to construct a dam, well permits, explosives permits, State Historic Preservation Office clearance, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

6.3.7 EXHIBIT G - Source of Legal Right-to-Enter

Provide documentation of the legal right to enter to conduct mining and reclamation for all Owners of Record of the surface of the affected land and the mineral rights of the substance to be mined; ~~for Owners of Record described in Rule 1.6.2(1)(e)(i).~~ This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conducting mining and reclamation.

6.3.8 EXHIBIT H - Municipalities wWithin a Two-mile Radius

List the mailing address and telephone number of the governing body for all municipalities within a two (2) mile radius of the proposed mining operation.

6.3.9 EXHIBIT I - Proof of Filing with County Clerk

An affidavit or e-receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c).

6.3.10 EXHIBIT J - Proof of Mailing of Notices to Board of County Commissioners and Conservation District

Proof that notice of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local Conservation District, pursuant to Rule 1.6.2(1)(a)(ii).

6.3.11 EXHIBIT K - Terms of Governmental Contract

For Special 111(1)(a) Operation applicants only, provide a copy of the signed government contract or other documentation verifying the necessity of a Special 111(1)(a) Operation permit. Provide any required evidence of Performance and Financial Warranties provided under the governmental contract.

6.3.12 EXHIBIT L - Permanent Man-Made Structures

(1) Provide a list of the owner's name and type of structure for all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.

(2) Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall:

- (a) provide a notarized or other legally accepted agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- (b) where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- (c) where such structure is a utility, the applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

6.4 SPECIFIC EXHIBIT REQUIREMENTS - 112 RECLAMATION OPERATION

6.4.1 EXHIBIT A - Legal Description

(1) The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by (a), township, range, and section, to at least the nearest quarter-quarter section and (b), location of the main entrance to the site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. A metes and bounds survey description is acceptable in lieu of township, range, and section. Where available, the street address or lot number(s) shall be given. This information may be available from the County Assessor's office or U.S. Geological Survey (USGS) maps.

(2) The main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude or Universal Transverse Mercator (UTM). The operator will need to specify coordinates of latitude and longitude in degrees, minutes and seconds or in decimal degrees to an accuracy of at least five (5) decimal places (e.g., latitude 37.12345

N, longitude 104.45678 W). For UTM, the operator will need to specify North American Datum (NAD) 1927, NAD 1983, or WGS 84, and the applicable zone, measured in meters.

6.4.2 EXHIBIT B - Index Map

An index map showing the regional location of the affected land and all roads and other access to the area. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. Scale criteria need not be followed for this map. The location of the proposed operation shall be shown and labeled with the mine site name.

6.4.3 EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands

One or more maps may be necessary to legibly portray each of the following information:

(1) Pre-mining Map(s)

- (a) all ~~adjoining surface owners of record~~Owners of Record described in Rule 1.6.2(1)(e);
- (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area;
- (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
- (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land"), and provide latitude and longitude for each boundary corner as labels on the map or as a separate table; if available, the Operator/Applicant may also provide a digital file type, as determined by the Office, of the permit boundaries;
- (e) the type of present vegetation covering the affected lands; and
- (f) in conjunction with Exhibit G - Water Information, Rule 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.
- (g) Show the owner's name, type of structures, and location of all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.
- (h) In conjunction with Exhibit I - Soils Information, Rule 6.4.9, soils information may be presented on a map in this section.
- (i) Aerial photos, if available, may be included in this section.

(2) Mining Plan Map(s)

- (a) outline and label all major surface features to be used in connection with the proposed operation such as: existing and proposed roads, pit boundary, topsoil stockpiles, overburden stockpiles, product stockpiles, waste rock fills, stream channels, buildings, processing plant, underground workings and openings such as adits or ventilation facilities, ponds, impoundments, dewatering pumps, diversions or waste disposal areas;

- (b) indicate the direction that construction material extraction will proceed;
- (c) outline and label existing disturbance within and/or adjacent to the permit boundary (e.g., previously mined areas, roads or excavations resulting from utility construction). Re-disturbance of previously disturbed areas, by the proposed mining operation, must be included in the permit area and addressed in Exhibit E - Reclamation Plan.

6.4.4 EXHIBIT D - Mining Plan

The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:

- (a) description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands and describe the major components of the mining operation such as: roads and access routes, pit, office, shop/maintenance buildings, plant, processing facilities, and any underground workings and openings such as adits or ventilation facilities. These components must be located on Exhibit C – Mine Plan Map;
- (b) the estimated depth to which soil, suitable as a plant growth medium, will be salvaged for use in the reclamation process. This description must be consistent with information provided in Exhibit I. Sufficient soil must be salvaged to meet the vegetation establishment criteria of Rule 3.1.10. If plant growth medium is not reapplied on a graded area within the same growing season, not to exceed 180 days, then the Operator/Applicant must specify how the topsoil will be stockpiled and stabilized with a vegetative cover or other means until used in reclamation. Plant growth medium stockpiles must be located separate from other stockpiles, out of the way of mine traffic and out of stream channels or drainage ways. The location of plant growth medium stockpiles must be shown on Exhibit C – Mine Plan Map.
- (c) all water diversions and impoundments; and
- (d) the size of area(s) to be worked at any one time and specify the dimensions of any significant disturbances to the land surface such as pit excavations, mine benches, impoundments, stockpiles, waste rock disposal areas, etc. In addition, provide the maximum anticipated highwall height, length, and slope.
- (e) An approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. An Operator/Applicant shall not be required to meet specific dates for initiation, or completion of mining in a phase as may be identified in the timetable. This does not exempt an Operator/Applicant from complying with the performance standards of Rule 3.1. If the operation is intended to be an intermittent operation as defined in Section 34-32.5-103(11)(b), C.R.S., the Applicant should include in this exhibit a statement that conforms to the provisions of Section 34-32.5-103(11)(b), C.R.S. Such timetable should include:
 - (i) an estimate of the periods of time which will be required for the various stages or phases of the operation;
 - (ii) a description of the size and location of each area to be worked during each phase; and
 - (iii) outlining the sequence in which each stage or phase of the operation will be carried out.

(Timetables need not be separate and distinct from the mining plan, but may be incorporated therein.)

- (f) A map (in Exhibit C - Pre-Mining and Mining Plan Maps(s) of Affected Lands, Rule 6.4.3) may be used along with a narrative to present the following information:
- (i) thickness of overburden or quantity of waste rock, if any, to be removed to reach the deposit. The location of any overburden stockpiles or waste rock fills must be shown on Exhibit C – Mine Plan Map;
 - (ii) ~~nature, depth and thickness of the deposit to be mined and the thickness and type of overburden to be removed~~ (may be marked "CONFIDENTIAL," pursuant to Rule 1.3(3)); and
 - (iii) nature of the stratum immediately beneath the material to be mined in sedimentary deposits.
- (g) Identify the primary, and if applicable, the secondary and incidental commodities to be mined/extracted and describe the intended use; and
- (h) ~~name and describe the intended use of all expected incidental products to be mined/extracted by the proposed operations~~ specify whether the deposit will be processed on-site. Processing includes but not limited to crushing, screening, washing, or concrete or asphalt mixing. If the deposit will be processed, then describe the nature of the process, facilities and chemicals utilized. The process area and any structures must be depicted on Exhibit C – Mine Plan Map;-
- (i) Specify if explosives will be used in conjunction with the mining (or reclamation). In consultation with the Office, the Applicant must demonstrate pursuant to Rule 6.5(4), Geotechnical Stability Exhibit, that off-site areas will not be adversely affected by blasting.
- (j) Specify the dimensions of any existing or proposed roads that will be used for the mining operation. Describe any improvements necessary on existing roads and the specifications to be used in the construction of new roads. New or improved roads must be included as part of the affected lands and permitted acreage. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation. Describe any associated drainage and runoff conveyance structures to include sufficient information to evaluate structure sizing.
- (k) If refuse or toxic or acid-forming materials are exposed during mining, describe how they shall be handled and disposed of in a manner that will control unsightliness and protect the drainage system from pollution.
- (l) State whether petroleum products will be stored on-site, provide the maximum quantities stored on-site at any one time, and specify the size and material of the storage container(s) and associated secondary containment structure(s) if applicable; if the operation has created a Spill Prevention Control and Countermeasure Plan (SPCC Plan) under the federal Clean Water Act and Colorado Water Quality Act, that plan shall be referenced with a brief description of how it minimizes disturbance to the hydrologic balance from the presence of petroleum products stored on-site; if the operation does not have a SPCC Plan, state what measures will be taken to minimize disturbance to the hydrologic balance from the storage of petroleum products.

6.4.5 EXHIBIT E - Reclamation Plan

- (1) In preparing the Reclamation Plan, the Operator/Applicant should be specific in terms of addressing such items as final grading (including drainage), seeding, fertilizing, revegetation (trees, shrubs, etc.), and topsoiling. Operators/Applicants are encouraged to allow flexibility in their plans by committing themselves to ranges of numbers (e.g., 6"-12" of topsoil) rather than specific figures.
- (2) The Reclamation Plan shall include provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by the Operator/Applicant. Reclamation shall be required on all the affected land. The Reclamation Plans shall include:
 - (a) A description of the type(s) of reclamation the Operator/Applicant proposes to achieve in the reclamation of the affected land, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving;
 - (b) A comparison of the proposed post-mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs. In those instances where the post-mining land use is for industrial, residential, or commercial purposes and such use is not reasonably assured, a plan for revegetation shall be submitted. Appropriate evidence supporting such reasonable assurance shall be submitted;
 - (c) A description of how the Reclamation Plan will be implemented to meet each applicable requirement of Rule 3.1;
 - (d) Where applicable, plans for topsoil segregation, preservation, and replacement; for stabilization, compaction, and grading of spoil; and for revegetation. The revegetation plan shall contain a list of the preferred species of grass, legumes, forbs, shrubs or trees to be planted, the method and rates of seeding and planting, the estimated availability of viable seeds in sufficient quantities of the species proposed to be used, and the proposed time of seeding and planting;
 - (e) A plan or schedule indicating how and when reclamation will be implemented. Such plan or schedule shall not be tied to any specific date but shall be tied to implementation or completion of different stages of the mining operation as described in Rule 6.4.4(e). The plan or schedule shall include:
 - (i) An estimate of the periods of time which will be required for the various stages or phases of reclamation;
 - (ii) A description of the size and location of each area to be reclaimed during each phase; and
 - (iii) An outline of the sequence in which each stage or phase of reclamation will be carried out.

(The schedule need not be separate and distinct from the Reclamation Plan, but may be incorporated therein.)
 - (f) A description of each of the following:

- (i) ~~Final grading - specify maximum anticipated slope gradient or expected ranges thereof; specify the maximum gradient of reclaimed slopes (horizontal:vertical). If the Application proposes slopes steeper than 3:1, the Operator/Applicant must include a justification that supports steeper slopes for the proposed post-mining land use, and demonstrates compliance with the applicable performance standards of Rule 3.1;~~
- (ii) ~~Topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced~~
- ~~(iii) Seeding - specify types, mixtures, quantities, and expected time(s) of seeding and planting; Specify the quantity of each grass and forb species as pounds of pure live seed per acre;~~
- ~~(iii) Fertilization - if applicable, specify types, mixtures, quantities and time of application;~~
- (iv) ~~Revegetation - specify types of trees, shrubs, etc., quantities, size and location; and specify the application method for grass and forb seeding. If the seed is to be broadcast, either provide the broadcast application rate or the application rate shall be twice the rate required for seed drilling. If the seedbed has not been adequately roughened prior to seeding, the seed shall be incorporated into the seedbed by raking, harrowing, or by other means of stabilization such as hydromulching;~~
- (v) ~~Fertilization - if applicable, specify types, mixtures, quantities and time of application (NOTE: Soil amendments shall only be applied where soil tests indicate nutrient deficiencies for the plant species to be established); Topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced.;~~
- ~~(vi) Mulch - state what type of mulch to be used, the application rate per acre, and the crimping method if applicable, or provide a technical justification for when mulch will not be used (i.e., the use of other soil stabilizing practices, planting a sterile cover crop, site-specific limitations, etc.); and~~
- ~~(vii) Plantings - explain the establishment methods for each species of shrub and/or tree, and state the number of each to be established per acre.~~
- (g) Specify which ponds, streams, roads and buildings, if any, will remain after reclamation. These features must be shown on the Exhibit F – Reclamation Plan Map. If ponds are part of the Reclamation Plan, slopes from five (5) vertical feet above to ten (10) vertical feet below the expected average water level cannot be steeper than 3H:1V; remaining slope lengths may not be steeper than 2H:1V. Where wildlife habitat is the proposed future land use, shorelines should be irregularly shaped to promote a diverse wildlife habitat. Colorado Parks and Wildlife (CPW) must be consulted where wildlife habitat is the proposed future land use.
- (h) Specify the reclamation treatment of any waste rock dumps, underground mine openings, ditches, sediment control facilities, buildings and other features specified in the mine plan but not previously addressed in the Reclamation Plan narrative. These features must be shown on Exhibit F – Reclamation Plan Map. This should describe the measures taken to minimize disturbance to the hydrologic balance, prevent off-site damage, and provide for a stable configuration consistent with the proposed future land use.

6.4.6 EXHIBIT F - Reclamation Plan Map

The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

- (a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands;~~and~~
- (b) Portrayal of the proposed final land use for each portion of the affected lands;~~and~~
- (c) If ponds are a part of the Reclamation Plan, outline the final shore configuration of the ponds and identify shallow areas if the future land use is for wildlife.

6.4.7 EXHIBIT G - Water Information

- (1) If the operation is not expected to directly affect surface or groundwater systems, a statement and sufficient demonstration of that expectation shall be submitted.
- (2) If the operation is expected to directly affect surface or groundwater systems, the Operator/Applicant shall:
 - (a) Locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations;
 - (b) Identify all known aquifers;~~and~~
 - (c) Submit a ~~brief statement or~~ plan showing how water from de-watering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation;~~and~~
 - (d) Specify how the Operator/Applicant will comply with applicable Colorado water laws and regulations governing injury to existing water rights.
- (3) The Operator/Applicant shall provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.
- (4) The Operator/Applicant shall indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.
- (5) The Operator/Applicant shall affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health and Environment, if necessary.

6.4.8 EXHIBIT H - Wildlife Information

- (1) In developing the wildlife information, the Operator/Applicant may wish to contact the local wildlife conservation officer. The Operator/Applicant shall include in this Exhibit, a

description of the game and non-game resources on and in the vicinity of the application area, including:

- (a) a description of the significant wildlife resources on the affected land;
 - (b) seasonal use of the area;
 - (c) the presence and estimated population of threatened or endangered species from either federal or state lists; and
 - (d) a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.
- (2) The application may be reviewed and commented upon by Colorado Parks and Wildlife (CPW). If CPW has comments, they must be provided prior to the end of the public comment period specified in Rule 1.7.1(2)(a) to be considered by the Board and Office.

6.4.9 EXHIBIT I - Soils Information

- (1) In consultation with the Natural Resources Conservation Service (NRCS) or other qualified person, the Operator/Applicant shall indicate on a map (in Exhibit C) or by a statement, the general type, thickness and distribution of soil over the affected land. Such description will address suitability of topsoil (or other material) for establishment and maintenance of plant growth. If necessary, at its discretion, the Board may require additional information on soils or other growth media to be stockpiled and used in revegetation.

6.4.10 EXHIBIT J - Vegetation Information

- (1) The Operator/Applicant shall include in this Exhibit a narrative of the following items:
- (a) descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs);
 - (b) the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map; and
 - (c) estimates of average annual production for hay meadows and croplands, and carrying capacity for range lands on or in the vicinity of the affected land, if the choice of reclamation is for range or agriculture.
- (2) The Operator/Applicant shall show the relation of the types of vegetation to existing topography on a map in Exhibit C. In providing such information, the Operator/Applicant may want to contact the local Conservation District.

6.4.11 EXHIBIT K - Climate

Provide a description of the significant climatological factors for the locality.

6.4.12 EXHIBIT L - Reclamation Costs

- (1) ~~All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. The information provided by the Operator/Applicant must be sufficient to calculate the cost of reclamation that would be~~

~~incurred by the state. All 112 Regular Operation applications must provide an estimate of the actual costs to reclaim the site based on what it would cost the State of Colorado using an independent contractor to complete reclamation. The unit costs should include estimates for the following activities as appropriate to the operation: backfilling, grading, topsoil application, seeding, mulching, fertilization, and labor to complete reclamation. Determine and specify the point during the operation when the site has reached a point of maximum disturbance. The cost to reclaim the site to the specifications of the Reclamation Plan at this point must be estimated. Unit costs (cost per cubic yard), volumes, haul or push distances, and grades must be included when backfilling and grading are part of the Reclamation Plan. Volume and unit costs for finish grading, subsoil and topsoil application must be provided in terms of cost per cubic yard. The estimated cost for fertilizer, seed and mulch acquisition and application must be provided as cost per acre.~~

- ~~(a) Equipment costs must include such factors as equipment operator wages and benefits, fuel and lubricant consumption and depreciation. The cost to mobilize and demobilize the equipment from the nearest population center known to have the required equipment availability should be estimated.~~
- ~~(b) All items referenced in the Reclamation Plan must be included in the cost calculation. These items in addition to earthwork, such as building demolition, fencing, monitoring well sealing or stream channel reconstruction must also be included in the reclamation cost estimate.~~
- ~~(c) After the direct costs noted above have been estimated, the Office may add up to an additional maximum twenty and one-half percent (20.5%) of that total, which includes private contract, typical overhead costs, and a standard contingency. This additional cost is required to cover indirect costs that an independent contractor would incur when performing reclamation of the site. Based on site-specific conditions and for good cause shown by the Office, the percentage of indirect costs may be adjusted above the rate identified above. Five percent (5%) additional cost shall also be added to cover Office administration cost in the event of bond forfeiture and permit revocation.~~

- (2) The Office may request the Operator/Applicant to provide additional, reasonable data to substantiate said Operator/Applicant's estimate of the cost of reclamation for all Affected Lands.

6.4.13 EXHIBIT M - Other Permits and Licenses

~~Provide a~~ statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds or will be ~~seeking sought~~ in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, ~~the State Historic Preservation Office clearance, disposal of dredge and fill material (404)~~ permits, permit to construct a dam, well permits, explosives permits, ~~State Historic Preservation Office clearance~~, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

6.4.14 EXHIBIT N - Source of Legal Right to Enter

Provide documentation of the legal right to enter to conduct mining and reclamation ~~for all Owners of Record of the surface of the affected land and the mineral rights of the substance to be mined, for Owners of Record described in Rule 1.6.2(1)(e)(i).~~ This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the Landowner(s) and acknowledged by a Notary Public stating that the Operator/Applicant has legal right to enter to conduct mining and reclamation.

6.4.15 EXHIBIT O - Owner~~s(s)~~ of Record ~~of Affected Land (Surface Area) and Owners of Substance to be Mined~~

~~The complete list of all owners can be submitted as a list or on a map in Exhibit C.~~

- ~~(1) Provide a list of all Owners of Record of the surface of the affected land.~~
- ~~(2) Provide a list of all Owners of Record of the mineral rights of the substance to be mined.~~
- ~~(3) Provide a list of all Owners of Record of all land surface within 200 feet of the boundary of the affected lands.~~

6.4.16 EXHIBIT P - Municipalities Within Two Miles

~~A list of any municipality(s) within two (2) miles of the proposed mining operation and address of the general office of each municipality. List the mailing address and telephone number of the governing body for all municipalities within a two (2) mile radius of the proposed mining operation.~~

6.4.17 EXHIBIT Q - Proof of Mailing of Notices to Board of County Commissioners and Conservation District

Proof that notice, of the permit application was sent to the Board of County Commissioners and, if the mining operation is within the boundaries of a Conservation District, to the Board of Supervisors of the local Conservation District, pursuant to Rule 1.6.2(1)(a)(ii).

6.4.18 EXHIBIT R - Proof of Filing with County Clerk and Recorder

An affidavit or ~~e-~~receipt indicating the date on which the application was placed with the local County Clerk and Recorder for public review, pursuant to Rule 1.6.2(1)(c).

6.4.19 EXHIBIT S - Permanent Man-made Structures

- ~~(1) Provide a list of the owner's name and type of structure for all significant, valuable, and permanent man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.~~
- ~~(2) Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall:
 - (a) provide a notarized or other legally accepted agreement between the ~~a~~Applicant and the person(s) having an interest in the structure, that the ~~a~~Applicant is to provide compensation for any damage to the structure; or
 - (b) where such an agreement cannot be reached, the ~~a~~Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
 - (c) where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.~~

6.5 GEOTECHNICAL STABILITY EXHIBIT

- (1) On a site-specific basis, an Applicant shall be required to provide a geotechnical evaluation of all geologic hazards that have the potential to affect any proposed impoundment, slope, embankment, highwall, or waste pile within the affected area. A geologic hazard is one of several types of adverse geologic conditions capable of causing damage or loss of property and life. The Applicant may also be required to provide a geotechnical evaluation of all geologic hazards, within or in the vicinity of the affected lands, which may be de-stabilized or exacerbated by mining or reclamation activities.
- (2) On a site-specific basis, an Applicant shall be required to provide engineering stability analyses for proposed final reclaimed slopes, highwalls, waste piles and embankments. An Applicant may also be required to provide engineering stability analyses for certain slopes configurations as they will occur during operations, including, but not limited to embankments. Information for slope stability analyses may include, but would not be limited to, slope angles and configurations, compaction and density, physical characteristics of earthen materials, pore pressure information, slope height, post-placement use of site, and information on structures or facilities that could be adversely affected by slope failure.
- (3) Where there is the potential for off-site impacts due to failure of any geologic structure or constructed earthen facility, which may be caused by mining or reclamation activities, the Applicant shall demonstrate through appropriate geotechnical and stability analyses that off-site areas will be protected with appropriate factors of safety incorporated into the analysis. The minimum acceptable safety factors will be subject to approval by the Office, on a case-by-case basis, depending upon the degree of certainty of soil or rock strength determinations utilized in the stability analysis, depending upon the consequences associated with a potential failure, and depending upon the potential for seismic activity at each site.
- (4) At sites where blasting is part of the proposed mining or reclamation plan, the Applicant shall demonstrate through appropriate blasting, vibration, geotechnical, and structural engineering analyses, that off-site areas will not be adversely affected by blasting.

RULE 7: **FOR THE PURPOSES OF THIS ACT, THIS RULE HAS BEEN DELETED IN ITS ENTIRETY**

RULE 8: EMERGENCY NOTIFICATION BY OPERATORS, AND EMERGENCY RESPONSE AUTHORITY OF THE OFFICE

8.1 SITUATIONS THAT REQUIRE EMERGENCY NOTIFICATION BY THE OPERATOR

Operators shall notify the Office, as soon as reasonably practicable, but no later than twenty-four (24) hours, after the Operator has knowledge of a failure or imminent failure of any impoundment, embankment, stockpile or slope that poses a reasonable potential for danger to persons or property

8.2 OPERATOR'S GENERAL NOTIFICATION RESPONSIBILITIES FOR REPORTING EMERGENCY CONDITIONS

8.2.1 Emergency Reporting Procedure

(1) Telephone notice shall be given to the Office staff as follows:

- (a) during regular business hours (8:00 am to 5:00 pm, on ~~w~~Working ~~d~~Days), the notice shall be given to the Office via the Office's main phone line at 303-866-3567.
- (b) outside regular business hours, or if the Office cannot be contacted, notice shall be given to the Colorado Department of Public Health and Environment 24 hour Colorado Emergency and Incident Reporting Line. Specify to this agency, that the emergency authority is coordinated through the Division of Reclamation, Mining and Safety, and to activate that Division's response network.

(2) After the telephone notice as required by Rule 8.2.1(1) is made, a follow-up electronic notice shall be submitted to the Office at drms_info@state.co.us.

8.2.2 Emergency Notification Information Required

Notice required pursuant to this Rule 8 shall contain the following information (to the extent known at the time of the notice, and so long as no delay occurs in reporting results):

- (a) that this is notification of an emergency condition as required by Rule 8;
- (b) the nature of the condition;
- (c) the time and duration of the occurrence and if it is on-going, or urgency of the pending situation;
- (d) any known or anticipated impacts to ~~persons or property~~ human health, property or the environment;
- (e) precautions and corrective actions taken by the Operator; and
- (f) the Operator's name(s) and contact number(s) for persons to be contacted for further information and response by the Office.

8.2.3 Follow-up Notice Requirements

As soon as practicable after an emergency situation or condition is reported and addressed, but no later than five (5) Working Days, the Operator shall provide a written report of the event to the Office. The report shall provide a description of:

- (a) actions taken to respond to and correct the emergency situation or condition;

- (b) any known or anticipated adverse impacts to ~~persons or property~~ human health, property or the environment ;
- (c) name(s), address(s), telephone numbers and e-mail address of the Operator's contact person for additional information and follow-up by the Office;
- (d) monitoring and analyses that are necessary to evaluate the situation and corrective actions, copies of all pertinent data; and
- (e) results of the Operator's investigation to assess the conditions or circumstances that created the emergency situation, and what corrective or protective measures will be taken to prevent a similar event from occurring in the future.

8.3 THIS RULE DELETED, RESERVED FOR FUTURE USE

8.4 EMERGENCY RESPONSE AUTHORITY OF THE OFFICE

8.4.1 Responsibilities of the Office

The Office may:

- (a) establish an Emergency Response Team, which may include other Offices and Agencies;
- (b) enter properties to take necessary emergency, safeguarding and corrective measures;
- (c) after consultation with, and authorization from the Office, issue a written cease and desist order for the activity(ies) suspected of causing the emergency situation;
- (d) apply to a district court for a temporary restraining order, temporary injunction, or permanent injunction to require cessation of the activity(ies) determined to be causing the emergency situation.
- (e) The Financial Warranty funds shall be available for the state to operate any facilities as may be necessary to terminate an emergency as defined by these Rules.

8.4.2 Office's Determination that an Emergency Exists

The Office may exercise its emergency authority to respond to situations at construction material extraction operations. The determination may be based upon the following:

- (a) the Operator, or another person fails or refuses to stop engaging in any activity not permitted by, or which constitutes a possible violation of the Act, the Rules or permit conditions, and which is presenting an unwarranted risk of serious harm to ~~person or property~~ human health, property or the environment ;
- (b) the Operator or another person, fails or refuses to take corrective actions necessary to contain, control, safeguard, or manage an emergency situation;
- (c) an Operator fails or refuses to respond to a Board Order requiring corrective actions for:
 - (i) any failure or imminent failure of any impoundment, embankment, stockpile, or slope identified in the permit;

- (ii) any specific Permit condition which is intended to protect ~~persons or property~~ human health, property or the environment.

8.5 THIS RULE DELETED, RESERVED FOR FUTURE USE

8.6 FOLLOW-UP MONITORING AND REPORTING REQUIREMENTS

The Board or Office may require that a post-emergency situation inspection or monitoring program be performed to evaluate any possible adverse impacts, and to ~~ie~~ensure that the corrective actions taken are sufficient to address the circumstances creating the initial emergency situation.

RULE 9: CHANGE OF NAME – LEGAL EFFECT

Any statute enacted prior to or on August 9, 2006 changing the name of the Division of Minerals and Geology to the Division of Reclamation, Mining and Safety, shall not impair the legal status or effect of any and all permits, permit obligations, financial warranties, performance warranties, contracts, property rights and/or any other obligations or legal relationships that were entered into between any entity or individual and the Division of Minerals and Geology prior to the name change. All such obligations will remain legally binding and shall not be impaired by any such name change. Any statute enacted after August 9, 2006 changing the name of the Division of Reclamation, Mining and Safety to any other name, shall not impair the legal status or effect of any and all permits, permit obligations, financial warranties, performance warranties, contracts, property rights and/or any other obligations or legal relationships that were entered into between an entity or individual and the Division of Reclamation, Mining and Safety prior to such name change. All such obligations will remain legally binding and shall not be impaired by any such name change.

**Statement of Basis, Specific Statutory Authority, and Purpose for
New Rules and Amendments to the Mineral Rules and Regulations of
the Colorado Mined Land Reclamation Board for the Extraction of
Construction Materials, 2 CCR 407-4**

**Implementation of Senate Bill
25-054, Modernization, Financial
Warranty and various rule
updates and edits**

Consistent with Section 24-4-103(4), C.R.S., of the Administrative Procedure Act, this statement sets forth the basis, specific statutory authority, and purpose for new rules and amendments to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials, 2 CCR 407-4 (“Rules”). They also are intended to foster and encourage the development of the State’s natural resources and the development of a sound and stable mining and minerals industry and require mining operators to reclaim land affected by such operations so that the affected land can be put to a use beneficial to the people of this State. *See* § 34-32.5-102, C.R.S.

Stakeholder Participation

The Colorado Division of Reclamation, Mining and Safety (“Division”), as staff to the Board, held informal stakeholder outreach regarding the proposed Rules. Informal stakeholder meetings were held on July 23, August 27 and September 24, 2025. The Division invited and accepted written and verbal comments from stakeholders regarding the proposed Rules during the stakeholder process and amended the draft proposed Rules based on comments received during the informal stakeholder process to gain consensus, where possible, or to better clarify the intent and purpose of a proposed amendment. During the course of the informal stakeholder meetings the Division maintained a publicly accessible website link that included all drafts and redline versions of the proposed Rules as well as recorded videos of the stakeholder meetings.

The Board filed with the Secretary of State the Notice of Rulemaking Hearing and draft proposed Rules on October 29, 2025, and the Notice and draft Rules were published in the Colorado Register on November 10, 2025. This Notice initiated the formal rulemaking process. Pursuant to the Notice of Rulemaking, any person or organization was invited to participate in the rulemaking and submit prehearing statements, written comments, or alternate proposed language and rules within the specific scope of this rulemaking.

Statutory Authority

The Board is authorized to promulgate the Rules under the following sections of the Colorado Mined Land Reclamation Act:

- Section 34-32-106(1)(c), C.R.S. (Board has the duty to develop and promulgate standards for land reclamation plans);
- Section 34-32.5-108, C.R.S (Board has the authority to adopt and promulgate reasonable rules and regulations regarding administration of the Act).
- Sections 34-32.5-117, 118 and 122, C.R.S (Senate Bill 25-054 set forth new statutory requirements and increased the regulatory authority of the Board and the Division. Additionally, the Bill modified or eliminated certain types of Financial Warranty options and amended to Act to modernize processes).

Overview of Purpose and Intent

All active and permitted mines are required to post a financial warranty which reflects the actual, current cost of completing a Reclamation Plan. The financial warranties are returned to the warrantor upon successful completion of reclamation. In the event the Operator is unable to complete reclamation, the financial warranty is forfeited and used by the Division to complete reclamation. SB25-054, through implementation by these amended Rules, will streamline administration of forfeited funds by placing all revoked reclamation funds with the program that has the responsibility for oversight of reclamation and to align with current financial practices for distribution of those funds. These amended Rules also seek to remove outdated financial warranty options by, among other things, eliminating the use of real property and salvage value as forms of financial warranty. Finally, as now authorized by SB 25-054, the amended Rules limit use of real and personal property as Financial Warranty to only the largest operators that can utilize such a bond.

As outlined above, the primary reason for adopting the proposed Rules is to implement the new areas of authority and regulation set forth in SB 25-054. Additionally, the amended Rules seek to modernize the regulatory authority of the Division and Board and clarify and/or codify current Division procedures and regulatory practices. Finally, the amended Rules seek to create consistency with the Hard Rock Regulations, where appropriate.

Amendments and Additions to Rules:

The following Rules were added or amended to implement the legislative changes or regulatory authority created in Senate Bill 25-054.

- 1.1(11), 1.1(44), 1.1(48), 1.1(49)
- 3.1.10(1)
- 4.1(6), 4.1(9), 4.1.2(5), 4.1.2(8)(b), 4.1.2(9), 4.3.7, 4.3.9, 4.3.10, 4.3.11, 4.9.1(1), 4.9.3, 4.1, 4.12, 4.13, 4.15, 4.20(8), 4.20(10)

The following Rules were amended to clarify existing regulatory requirements or standards or to codify in regulation current and long-standing Division and/or Board process and procedures.

- 1.1(14), 1.1(13), 1.1(20), 1.1(23), 1.1(23), 1.1(37), 1.1(52), 1.1(55), 1.1(59), 1.1(60), 1.4.1(5)(d), 1.4.1(8), 1.4.1(13), 1.4.3, 1.4.6(1), 1.4.6(2), 1.4.7(1), 1.4.8(1), 1.4.9(1), 1.6.1(2)(d), 1.6.2(1)(b), 1.6.2(1)(g), 1.6.2(2), 1.7.2, 1.8, 1.8.1(1), 1.8.1(2), 1.8.1(3), 1.8.1(4), 1.8.1(5), 1.8.1(6), 1.8.2, 1.8.2(1), 1.8.2(2), 1.8.4, 1.11.1(1), 1.11.1(3), 1.11.2(1), 1.12.1(2), 1.15(1)(d), 1.15(1)(e), 1.15(1)(f), 1.15(1)(g), 1.15(1)(h), 1.15(1)(i), 1.15(2),
- 2.5.6, 2.8.1(2), 2.9.2, 2.9.5
- 3.1.5(9), 3.1.5(9)(g), 3.1.9(1)
- 4.2.2, 4.2.2(3), 4.2.4(2), 4.2.5(4), 4.17.2(1)
- 5.1.2(d)(vi), 5.1.2(h), 5.3.1(f), 5.4.1(1), 5.6, 5.6(1)(h), 5.7, 5.7(1), 5.8
- 6.3.3(1)(b), 6.3.3(1)(e), 6.3.3(1)(f), 6.3.3(1)(p), 6.3.4(1)(c)(iv), 6.3.4(1)(c)(v), 6.3.4(2), 6.3.4(2)(c), 6.3.5, 6.3.5(2)(c), 6.3.5(3)(b), 6.3.6, 6.3.7, 6.4.3(1)(a), 6.4.4(f)(ii), 6.4.4(l), 6.4.13, 6.4.14
- 8.2.1(1), 8.2.3

The following Rules were amended to modernize and improve current regulatory standards and requirements, and to modernize and incorporate electronic submittals and other forms of communications.

- 1.1(15), 1.4.1(3), 1.4.1(4), 1.4.1(5)(a), 1.4.1(5)(b), 1.4.1(5)(c), 1.4.1(5)(f), 1.4.1(7), 1.6.1(2)(e), 1.6.1(3), 1.6.1(4)(a), 1.6.1(4)(c), 1.6.2(1)(a)(ii), 1.6.2(1)(b), 1.6.2(1)(d)(i), 1.6.2(1)(d)(v), 1.6.2(1)(d)(vi), 1.6.3(2), 1.7.1(2)(a), 1.7.1(2)(c), 1.9.1, 1.12.1(2), 1.16
- 2.2.1(a)(i), 2.2.1(a)(iii), 2.5.2(1), 2.5.2(2)(a), 2.5.4(f), 2.6(1), 2.6(2)(a), 2.6(2)(b)(i), 2.6(3), 2.7.1(4)(a), 2.7.3(4), 2.8.1(2), 2.8.1(3)(a), 2.8.1(3)(b), 2.8.1(3)(c)
- 3.1.5(3), 3.1.12(1)
- 4.2.4(1), 4.11.1(1), 4.14.1(2)(a), 4.16.1(1), 4.16.1(2)(a), 4.16.1(2)(b), 4.17.1(3), 4.17.1(4)
- 5.1.1(1), 5.1.2(b), 5.1.2(c), 5.1.3, 5.4.4, 5.4.4(e), 5.6(1)(a), 5.7(4)
- 6.1.2, 6.2.1(2)(a), 6.2.1(2)(f), 6.3.3(1)(p), 6.3.4(2)(c), 6.3.5(2)(a), 6.3.5(2)(b), 6.3.5(3)(d), 6.3.5(3)(e), 6.3.9, 6.3.12(1), 6.3.12(2)(a), 6.4.3, 6.4.3(1)(d), 6.4.4(l), 6.4.15, 6.4.18, 6.4.19(1), 6.4.19(2)(a)

- 8.2.1(2)

The following Rules were amended in order to ensure references within the rules are consistent with other modifications. Changes made to Rule 6 also incorporate existing language from 110 permit exhibit sections (Rule 6.3) that are being added to applicable 112 permit exhibit sections (Rule 6.4).

- 1.1(23), 1.11.2(3)(a)
- 3.1.5(5)
- 4.16.1(3), 4.16.1(4)
- 5.1.2(a), 5.1.2(d)(iv), 5.1.3(a), 5.1.3(b), 5.1.3(c)(i), 5.2.1, 5.3.3(2), 5.3.4(2), 5.4.2(6), 5.4.5(1)(b), 5.4.5(1)(b)(i), 5.4.5(2), 5.4.5(2)(b), 5.7(2)
- 6.3.3(1)(j), 6.3.3(1)(k), 6.3.5(2)(e), 6.4.2, 6.4.3(2), 6.4.4(a), 6.4.4(b), 6.4.4(d), 6.4.4(f)(i), 6.4.4(g), 6.4.4(h), 6.4.4(k), 6.4.5(2)(f), 6.4.5(2)(g), 6.4.5(2)(h), 6.4.6(c), 6.4.12(1)

The following Rules were amended to make the Construction Materials Rules consistent with the Hard Rock Rules, where appropriate. The Division and Board have found that consistency between the two rule sets leads to more appropriate and fairer implementation and enforcement.

- 1.1(7), 1.1(11), 1.1(14), 1.1(19), 1.1(22), 1.1(30), 1.1(44), 1.1(54), 1.4.1(5)(e), 1.4.1(9), 1.4.9(2)(b), 1.4.11(1), 1.6.1(1), 1.6.1(2), 1.6.2(1)(e), 1.6.2(2), 1.6.5(2), 1.7.1(2)(c), 1.9.2, 1.10.1(4), 1.11.1(1), 1.11.1(2), 1.11.2(2), 1.12.1(2), 1.12.1(2)(b), 1.13, 1.14, 1.15(1), 1.15(1)(a), 1.15(1)(b)
- 2.2.1(a), 2.2.1(b), 2.2.2, 2.5.2(1), 2.5.3, 2.5.4(a), 2.6(3), 2.7.1, 2.7.1(5), 2.8.1(4)(d), 2.8.2(2), 2.9.1(2)
- 3.1, 3.1.3, 3.1.6(4), 3.1.6(5), 3.1.7(9), 3.1.10(5), 3.1.12(3), 3.1.13(2)(f), 3.2(8)
- 4.17.1(1), 4.17.2(5), 4.18(1), 4.20(11)
- 5.1.1(1), 5.1.1(2), 5.1.1(3), 5.1.2, 5.1.2(e), 5.3.1, 5.3.1(a), 5.3.1(b), 5.3.1(c), 5.3.1(d), 5.3.1(e), 5.3.1(g), 5.3.1(h), 5.3.2, 5.3.3(1), 5.3.3(3), 5.3.4(1), 5.3.5(1), 5.3.6, 5.4.2(1), 5.4.2(3), 5.4.3, 5.4.5(1)(a), 5.4.5(2)(a), 5.5.2, 5.5.2(g), 5.5.2(h), 5.7(1)(b), 5.7(1)(b)(i), 5.7(1)(b)(ii), 5.7(1)(d)
- 6.3.3(1)(m), 6.3.3(1)(n), 6.3.3(1)(o), 6.3.4(1)(d), 6.4.7(2)(c), 6.4.7(2)(d), 6.4.16
- 8.2.2(d), 8.2.3(b), 8.4.2(a), 8.4.2(c)(ii)

The following Rules were amended to correct typographical errors, clerical errors, formatting or capitalization of defined terms.

- 1.4.11(1)(b), 1.5, 1.7.4(2)
- 4.1.2(1), 4.5(1)
- 5.1.2(g), 5.2.2, 5.4.1(3)
- 6.3.2(a), 6.4.11, 6.5(2)
- 8.6

Effective Date

The Board anticipates adoption of the Rules, which amend and clarify the Board's Rules, on January 21, 2025 and are effective twenty days after publication of the adopted Rules in the Colorado Register.

Notice of Proposed Rulemaking

Tracking number

2025-00541

Department

700 - Department of Regulatory Agencies

Agency

702 - Division of Insurance

CCR number

3 CCR 702-2

Rule title

CORPORATE ISSUES

Rulemaking Hearing**Date**

12/01/2025

Time

11:00 AM

Location

Webinar or 1560 Broadway, STE 850, Denver CO 80202

Subjects and issues involved

The purpose of this regulation is to establish standards regarding the placement of insurance by producers and the qualification of insurers pursuant to the Colorado Nonadmitted Insurance Act, § 10-5-101, et seq., C.R.S. and the Nonadmitted and Reinsurance Reform Act of 2010, 15 U.S.C. § 8201 et. seq., as amended. This regulation also serves to protect Colorado insurance consumers by setting forth necessary disclosure requirements for surplus lines insurance contracts.

Statutory authority

§§ 10-1-109, and 10-5-117, C.R.S.

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DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-2

CORPORATE ISSUES

DRAFT Proposed Amended Regulation 2-4-1

CONCERNING SURPLUS LINES INSURANCE ISSUED BY NONADMITTED INSURERS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Disclosure
Section 6	Premium Rates
Section 7	Procurement
Section 8	Taxes on Premium
Section 9	Eligible List
Section 10	Filings
Section 11	Standards for Approval
Section 12	Severability
Section 13	Incorporated Materials
Section 14	Enforcement
Section 15	Effective Date
Section 16	History

Section 1 Authority

This regulation is promulgated under the authority of §§ 10-1-109, and 10-5-117, C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish standards regarding the placement of insurance by producers and the qualification of insurers pursuant to the Colorado Nonadmitted Insurance Act, § 10-5-101, et seq., C.R.S. and the “Nonadmitted and Reinsurance Reform Act of 2010”, 15 U.S.C. § 8201 et seq., as amended. This regulation also serves to protect Colorado insurance consumers by setting forth necessary disclosure requirements for surplus lines insurance contracts.

Section 3 Applicability

This regulation shall apply to any company eligible, or seeking to become eligible, to effect a contract of insurance pursuant to Colorado’s Nonadmitted Insurance Act, to any producer or broker, procuring or assisting in the procurement of surplus lines insurance for an insured whose home state is Colorado, and any person that enters into an independent procurement for nonadmitted insurance.

Section 4 Definitions

A. B. “Broker” shall have the same meaning as found at § 10-5-101.2(3), C.R.S.

- B. “Export” shall have the same meaning as found at § 10-5-101.2(5), C.R.S.
- C. “Home state” shall have the same meaning as found at § 10-5-101.2(7), C.R.S.
- D. “Insurance producer” shall have the same meaning as found at § 10-2-103(6), C.R.S.
- E. “Nonadmitted Insurance” shall have the same meaning as found at § 10-5-101.2(10), C.R.S.
- F. “Nonadmitted insurers” shall have the same meaning as found at § 10-5-101.2(11), C.R.S.
- G. “Person” shall have the same meaning as found at § 10-5-101.2(12), C.R.S.
- H. “Surplus lines insurance” shall have the same meaning as found at § 10-5-101.2(13), C.R.S.

Section 5 Disclosure

- A. Every insurance contract procured and delivered as a surplus line coverage to an insured whose home state is Colorado must include on the policy declaration page in bold font, the disclosure stated in § 10-5-104, C.R.S.

“This contract is delivered as a surplus line coverage under the ‘Nonadmitted Insurance Act’. The insurer issuing this contract is not licensed in Colorado but is an eligible nonadmitted insurer. There is no protection under the provisions of the ‘Colorado Insurance Guaranty Association Act’.”

The policy declaration page must also include the name of the individual broker who wrote and placed the policy directly with the eligible nonadmitted insurer.

- B. In accordance with § 10-5-119, C.R.S., if the policy is written on a claims-made basis, the following shall also appear on the policy declaration page in bold font:

“This policy is a claims-made policy which provides liability coverage only if a claim is made during the policy period or any applicable extended reporting period.”

- C. If an automobile policy does not provide the basic complying policy coverages in § 10-4-620, C.R.S., the following must appear on the policy declaration page in bold font:

“This policy does not meet the statutory requirements of this State's financial responsibility laws. It does not provide liability coverage for bodily injury and property damage.”

- D. The provisions of § 10-5-101.5 (1)(b), C.R.S. shall apply to policies of property and casualty insurance issued or delivered in this state by a nonadmitted insurer affording coverage only on property located temporarily or permanently, or operations conducted temporarily or permanently outside the boundaries of the United States of America, its territories or possessions when the policy is placed by licensed property and casualty producers or brokers of this state, who shall remain responsible for verifying that the insuring company is licensed or authorized by the appropriate regulatory bodies to transact the business of insurance in that jurisdiction, and contains the following disclaimer in bold font:

“This policy is issued by an insurance company that is not regulated by the Colorado Division of Insurance. The insurance company may not provide claims service and may not be subject to service of process in Colorado. If the insurance company becomes insolvent, insureds or claimants will not be eligible for protection under Colorado insurance law.”

- E. These required disclosures in Subsections A-D shall be affixed to the declaration page of the contract given to the insured. A copy, bearing the disclosures, shall also be maintained by the broker, in the case of the issuance of a binder prior to the formal policy, such disclosure shall also appear on the binder.

Section 6 Premium Rates

The provisions of § 10-5-103, C.R.S., allow for the use of an eligible nonadmitted insurer if coverage is not available or affordable. In determining affordability, the rate quoted by each admitted insurer must exceed the rate quoted by the eligible nonadmitted insurer by 10% for comparable benefits and provisions.

Section 7 Procurement

Section 10-5-103, C.R.S. requires that a diligent effort be made to procure coverage with an admitted insurer before placing coverage with an eligible nonadmitted insurer.

- A. ~~Due diligence-Diligent effort~~ shall be satisfied by documentation attested to by the broker. The documentation must demonstrate that the coverage required was not procurable after a comprehensive search was made from ~~a minimum of three~~~~more than one~~ admitted insurers-authorized to and currently transacting that line of business in this state. If there ~~are~~ ~~fewer than~~ ~~three~~ ~~not more than one~~ admitted insurers in this state which ~~are~~ ~~is~~ authorized and currently transacting the line of business needed, such diligent effort shall be met by searching this lesser market. If the broker can attest in writing that they are familiar with the insurance market and that a particular risk cannot be placed in the admitted market, or the broker has accepted an affidavit by the producer attesting to such, then the requirement to satisfy ~~due diligence-diligent effort~~ by documentation that the coverage required was not procurable after a comprehensive search was made from ~~a minimum of three~~ ~~more than one~~ admitted insurers shall be waived.
- B. A written record documenting diligent search efforts shall be maintained by the broker for a period of not less than three years from the effective date of the coverage. The broker may rely upon representations made by a producer with regard to search efforts made by the producer.
- C. Given that availability and affordability of coverages is continually changing, the determination of placement and evidence of diligent search efforts, or attestation from a producer or broker as outlined in Section 7(A), must be made each policy period prior to placement of coverage with an eligible nonadmitted insurer.
- D. If the insurance transaction is primarily for automobile liability to meet the financial responsibility requirements in Colorado, any eligible surplus lines insurer must comply with the provisions of § 10-4-601 et. seq, C.R.S., including § 10-4-633 C.R.S., and with the reporting requirements contained in § 10-4-615, C.R.S.

Section 8 Taxes on Premium

- A. Each broker shall treat all premium tax revenues received for surplus lines insurance written in Colorado in a fiduciary capacity.
- B. Each broker shall submit a quarterly report to the Division of Insurance in the Florida Surplus Lines Information Portal ("SLIP") system for each policy written and remit the surplus lines premium taxes for all nonadmitted insurance transacted during the quarter in SLIP. The report shall be submitted by the individual broker who wrote and placed the policy directly with the eligible nonadmitted insurer; the broker must include policies that the broker exported at the request of any other licensed producer or broker in the quarter. The report shall include the name of the insured, line of business, name of nonadmitted insurer, surplus lines premium, and policy

fees charged. If there are no policies sold during the quarter, then the quarterly report shall not be required.

C. Each broker shall submit an annual statement to the Division of insurance in the Florida Surplus Lines Information Portal ("SLIP") system presenting in aggregate the information required in the four quarterly reports described in Section 8 B. for the prior calendar year annual period in SLIP. The report annual statement shall be submitted by the individual broker who wrote and placed the policy directly with the eligible insurer; there are no policies sold during the prior calendar year. The annual statement must be submitted by March 1.

D. 2. In accordance with § 10-5-112, C.R.S., failure to submit the four required quarterly reports, premium taxes, the annual report and any and all surplus lines premium taxes for the prior calendar year before April 1 will result in fines to the producer not to exceed of twenty-five dollars (\$25) per day until the report is submitted.

~~E.~~ In accordance with § 10-5-109, C.R.S., a broker reporting a policy written with a nonadmitted insurer that is not listed on the Division of Insurance's eligible list is required to retain documentation verifying that the nonadmitted insurer meets the requirements of Section 524 of the Nonadmitted and Reinsurance Reform Act of 2010, 15 U.S.C. § 8201 et seq., or the type of insurance is listed in § 10-5-101.5, C.R.S.

Section 9 Eligible List

- A. The Commissioner will prepare, at least annually, a listing of those nonadmitted insurers whose filings have been reviewed by the Division of Insurance and found to meet the qualification requirements of Section 524 of the Nonadmitted and Reinsurance Reform Act of 2010. Such list will be effective from July 1 of each year through June 30 of the following year unless otherwise amended.
- B. The Commissioner, within his/her discretion, may consider a filing received during the current approval period. If such filing is approved, such approval will expire on June 30 following acceptance.

Section 10 Filings

- A. A foreign or alien nonadmitted insurer that wants to be included on the Division of Insurance's eligible list shall, on or before March 1st of every year, submit to the Division a completed form approved by the Commissioner and the fees as prescribed by §§ 10-3-207 and 24-31-104.5, C.R.S.
- B. An Insurance Exchange; a Lloyds plan, or other similar unincorporated group of individual insurers or a combination of both unincorporated and incorporated insurers; or a group of incorporated insurers under common administration, shall annually file such other information necessary to determine compliance with the conditions contained in § 10-5-108, C.R.S.

Section 11 Standards for Approval

- A. An alien insurer seeking inclusion on the eligible list of nonadmitted insurers must be listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department ("IID") of the NAIC.
- B. A foreign insurer seeking inclusion on the eligible list of nonadmitted insurers must meet the qualification requirements and criteria contained in section 5A(2) and 5C(2)(a)(i) of the National Association of Insurance Commissioners' Non-Admitted Insurance Model Act; the foreign insurer

must be authorized to write the type of insurance in its domiciliary state and have capital & surplus of at least \$15,000,000.

- C. A foreign insurer with less than the minimum required capital and surplus may make formal request of the Commissioner that they be given consideration for approval as an eligible nonadmitted insurer. Companies applying for special consideration must demonstrate at a minimum: 1) that they primarily write risks for which they maintain a specialty; 2) exceptional expertise in these specialty risks; and 3) sufficient surplus for the potential volatility of the risks written. Applications should be accompanied by an actuarial opinion and a supporting report specifically addressing the sufficiency of reserves and surplus for the risks written and anticipated to be written. Additionally, the applicant shall provide a copy of the audited financial report of the parent and the ultimate controlling company (person), if any, and any other additional information requested by the Commissioner.

Section 12 Severability

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 13 Incorporated Materials

~~The Nonadmitted and Reinsurance Reform Act of 2010, published by the Government Printing Office shall mean 15 U.S.C § 8201 et seq. as published on the effective date of this regulation and does not include later amendments to or editions of 15 U.S.C § 8201 et seq. A certified copy of 15 U.S.C § 8201 et seq may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado 80202. A certified copy of the entire Nonadmitted and Reinsurance Reform Act of 2010 codified at 15 U.S.C. § 8201 et seq may be also be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.~~

~~Section 521 of the Nonadmitted and Reinsurance Reform Act of 2010, published by the Government Printing Office shall mean 15 U.S.C § 8201(b) as published on the effective date of this regulation and does not include later amendments to or editions of 15 U.S.C § 8201(b). This section may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.~~

~~Section 524 of the Nonadmitted and Reinsurance Reform Act of 2010, published by the Government Printing Office shall mean 15 U.S. Code § 8201 et seq. as published on the effective date of this regulation and does not include later amendments to or editions of 4 15 U.S. Code § 8201 et seq. 15 U.S. Code § 8201 et seq may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado 80202. A certified copy of 15 U.S. Code § 8201 et seq may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.~~ Sections 5A(2) and 5C(2)(a)(i) of the National Association of Insurance Commissioners' Non-Admitted Insurance Model Act published by the National Association of Insurance Commissioners shall mean sections 5A(2) and 5C(2)(a)(i) Model Law 870 as published on the effective date of this regulation and does not include later amendments to or editions of Model Law 870. This section may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado 80202. A certified copy of National Association of Insurance Commissioners' Non-Admitted Insurance Model Act (Model Law 870) may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at <https://content.naic.org/sites/default/files/model-law-870.pdf>.

Section 14 Enforcement

Noncompliance with the Regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance or other laws which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 15 Effective Date

This amended regulation shall be effective ~~January 1, 2025~~ [January 30, 2026](#).

Section 16 History

New Regulation 90-14, effective January 1, 1991
Amended Regulation effective February 1, 1996
Executive Order D0004-97 reviewed December 1998
Amended Regulation effective April 1, 2000
Amended Regulation effective March 2, 2002
Sections 4.C. and 6.D. amended effective February 1, 2004
Amended Regulation effective January 1, 2007
Amended Regulation effective January 1, 2009
Amended Regulation effective March 1, 2012
Amended Regulation effective September 1, 2012
Amended Regulation effective January 1, 2025.
[Amended Regulation effective January 30, 2026.](#)

Notice of Proposed Rulemaking

Tracking number

2025-00540

Department

700 - Department of Regulatory Agencies

Agency

702 - Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)

Rulemaking Hearing**Date**

12/01/2025

Time

11:00 AM

Location

Webinar or 1560 Broadway, STE 850, Denver CO 80202

Subjects and issues involved

The purpose of this regulation is to outline the form and manner of the price transparency files required by Section 10-16-168(4), C.R.S. and the prescription drug data collection files required under Section 10-16-169, C.R.S.

Statutory authority

§§ 10-1-109, 10-16-109, 10-16-168(3)(b), 10-16-168(4)(d) and 10-16-169, C.R.S.

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DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

DRAFT Proposed Amended Regulation 4-2-103

CONCERNING TRANSPARENCY IN COVERAGE REPORTING REQUIREMENTS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Format and Submission
Section 6	Transparency in Coverage File Submission Requirements
Section 7	Prescription Drug Data Collection (RxDC) Report
Section 8	Confidentiality and Open Records Requests
Section 9	Severability
Section 10	Incorporation by Reference
Section 11	Enforcement
Section 12	Effective Date
Section 13	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109, 10-16-109, 10-16-168(3)(b), 10-16-168(4)(d) and 10-16-169, C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to outline the form and manner of the price transparency files required by Section 10-16-168(4), C.R.S. and the prescription drug data collection files required under Section 10-16-169, C.R.S.

Section 3 Applicability

This regulation applies to all carriers and plans subject to the Transparency in Coverage federal rule found at 45 CFR 147.212 ~~and Section 204 of the Consolidated Appropriations Act, 2021 (CAA) Public Law 116-260 (2020)~~. This regulation applies to all carriers subject to the reporting requirements related to prescription drug and health care spending found at 45 CFR [§ 149.10 through 45 CFR § 149.740](#).

Section 4 Definitions

- A. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.
- B. "HIOS identifier" or "HIOS Plan ID" means (i) the plan's 14-digit health insurance oversight system identifier; or (ii) if the 14-digit identifiers are not available, the employer identification number (EIN) associated with the plan.
- C. "JSON" means JavaScript Object Notation.
- D. "NPI" or "national provider identifier" shall have the same meaning as found at §25.5-4-420(1)(b), C.R.S.
- E. "Pharmacy benefit management firm", "pharmacy benefit manager", or "PBM" shall have the same meaning as found at § 10-16-102(49), C.R.S. and includes all PBMs doing business in the state.
- F. "Provider" shall have the same meaning as found at § 10-16-102(56), C.R.S.

Section 5 Format and Submission

- A. Beginning July 1, 2025, and January 1, 2026, and each July and January thereafter each carrier shall make publicly available and submit to the Division via secure file transfer three JSON files with information regarding:
 - 1. Table of contents file in accordance with Section 6.B.;
 - 2. Negotiated rates for all covered items and services between the carrier and in-network providers in accordance with the requirements of Section 6 of this regulation; and
 - 3. Unique out-of-network allowed amounts and billed charges for covered items and services furnished by out-of-network providers in accordance with 45 CFR 147.212(b)(I) (ii) and filtered to only include data for Colorado.

If a carrier can demonstrate a material challenge with creating a JSON file, the carrier may request a different format for submission from the Division.

- B. Beginning July 1, 2025, and on or before each July 1 thereafter, each carrier and/or PBM shall submit to the Division via secure file transfer a plan list (P1, P2, and/or P3), eight data files (D1-D8), and a narrative response regarding prescription drugs and health care spending ~~in accordance with Section 204 of the Consolidated Appropriation Act, 2021~~, also known as the RxDC report, and accompanying templates from Centers for Medicaid and Medicare Services in accordance with the requirements in Section 7. Files D1 and D2 do not apply to PBMs.
- C. Carriers shall include with each submission where they are located on the carrier's website (if applicable) and contact email for questions regarding the data. RxDC files are not required to be posted on a carrier's website.

Section 6 Transparency in Coverage File Submission Requirements

- A. The files specified in Section 5(A) shall contain information on individual and group market coverage. Carriers may provide data on plans in which they operate as a third-party administrator, provided that carriers identify clearly to the Division when they are submitting data as a third-party administrator.

- B. The files specified in Section 5(A)(2) regarding in-network rates shall contain a Colorado specific Table of Contents file that includes the following standardized labels:
 - 1. Carrier name;
 - 2. Plan name;
 - 3. Market segment using the following categories:
 - a. Individual;
 - c. Small Group;
 - d. Large Group; or
 - e. Third Party Administrator or TPA, if applicable.
 - 4. Group EIN or HIOS Plan ID;
 - 5. File size including the number of rows and file size;
 - 6. Date files were generated; and
 - 7. URL Link to plan specific file on the carrier's website.

- C. The files shall be filtered to include:
 - 1. Only plans issued or delivered in Colorado;
 - 2. Only group or billing NPIs with a corresponding Colorado zip code; and
 - 3. Only negotiated rate and procedure code combinations for providers with 20 or more services performed in the last year, at the procedure code level not accounting for modifiers. Modifiers must be included but do not change the count of claims a billing provider has for each procedure code.

Section 7 Prescription Drug Data Collection (RxDC) Report

The file shall contain information on individual and group market coverage.

The data contained in the files shall be filtered to only contain data specific to plans in Colorado.

If the Centers for Medicaid and Medicare Services makes changes to the RxDC reporting template, the Division will accept files in the new format.

Section 8 Confidentiality and Open Records Requests

Information submitted by carriers and/or PBMs to the Division in accordance with this regulation are subject to public inspection only to the extent allowed under the "Colorado Open Records Act" §§ 24-72-201, et seq., C.R.S.

- A. For the files listed in Section 5(A), no files shall be labeled as confidential.
- B. For the files listed in Section 5(B), a carrier and/or PBM shall submit a "Confidentiality Index" if the carrier and/or PBM desires confidential treatment of files submitted under Section 5(B), identifying which files and columns within the files are confidential and the justification for confidentiality. Any information not marked as confidential or information provided to the Division as required by Sections 5, 6, and 7 of this regulation is presumed to be a public record and open for inspection, subject to restrictions specifically provided by law, including, but not limited to the requirements of the Colorado Open Records Act.

Section 9 Severability

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 10 Incorporation by Reference

45 CFR § 147.212 published by the Government Printing Office shall mean 45 CFR § 147.212 as published on the effective date of this regulation and does not include later amendments to or editions of 45 CFR § 147.212. A copy of 45 CFR § 147.212 may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of 45 CFR § 147.212 may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.

~~Public Law 116-260 (2020) published by the Government Printing Office shall mean Public Law 116-260 (2020) as published on the effective date of this regulation and does not include later amendments to or editions of Public Law 116-260 (2020). A copy of Public Law 116-260 (2020) may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of Public Law 116-260 (2020) may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.~~

45 CFR § 149.10 through 45 CFR § 149.740 published by the Government Printing Office shall mean 45 CFR § 149.10 through 45 CFR § 149.740 as published on the effective date of this regulation and does not include later amendments to or editions of [45 CFR § 149.10 through 45 CFR § 149.740](#)~~45 CFR § 149.~~

A copy of [45 CFR § 149.10 through 45 CFR §149.740](#) ~~45 CFR § 149~~ may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of [45 CFR § 149.10 through 45 CFR §149.740](#) ~~45 CFR § 149~~ may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.

Section 11 Enforcement

Noncompliance with this Regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 12 Effective Date

This ~~new~~ regulation shall be effective on ~~April 14, 2025~~[January 30, 2026](#).

Section 13 History

New regulation effective April 14, 2025.
[Amended regulation effective January 30, 2026.](#)

Notice of Proposed Rulemaking

Tracking number

2025-00547

Department

700 - Department of Regulatory Agencies

Agency

702 - Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)

Rulemaking Hearing**Date**

12/01/2025

Time

11:00 AM

Location

Webinar or 1560 Broadway, STE 850, Denver CO 80202

Subjects and issues involved

The purpose of this regulation is to provide the form and manner for a pharmacy benefit manager (PBM)

to register annually with the Division pursuant to § 10-16-122.1(2.5)(b)(I), C.R.S.

Statutory authority

§ 10-16-122.1(2.5)(b)(I) and (4.7), C.R.S.

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DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE ACCIDENT AND HEALTH

DRAFT Proposed Amended Regulation 4-2-97

CONCERNING THE REQUIREMENTS FOR PHARMACY BENEFIT MANAGERS TO REGISTER IN COLORADO

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Initial Registration Application
Section 6	Renewal Application
Section 7	Application Review
Section 8	Discipline
Section 9	Confidentiality
Section 10	Severability
Section 11	Enforcement
Section 12	Effective Date
Section 13	History
Appendix A	Pharmacy Benefit Manager Attestation

Section 1 Authority

This regulation is being promulgated and adopted by the Commissioner of Insurance under the authority of § 10-16-122.1(2.5)(b)(I) and (4.7), C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to provide the form and manner for a pharmacy benefit manager (PBM) to register annually with the Division pursuant to § 10-16-122.1(2.5)(b)(I), C.R.S.

Section 3 Applicability

This regulation applies to all PBMs doing business in the state of Colorado.

Section 4 Definitions

- A. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.
- B. "PBM-affiliated pharmacy" shall have the same meaning as found at § 10-16-122.1(5)(c), C.R.S.
- C. "PBM network" shall have the same meaning as found at § 10-16-122.1(5)(d), C.R.S.
- D. "PBM services" means, for the purpose of this regulation, claims processing services and other prescription drug or device services, as defined in § 10-16-122.1(5)(a), (b), C.R.S.

- E. "Pharmacy benefit management firm", "pharmacy benefit manager", or "PBM" shall have the same meaning as found at § 10-16-102(49), C.R.S. and includes all PBMs doing business in the state, including a PBM that is not directly connected with a carrier.
- F. "Prescription drug" has the same meaning as set forth in § 12-280-103(42) C.R.S; except that the term includes only prescription drugs that are intended for human use.

Section 5 Initial Registration Application

- A. By July 1, 2024, and each year thereafter, prior to doing business in Colorado, each PBM shall complete a pharmacy benefit manager registration application consistent with Section 5 of this regulation and submit it to the Division.
- B. The PBM shall provide as part of the registration application the following:
 - 1. PBM Officer and Business Contact Information
 - a. The name and address of the PBM;
 - b. The names, business addresses, and job titles of the principal officers of the PBM;
 - c. The name, business address, business telephone number, business email address, and job title of the officer or employee who should be contacted regarding any PBM regulatory compliance concerns; and
 - d. The business telephone number and business e-mail address where the PBMs personnel directly responsible for the processing of appeals from patients, providers and pharmacies may be contacted.
 - 2. PBM Organization Documents
 - a. A copy of the PBMs organizational documents, including Articles of Incorporation, Articles of Association, and partnership agreements of the PBM;
 - b. A copy of all by-laws or similar document(s), if any, regulating the conduct or the internal affairs of the PBM; and
 - c. The relevant documentation, such as policies and procedures, and a detailed explanation that demonstrates the PBM has adopted processes to ensure compliance with the requirements in sections 10-16-122.1, 10-16-122.3, 10-16-122.4, 10-16-122.5, 10-16-122.6, 10-16-122.7, and 10-16-122.9, C.R.S, including any written policies or procedures describing the appeals or dispute resolution processes between the PBM and a PBM-affiliated pharmacy, as applicable.
 - 3. Financial and Other Documents
 - a. The most recent year-end financial statement for the PBM;
 - b. A listing of all carriers the PBM contracts with to provide pharmacy benefit services for, in Colorado, including any non-ERISA self-funded or governmental plans;
 - c. The number of projected enrollees or beneficiaries in Colorado to be serviced by the applicant during the upcoming year for all contracted insurers; and

- d. A listing of any delegated or contracted companies that perform part of the PBMs services.

4. Required Responses

A certified statement indicating whether the PBM:

- a. Has been refused or denied a registration, license, or certification to act as or provide the services of a PBM in any state or federal entity, providing specific details separately for each such refusal or denial, if any, including the date, nature and disposition of the action;
- b. Has had any registration, license, or certification to act as or provide the services of a PBM suspended, revoked, or nonrenewed for any reason by any state or federal entity, providing specific details separately for each such suspension, revocation or nonrenewal, if any, including the date, nature, and disposition of the action; and
- c. Has had a business relationship with a carrier terminated for any finding by a court of law of fraudulent or illegal activities in connection with the administration of a pharmacy benefits plan, providing specific details regarding the termination.

C. Application Fee

The PBM shall provide as part of the registration application a nonrefundable filing fee of \$2,500.

D. Attestation Form

- 1. By July 1, 2024, and each year thereafter, each PBM operating in Colorado shall annually complete the "Pharmacy Benefit Manager Attestation" in Appendix A and submit to the Division.
- 2. A PBM shall make the following attestations:
 - a. All the information submitted in the application including attachments are true and complete;
 - b. The PBM understands that submitting any false information may result in sanctions by the Commissioner pursuant to section 10-16.122.1(2.5)(b)(II), (4.5), C.R.S.;
 - c. The PBM will provide any additional information required by this regulation requested by the Division to complete the registration; and
 - d. The PBM is in compliance with sections 10-16-122.1, 10-16-122.3, 10-16-122.4, 10-16-122.5, 10-16-122.6, 10-16-122.7, and 10-16-122.9, C.R.S., as applicable.

- E. A PBM providing services to less than 100 covered individuals in Colorado and unable to provide a required document in section 5 may submit to the Division an exception request. The request must list the required document and provide a brief explanation.

Section 6 Renewal Application

- A. Each PBM operating in Colorado shall complete a renewal application and attestation form on an annual basis. Renewal applications shall be due one year following the initial application approval date.
- B. The PBM shall provide as part of the renewal application the information in section 5.B. and the attestation in section 5.D.
- C. The PBM shall submit a non-refundable renewal application fee of \$2,500.

Section 7 Application Review

Upon receipt of a completed application for registration or renewal as required by sections 5 and 6, the Division shall review the application and may take the following actions:

- A. Approve the application;
- B. Notify the applicant, in writing, that the application is incomplete and request additional information to complete the review; or
- C. Deny a registration pursuant to section 10-16-122.1(2.5)(b)(II), C.R.S.

If a PBM registration is denied pursuant to Section 5 of this regulation, the Division shall:

1. Provide written notice to the applicant PBM that the application has been denied and the grounds therefore; and
 2. Advise the applicant PBM that it may request a hearing in accordance with sections 24-4-104 and 24-4-105, C.R.S.
- D. Suspend, revoke, or refuse to issue, continue, or renew a registration pursuant to section 10-16-122.1(2.5)(b)(II), C.R.S.

If a PBM registration is suspended, revoked, or otherwise refused to be issued, continued, or renewed pursuant to Section 5.D of this regulation, the Division shall:

1. Provide the PBM notice in writing of objective facts or conduct supporting the Division's decision;
 2. Allow the PBM an opportunity to submit written data, views, and arguments with respect to these facts or conduct asserted by the Division.
- E. The commissioner may utilize a third-party vendor to process PBM registration applications and renewals in accordance with section 10-16-122.1(4.7), C.R.S.

Section 8 Discipline

- A. The Division may impose sanctions on a PBM for any violation of applicable laws in Title 10 during its registration, consistent with sections 24-4-104 and 24-4-105, C.R.S., including, but not limited to, suspension of registration, revocation of registration, and imposition of civil penalties.
- B. The Division may enforce applicable laws in Title 10 against an unregistered PBM, including, but not limited to, issuing a cease and desist order.

Section 9 Confidentiality

Information submitted by the PBM to the Division in accordance with this regulation is subject to public inspection only to the extent allowed under the Colorado Open Records Act, and in no case shall trade secret, confidential, or proprietary information be disclosed to any person who is not otherwise authorized to access such information.

A PBM shall submit a “Confidentiality Index” if the PBM desires confidential treatment of a document submitted under this regulation, identifying which documents are confidential and the justification for confidentiality. Any information not marked as confidential or otherwise confidential under state law may be disclosed pursuant to the Colorado Open Records Act.

Section 10 Severability

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 11 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 12 Effective Date

This amended regulation shall become effective on ~~November 15, 2025~~[January 30, 2026](#).

Section 13 History

New regulation effective January 30, 2024.

Amended regulation effective ~~November 15, 2025~~[January 30, 2026](#).

Appendix A Pharmacy Benefit Manager Attestation

I hereby certify, under penalty of perjury, that all the information submitted in this application including attachments are true and complete. I am aware that submitting false information may result in sanctions by the Commissioner. I hereby certify that I will furnish any additional information required by this regulation upon request to complete the registration.

If applicable, I hereby certify, under penalty of perjury, that the entity applying for registration as a PBM is in compliance with 10-16-122.1, 10-16-122.3, 10-16-122.4, 10-16-122.5, 10-16-122.6, 10-16-122.7, 10-16-122.9, C.R.S.

Print Name of Officer or Authorized Representative:

Date:

Signature:

Title:

DRAFT

Notice of Proposed Rulemaking

Tracking number

2025-00539

Department

700 - Department of Regulatory Agencies

Agency

702 - Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)

Rulemaking Hearing**Date**

12/01/2025

Time

11:00 AM

Location

Webinar or 1560 Broadway, STE 850, Denver CO 80202

Subjects and issues involved

The purpose of this regulation is to establish the procedures for noticing and conducting public hearings on proposed Colorado Option Standardized Plans that fail to meet the Premium Rate Reduction Requirements or network adequacy requirements, as required by § 10-16-1306, C.R.S.

Statutory authority

§§ 10-1-109, 10-16-107, 10-16-109, 10-16-1304, 10-16-1305, 10-16-1306, and 10-16-1312, C.R.S.

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DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

DRAFT PROPOSED Amended Regulation 4-2-92

CONCERNING COLORADO OPTION PUBLIC HEARINGS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Setting of Public Hearings and Notification of Parties
Section 6	Applicable Federal and State Laws
Section 7	Public Hearing Parties
Section 8	Service of Documents
Section 9	Carrier Notification Requirements
Section 10	Complaint
Section 11	Answer to Complaint of Failure to Meet the Premium Rate Reduction Requirements or Network Adequacy Requirements
Section 12	Settlement
Section 13	Public Availability of Documents
Section 14	Confidential Information
Section 15	Conflicts of Interest Screen
Section 16	Party Disclosures
Section 17	Additional Discovery
Section 18	Motions
Section 19	Consolidation of Proceedings
Section 20	Burden of Proof
Section 21	Public Hearing Proceedings
Section 22	Recording of Hearing
Section 23	Establishment of Reimbursement Rates, if Necessary, and Issuance of Final Agency Order
Section 24	Modifications to Public Hearing Process
Section 25	Computation and Modification of Time
Section 26	Enforcement and Carrier Audit
Section 2627	Severability
Section 2728	Incorporation by Reference
Section 2829	Enforcement
Section 2930	Effective Date
Section 3031	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109, 10-16-107, 10-16-109, 10-16-1304, 10-16-1305, 10-16-1306, and 10-16-1312, C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish the procedures for noticing and conducting public hearings on proposed Colorado Option Standardized Plans that fail to meet the Premium Rate Reduction Requirements or network adequacy requirements, as required by § 10-16-1306, C.R.S.

Section 3 Applicability

This regulation applies to public hearings that will occur on or after January 1, ~~2025-2026~~ and to carriers offering individual and small group Colorado Option Standardized Plans on or after January 1, ~~2026~~~~2027~~. This regulation further applies to hospitals and health-care providers subject to the requirements in § 10-16-1306, C.R.S.

Section 4 Definitions

- A. “Aggregate Medicare Reimbursement Rate” shall have the same meaning as found in Section 4.C. of Colorado Insurance Regulation 4-2-91.
- B. “Aggregate Negotiated Rate” shall have the same meaning as found at Section 4.D. of Colorado Insurance Regulation 4-2-91.
- C. “Aggrieved” shall have the same meaning as found at § 24-4-102(3.5), C.R.S.
- D. “All-Payer Health Claims Database” shall have the same meaning as described in § 25.5-1-204, C.R.S.
- E. “Applicable plan year” shall mean, for the purposes of this regulation, the plan year for which the carrier is filing a notification on March 1 regarding compliance with Premium Rate Reduction Requirements or network adequacy requirements.
- F. “Carrier” shall have the same meaning as found at § 10-16-102(8), C.R.S.
- G. “Cause” shall mean, for the purposes of this regulation, that establishing a reimbursement rate pursuant to § 10-16-1306(4)(a), (b), (5), or (7), C.R.S., would reduce a carrier’s Colorado Option Standardized Plan premiums, or in the case of network adequacy, assist the carrier in achieving network adequacy requirements.
- H. “Colorado Option Standardized Plan” or “Standardized Plan” shall have the same meaning as found at § 10-16-1303(14), C.R.S.
- I. “Colorado Open Records Act” means the Colorado Open Records Act, §§ 24-72-201, et seq., C.R.S.
- J. “Commissioner” shall have the same meaning as found at § 10-16-102(13), C.R.S.
- K. “Covered person” shall have the same meaning as found at § 10-16-102(15), C.R.S.
- L. “CMS Certification Number (CCN)” shall mean, for the purposes of this regulation, the six-digit alpha-numeric code assigned to hospitals by the Centers for Medicare & Medicaid Services (CMS), outlined in the CMS Manual System, where all Colorado facilities start with a 06.
- M. “Day” shall mean calendar day.
- N. “Division” shall have the same meaning as found at § 10-1-102(7), C.R.S.
- O. “Hospital” shall have the same meaning as found at § 10-16-1303(6), C.R.S.

- P. "Health-care provider" shall have the same meaning as found at § 10-16-1303(8), C.R.S.
- Q. "Health-care Provider Reimbursement Floor" shall have the same meaning as found at Section 4.M. in Colorado Insurance Regulation 4-2-91.
- R. "Health System" shall have the same meaning as found at § 10-16-1303(9), C.R.S.
- RS. "Hospital Reimbursement Floor" shall have the same meaning as found at Section 4.T. in Colorado Insurance Regulation 4-2-91.
- ST. "Insurance Ombudsperson" means the Office of the Insurance Ombudsman established in § 25.5-1-131, C.R.S.
- TU. "Material Provider" shall mean, for the purposes of this regulation, an in-network hospital or health-care provider identified by the carrier, the Division, another provider, or another party that has a greater than or equal to 0.15% contribution to a carrier's premium rate in a particular Rating Area. Any hospital or health-care provider that has less than 0.15% contribution to a carrier's premium rate in a particular Rating Area shall not be considered a Material Provider and shall not be required to participate in the public hearing regarding a carrier's failure to achieve the Premium Rate Reduction Requirements.
- V. "Maximum Allowable Reduction" shall mean, for purposes of this regulation, the reduction needed to reach the reimbursement rate as a percentage of Medicare for services that meets the applicable requirements for the particular hospital pursuant to §§ 10-16-1306(4), (5), or (7), C.R.S., for the applicable plan year.

The contribution to a carrier's premium shall be calculated, for the purposes of this regulation, as total medical claim paid amounts divided by total premiums for each Colorado Option plan by network and by Rating Area.

- UV. "Medicare Reimbursement Rate" shall have the same meaning as found at Section 4.X. of Colorado Insurance Regulation 4-2-91.
- VX. "National Provider Identifier" or "NPI" shall have the same meaning as found at § 25.5-4-420(1)(b), C.R.S.
- WY. "Negotiated Rate" shall mean, for the purposes of this regulation, the reimbursement rate, as a percent of Medicare, agreed upon between the carrier and hospital or health-care provider for a given plan year.
- XZ. "Network" shall have the same meaning as found at § 10-16-102(45), C.R.S.
- YAA. "Non-Standardized plan" means, for purposes of this regulation, a health benefit plan that does not meet the definition of Standardized Plan found at § 10-16-1303(14), C.R.S.
- AB. "Officer" means, for the purposes of this regulation, any individual with delegated contracting authority, including but not limited to the president, vice-president, assistant vice president, corporate secretary, chief executive officer (CEO), chief financial officer (CFO), chief operating officer (COO), assistant corporate secretary, general counsel or actuary who is a corporate officer, or any Colorado-based business leader.
- ZAC. "Party" or "Parties" shall have the same meaning as found at § 24-4-102(11), C.R.S., and specifically includes the entities admitted by the Commissioner under Section 7.A.1-6.
- AAAD. "Person" shall have the same meaning as found at § 10-16-102(48), C.R.S.

ABAE. “Premium Rate Reduction Requirements” shall mean the rates set forth in § 10-16-1305, C.R.S., and calculated pursuant to Colorado Insurance Regulation 4-2-85.

AGAF. “Rating Area” means, for the purposes of this regulation, a geographic area comprised of Colorado counties established pursuant to the fair health insurance premium requirements under 45 C.F.R. § 147.102. A list of the Rating Areas can be found in Colorado Insurance Regulation 4-2-39 Section 6.A.15.g.

ADAG. “Service” as used in Sections 9 and 12 of this regulation, shall have the same meaning as found at 42 C.F.R. § 400.202.

AEAH. “SERFF” means the System for Electronic Rates and Forms Filing.

AFAI. “SFTP” shall mean, for the purposes of this regulation, a Secure File Transfer Protocol that enables the transfer of secure files.

AGAJ. “Statewide Hospital Median Reimbursement Rate” shall mean, for the purposes of this regulation, the median reimbursement rate of Colorado hospitals, measured as a percentage of the Medicare Reimbursement Rate for the 2021 plan year using data from the All-Payer Health Claims Database.

Section 5 Setting of Public Hearings and Notification of Parties

- A. The Commissioner shall provide notice no later than January 31 of the year in which the hearings will be held of the proposed dates for public hearings pursuant to § 10-16-1306, C.R.S. The notice shall be posted on the Division’s website and emailed to all individuals on the Division’s email list.
- B. After the filing of a Complaint, the Commissioner shall give final notice of the date, time, location, and estimated duration for the public hearing to the Parties at least fifteen (15) days prior to the date of the hearing.
- C. In the absence of a Complaint, or after a Complaint has been resolved, the Commissioner may set a hearing for public comment, which shall include allowing the Parties and any person or entity the opportunity to comment on a Colorado Option Standardized Plan offered by a carrier, pursuant to § 10-16-1306(3)(c)(II)(B), C.R.S. The Commissioner shall give final notice of the date, time, location, and scope of the hearing for public comment at least fifteen (15) days prior to the date of the hearing.

Section 6 Applicable Federal and State Laws

For purposes of the March 1st notification and the public hearing only, federal and state laws in effect on March 1st of the year preceding the applicable plan year will be considered to determine whether a carrier has met the Premium Rate Reduction Requirements and network adequacy requirements required by §§ 10-16-1304 and 10-16-1305, C.R.S. The Commissioner, in their discretion, will determine what weight to give any changes in federal or state law between March 1 and the issuance of a final agency order pursuant to Section 23.

Section 7 Public Hearing Parties

- A. The Parties to the public hearing before the Commissioner shall include the following entities:
 - 1. A carrier that fails to meet the Premium Rate Reduction Requirements or network adequacy requirements or is alleged to have failed to meet the Premium Rate Reduction Requirements or network adequacy requirements.

2. Any Material Provider named in any complaint.
 3. Any hospital or health-care provider that is named in a network adequacy complaint or cross-complaint.
 4. The Insurance Ombudsperson to represent the interests of consumers.
 5. The Division of Insurance.
 6. A person who demonstrates to the Commissioner that they will be aggrieved by agency action and who demonstrates that their interests are not adequately represented by the Parties listed above.
 - a. Such a person must request admission as a Party to the public hearing that they seek to participate in within seven (7) days from the date the Commissioner posts the complaint on the Division's website.
 - b. An application for Party status must identify the person making the request, including an address, email address, and telephone number. The application must also contain a statement of the reasons for seeking Party status, the manner in which the person is aggrieved, an explanation as to why the existing Parties do not adequately represent the person's interests, a description of the legal and/or factual issues which the prospective party intends to raise, any responsive pleadings the person intends to file, and any potential witnesses the prospective Party intends to call at the hearing. In addition, the application must describe the evidence the applicant intends to present at the hearing.
- B. Consistent with Section 21.B., interested persons, who are not Parties, including consumer advocacy organizations, shall be given the opportunity to comment during the public hearing.

Section 8 Service of Documents

- A. A Party must make all filings to the Commissioner in the manner directed on the Division's website. A Party filing any pleading or other document shall serve a copy, including all supporting attachments or exhibits, on every other Party in the proceeding. ~~Such service shall include service upon the Commissioner and their assigned staff and attorneys.~~
- B. Service may be by hand, first class mail, or by email. Service by email may be accomplished on a Party if the Party has consented to service by email. After the initial filing of the Complaint and Answer, all Parties shall consent to service by email and shall provide an email address for each subsequent service.
- C. Proof of service of a filing shall be demonstrated through a certificate of service identifying the document served, the method of service, and the date of service. For each public hearing proceeding, the Commissioner shall maintain an updated certificate of service template to be used for service by the Parties and shall update it with any changes.

Section 9 Carrier Notification Requirements

- A. Pursuant to § 10-16-1306(2), C.R.S., a carrier shall notify the Commissioner of the reasons why the carrier is unable to meet the Premium Rate Reduction Requirements, as provided in §§ 10-16-1304 and 10-16-1305, C.R.S., and submit the notification, and related documents identified in Section 9.B, via SERFF or SFTP to the Commissioner no later than March 1 of the year preceding the applicable plan year. The Notification shall be completed by the carrier using Division provided templates and shall include the following information:

1. A completed Premium Rate Reduction Notification template as required in Colorado Insurance Regulation 4-2-85.
2. A table showing the list of Material Providers with their relative contribution to the plan's premium in a Rating Area. The carrier must include the following information for each Material Provider:
 - a. The name, National Provider Identifier (NPI), CMS Certification Number (CCN), if applicable, and contact information of each Material Provider. Contact information shall include email address, physical and mailing address, and current contact information for the compliance or legal department for Colorado.
 - b. Whether the Material Provider is in-network for the applicable plan year and, if the Material Provider is in-network for only a subset of services, for which services they are in-network.
3. A completed Negotiated Rate Template, confidentially submitted via SFTP, for the two years preceding the applicable plan year and for the applicable plan year for each Material Provider containing:
 - a. The Aggregated Negotiated Rate for each Material Provider expressed as both a dollar and as a percentage of Medicare;
 - b. The Negotiated Rate by service expressed as both a dollar amount and as a percentage of Medicare;
 - c. The payment methodology (i.e. Diagnosis Related Group (DRG), Ambulatory Payment Classifications (APC), Per Diem, etc.) as outlined in rate sheets submitted in Section 9.A.2.d of this regulation;
 - d. The analytic methodologies and tools used to aggregate the Negotiated Rates by service at the Material Provider level and to determine Negotiated Rates as a percentage of Medicare, including a service mix estimate including, but not limited to, claims count and total expenditures; and
 - ~~e. If a carrier contracts and negotiates at the hospital system level, the Negotiated Rates, analyses, and agreements at the system level must also be submitted.~~
 - f. For each Material Provider, the carrier must also identify in the Negotiated Rate Template whether the Aggregated Negotiated Rate for the applicable plan year is:
 - (1) Above, consistent with, or below the reimbursement rates set forth in § 10-16-1306(5)(a) and (b) or § 10-16-1306(4)(b), C.R.S.
 - (2) Above, consistent with, or below the reimbursement rate set forth in § 10-16-1306(4)(a), C.R.S., if the Material Provider is a hospital that qualifies for a reimbursement rate as set forth in § 10-16-1306(4)(a), C.R.S.
 - f. Carriers shall provide the item in subsections (a) for Plan Year 2023 through the applicable plan year.
4. To demonstrate Negotiated Rates with Material Providers, the carrier shall submit confidentially via SFTP an unredacted copy of all of the carrier's Colorado Option

Standardized Plan rate sheets, including addendums, for the year preceding the applicable plan year and for the applicable plan year. The rate sheets shall include the agreed upon rates by code or payment methodology and any additional payment agreements (add-on, outlier, stop-loss, etc.) and shall clearly outline whether the agreements are hospital or health-care provider- specific or if they apply to a health-care provider organization or hospital system. If non-Standardized Plan information is included in the same rate sheet as a Colorado Option Standardized Plan rate sheet, the carrier may redact the sections specific to non-Standardized Plans. The carrier must also disclose whether any contracts with Material Providers are set to expire, lapse, terminate, or otherwise end before or during the applicable plan year.

5. If a carrier has negotiated a reimbursement rate with a Material Provider that is a hHospital for the applicable plan year that is consistent with the Maximum Allowable Reduction under § 10-16-1306, C.R.S., then the carrier shall submit a joint attestation on a Joint Attestation Template with the applicable hospital as co-signor as part of the March 1 filing. The joint attestation shall include the reimbursement rates for the year preceding the applicable plan year, the reimbursement rates for the applicable plan year, and the percentage reduction agreed upon between the carrier and the applicable hospital. Multiple hospitals can be included in the same joint attestation if they are part of the same system. Carriers shall not submit a joint attestation until an agreement establishing a reimbursement rate for the applicable plan year has been negotiated between the carrier and the applicable hospital(s).
 6. A statement clarifying whether the carrier and the hospital or health-care provider engaged in nonbinding arbitration as allowed under § 10-16-1306(1)(b), C.R.S., or consent to participate in the opportunity for settlement afforded by Section 12.
 7. An actuarial analysis, including trends and assumptions that includes the following information:
 - a. For Material Providers with reimbursement rates that are above the reimbursement rates set forth in § 10-16-1306(4)(a) and (b), C.R.S., or § 10-16-1306(5)(a) and (b), C.R.S., the reimbursement rates for the year preceding the applicable plan year and the reimbursement rates for the applicable plan year.
 - b. The impact on further reducing premiums on Colorado Option Standardized Plans, by plan, network, and Rating Area, if the carrier set the reimbursement rates for all of the Material Provider's referenced in subsection (a) reimbursement rates were set at to the reimbursement rates in § 10-16-1306(4)(a) or (b), C.R.S. or § 10-16-1306(5)(a) or (b), C.R.S.
- B. Notwithstanding the carriers' notice in Section 9.A., every carrier shall submit the following documents to the Commissioner no later than March 1 of the year preceding the applicable plan year:
1. A completed Premium Rate Reduction Notification template as required in Colorado Insurance Regulation 4-2-85.
 2. A statement outlining the good faith efforts the carrier made with in-network hospitals and/or health-care providers to negotiate reimbursement rates that would support the carrier in lowering premiums on Colorado Option Standardized Plans.
 3. Pursuant to § 10-16-1306(3), C.R.S., if a carrier is unable to meet the network adequacy requirements, a carrier shall notify the Commissioner of the reasons why the carrier is unable to meet the network adequacy requirements. If the carrier is able to meet the

network adequacy requirements, the carrier shall provide an attestation regarding the carrier's ability to meet network adequacy requirements for the applicable plan year and that the network for the Colorado Option Standardized Plan is no more narrow than the most restrictive network the carrier is offering for non-Standardized plans in the individual or small group market for the metal tier for that Rating Area. Nothing in this subsection shall preclude the Division from requesting additional information regarding a carrier's compliance with network adequacy requirements.

- C. Upon request from the Division, the carrier shall submit a completed Cost of Care Data Template, confidentially submitted via SFTP, that summarizes the claims experience and cost of providing care by hospital or healthcare provider. If a hospital or healthcare provider constitutes a Material Provider, the carrier must also provide the summarized claims experience and cost of providing care by service.
- D. If after submitting its March 1 filings a carrier negotiates an agreement with a Material Provider establishing a reimbursement rate reduction for the applicable plan year, and upon request from the Division, the carrier shall submit a completed Joint Attestation Template signed by an Officer of both the carrier and Material Provider through SERFF. Each Joint Attestation Template shall include a confidentially submitted exhibit via SFTP containing the following information:
1. The reimbursement rate for the year preceding the applicable plan year;
 2. The agreed upon reimbursement rate reduction for the applicable plan year; and
 3. The percentage reduction agreed upon between the carrier and the applicable Material Provider.
- E. Multiple Material Providers can be included in the same Joint Attestation Template if they have the same Officer. Carriers shall not file a Joint Attestation Template until an agreement establishing a reimbursement rate reduction has been negotiated between the carrier and the applicable Material Provider(s).
- F. Carriers shall not file a Joint Attestation Template for any other purpose other than to confirm an agreed upon reimbursement rate reduction. Carriers shall not utilize the Joint Attestation Template to update the Division on the status of pending negotiations.
- G. Upon request from the Division, carriers shall file with the Commissioner and the Office of the Insurance Ombudsperson a final summary of all Material Providers that have accepted a reimbursement rate reduction for the applicable plan year. The final summary of all Material Providers that have accepted a reimbursement rate reduction for the applicable plan year shall be completed on a Final Summary Template. Carriers shall confer with the Division prior to filing the Final Summary Template regarding the Material Providers that have accepted a reimbursement rate reduction.
- DH. The carrier shall respond to any follow up inquiries by the Division requesting additional information regarding the notifications required by Sections 9.A. and 9.B.
- EI. Documents provided pursuant to Sections 9.A., 9.B. and 9.C. must be bates numbered and clearly identify the Party submitting the documentary evidence.
- FJ. The Commissioner shall post on the Division's website the information provided by the carrier pursuant to Section 9, including the Negotiated Rates except as provided in Section 14 relating to Confidential Information. If the carrier's submission is incomplete, the Division shall notify the carrier and allow the carrier up to seven (7) days to submit complete information. The

Commissioner shall post the information within three (3) days of the Division determining the information to be complete.

- GK.** Upon the filing and service of a complaint, the carrier shall produce the notifications required by Sections 9.A., 9.B., and any additional information produced under 9.C. to all Parties. However, the Division shall produce the notifications submitted by the carriers pursuant to Sections 9.A., 9.B., and any additional information produced under 9.C. to the Insurance Ombudsperson.
- HL.** The carrier has an affirmative duty to notify the Division of any changes, discrepancies, errors, or omissions regarding the notifications required under this Section 9.

Section 10 Complaint

- A.** Simultaneous with the filing of the carrier's notification detailed in Section 9, the carrier may file a Complaint identifying the Material Provider(s) that were a cause of the carrier's failure to meet the Premium Rate Reduction Requirements alleging:
 1. The inability of the carrier to meet the Premium Rate Reduction Requirements;
 2. The reasons the carrier failed to meet the Premium Rate Reduction Requirements including any reasons not tied to Material Providers;
 3. The Material Provider(s) that were a cause of the carrier's failure to meet the Premium Rate Reduction Requirements.
 4. Sections of the template(s) summarizing each Material Provider's contributions to premiums provided pursuant to Section 9 to support the carrier's identification of Material Providers as a reason the carrier claims it failed to meet the Premium Rate Reduction Requirements;
 5. A reimbursement rate pursuant to §§ 10-16-1306(4), (5) and (7), C.R.S., applicable to such Material Provider(s) that would allow the carrier to further reduce premiums on its Colorado Option Standardized Plans; and
 6. Any legal authority supporting the complaint.
- B.** If a carrier has notified the Division that it failed, or the Division alleges that the carrier has failed, to meet the Premium Rate Reduction Requirements, the Division may also initiate a Complaint or Cross-Complaint against any Material Provider and carrier after reviewing the carrier's March 1 Notice and filings. The Division's complaint may include the information set forth in Section 10.A.
- C.** A carrier may file a network adequacy Complaint, or Cross Complaint, which may name or include hospitals or health-care providers. The Division may also file a network adequacy Complaint, or Cross Complaint, which may name or include a carrier and hospitals or health-care providers. A network adequacy Complaint may be filed in conjunction with a Complaint specified in subsections A and B; however, a carrier or the Division is not required to bring both Complaints at the same time or in the same proceeding.

The Division's network adequacy complaint may contain allegations that a carrier failed to comply with § 10-16-1304(1)(f), C.R.S., and network adequacy requirements, including, but not limited to, Colorado Insurance Regulations 4-2-53, 4-2-54, 4-2-55, and 4-2-56 and may identify the hospital(s) or health-care provider(s) that were a cause of the Carrier failing to meet network adequacy requirements.

A carrier's network adequacy complaint may include the reasons why the carrier is unable to comply with § 10-16-1304(1)(f), C.R.S., and network adequacy requirements, including, but not limited to, Colorado Insurance Regulations 4-2-53, 4-2-54, 4-2-55, and 4-2-56, and shall identify the hospital(s) or health-care provider(s) that were a cause of the Carrier failing to meet network adequacy requirements.

If a Carrier is unable to comply with the network adequacy requirements under § 10-16-1304(1)(g), C.R.S., the carrier shall follow the action plan procedures set forth in Colorado Insurance Regulation 4-2-80. The Commissioner may issue a procedural order modifying any of the deadlines or requirements in this regulation as needed upon the filing of a network adequacy Complaint to ensure adequate notice and an opportunity to be heard to the Parties.

- D. The Complaint shall be served on all Parties consistent with the requirements set forth in Section 8.
- E. The Division will submit a status update to the Commissioner within four (4) weeks of the March 1 Notice and filings, which will provide a procedural update on the timeline for filing any complaints. The Division shall serve the status update on the carrier and the Insurance Ombudsperson. The Commissioner shall post the status update on the Division's website. Upon request of the Commissioner, the Division shall file other status updates.
- F. Nothing in this regulation shall be interpreted to prohibit the Division from investigating and initiating an enforcement action at any time during the year if the Division has determined that the carrier is no longer in compliance with its network adequacy requirements.

Section 11 Answer to Complaint of Failure to Meet the Premium Rate Reduction or Network Adequacy Requirements

- A. A carrier alleged by the Division to have failed to meet the Premium Rate Reduction Requirements or network adequacy requirements pursuant to Sections 10.B and 10.C shall file an Answer within twenty-one (21) days from the date of service of the Complaint. Simultaneously with the Answer, the carrier may also file a Cross-Complaint alternately or hypothetically that identifies the hospital(s) or health-care provider(s) that the carrier alleges were a cause of the carrier's failure to meet the requirements. The Cross-Complaint shall contain all of the information required of a Complaint in Sections 10.A and 10.B.
- B. Any hospital or health-care provider named in a Complaint or Cross-Complaint shall file an Answer within twenty-one (21) days from the date of service of the Complaint or Cross-Complaint, as applicable. The Answer shall:
 - 1. Respond to all allegations in the Complaint or Cross-Complaint;
 - 2. Identify whether the carrier could have met the Premium Rate Reduction Requirements or network adequacy requirements, and if so, attach any analysis supporting this allegation;
 - 3. Provide a substantive response as to why the hospital or health-care provider contends the reimbursement rates offered by the carrier are insufficient, if applicable, including any potential effects of the requested reimbursement rates on the hospital's or health-care provider's operations; and
 - 4. To the extent known, provide a statement as to whether the carrier and the hospital or health-care provider engaged in nonbinding arbitration as allowed under § 10-16-1306(1)(b), C.R.S., or consent to participate in the opportunity for settlement afforded by Section 12.

- C. Documents provided as exhibits to the Answer must be bates numbered and clearly identify the Party submitting the documentary evidence.
- D. The Insurance Ombudsperson and the Division may, but are not required to, file a response to a Complaint or Cross-Complaint within twenty-one (21) days of receipt of the Complaint or Cross-Complaint. The Division may file a Cross-Complaint naming additional hospitals or health-care providers.

Section 12 Settlement

- A. The carrier, hospital(s) and/or health-care provider(s), and the Division may negotiate a settlement. The Commissioner shall enter a final agency order approving or disapproving the settlement or recommend a modification as a condition for approval.

If the Commissioner does not approve the negotiated settlement or a settlement is not reached, the Parties shall proceed with the public hearing. All negotiations during the settlement period are considered confidential and shall not be introduced into the hearing.

- B. If a settlement is achieved that concludes the adjudicatory session of the public hearing and is approved by the Commissioner, the Commissioner may still hold a hearing for public comment prior to the approval of the carrier's final rates. The Commissioner shall issue notice of the date, time, location, and scope of any public hearing held pursuant to this subsection B.
- C. The Division may conduct settlement negotiations with the carrier and hospitals or health-care providers to determine whether a settlement may be reached prior to the Division filing a complaint.
- D. Prior to a settlement being reached or upon request of the Division, the carrier shall provide the following documentation to the Division to verify the reimbursement rates and premium impact of the proposed reduction in those reimbursement rates:
 - 1. [If a carrier and a hospital or health-care provider agree on a reduction to the applicable plan year's Negotiated Rate, including a reduction to the Hospital Reimbursement Floor or Health-care Provider Reimbursement Floor, the two years preceding the applicable plan year's and the applicable plan year's:](#)
 - a. Negotiated Rates for most common services, which account for 85% of spend between the carrier and named hospital or health-care provider.
 - b. Payment methodology and tools outlining how the carrier reimburses the hospital or health-care provider for different services (i.e., Diagnosis Related Groups, Per Diem, etc.).
 - c. The Aggregate Negotiated Rate, as a percent of Medicare, and documentation of the methodology and tools used to calculate the Aggregate Negotiated Rate as a dollar value and the rate as a percent of Medicare. The Medicare rates effective when March 1 filings are submitted must be used to determine the percent of Medicare.
 - d. Premium impact statement demonstrating the overall impact of the hospital or health-care provider reimbursement Rate reduction by plan, metal tier, network, and Rating Area, including negotiated reimbursement rate reduction agreements entered into before and after the March 1 filing.

2. If a carrier and a hospital or health-care provider agree on a twenty percent (20%) reduction to the applicable plan year's Negotiated Rate compared to the ~~current year's~~ Negotiated Rate for the year preceding the applicable plan year, then the carrier must submit, for the year preceding the applicable plan year and the applicable plan year:
 - a. Negotiated Rates for most common services, which account for 85% of spend between the carrier and named hospital or health-care provider.
 - b. Payment methodology outlining how the carrier reimburses the hospital or health-care provider for different services (i.e., Diagnosis Related Groups, Per Diem, etc.).
 - c. The Aggregate Negotiated Rate, as a percent of Medicare and documentation of the methodology used to calculate the Aggregate Negotiated Rate and the rate as a percent of Medicare
 - d. The methodology, adjustments, and assumptions used to assess the twenty percent (20%) reduction on a service level, in aggregate, and as a percent of Medicare.
 - e. Premium impact statement demonstrating the overall impact of the hospital or health-care provider's reimbursement rate reduction by plan, metal tier, and Rating Area, including reimbursement rate reduction agreements entered into before and after the March 1 filing.
 3. An attestation, and supporting documentation that the Division requests, to verify that the hospital or health-care provider will be in-network for the entire applicable plan year.
 4. If the settlement is with a Material Provider that is a hospital within a health system and with whom the carrier negotiates rates at a system level, the Division will only assess compliance with the Hospital Reimbursement Floor for that hospital consistent with the requirements under § 10-16-1306, C.R.S.
- E. At all times, the carrier has an affirmative duty to notify the Division of any changes, discrepancies, errors, or omissions regarding the information provided pursuant to this Section 12, including, but not limited to, in-network status, reimbursement rates, Negotiated Rates, and premium impact.

Section 13 Public Availability of Documents

- A. In accordance with the Colorado Open Records Act and § 10-16-1306(3)(b), C.R.S., information submitted to the Commissioner as part of the public hearing process is presumed to be a public record and open for inspection, subject to restrictions specifically provided by law.
- B. The Commissioner shall post all pleadings, documents submitted by the Parties, and orders of the Commissioner on the Division's website except as provided in Section 14 relating to Confidential Information.

Section 14 Confidential Information

- A. Documents Submitted Pursuant to Section 9
 1. In accordance with § 10-16-1306(3)(b), C.R.S., and subject to the requirements of the Colorado Open Records Act, the following information submitted for purposes of Section

9 and the public hearing may be filed under a claim of confidentiality as set forth in the procedures of this Section 14:

- a. The premium data, Cost Sharing Reduction loads, and carrier assumptions and projections by service area included in the Premium Rate Reduction Notification template, as specified in Section 9.A.1 of this regulation;
- b. The Material Providers' relative contribution to the plan's premium in a Rating Area as included in the table specified in Section 9.A.2 of this regulation;
- c. The Negotiated Rate Template as specified in Section 9.A.3 of this regulation;
- d. The actuarial analysis as specified in Section 9.A.5-7 of this regulation;
- e. The Cost of Care Template as specified in Section 9.B-2C of this regulation;
- f. Joint attestations between carriers and Material Providers pursuant to Sections 9.A.5 and 9.D of this regulation; and
- g. The Final Summary Template as specified in Section 9.G of this regulation.

2. Information submitted pursuant to this Section 14.A.1.a, b, and d may be subject to the requirements set forth in § 10-16-107(1)(g)(I), C.R.S., and, subject to the provisions of the "Colorado Open Records Act," part 2 of article 72 of title 24, may be made public after carriers file premium rates with the Division in June.

3. Nothing in this Section 14.A. shall be interpreted to limit a Party's ability to submit other documentation or information under a claim of confidentiality.

B. Procedures for requesting confidentiality.

1. Any Party may make a claim of confidentiality as to information or documents submitted to the Parties and the Commissioner.

2. A claim of confidentiality constitutes a representation to the Commissioner that the Party has a reasonable and good faith belief that the subject document or information is, in fact, confidential under applicable state and federal law, including the Colorado Open Records Act. If a claim of confidentiality is made in violation of this subparagraph, the Commissioner may impose an appropriate sanction upon the claiming Party, including an order to pay the amount of reasonable expenses incurred because of the claim of confidentiality, and reasonable attorney's fees.

3. Any Party submitting documents or information under a claim of confidentiality shall file, as part of the public record (i.e., not confidential), a notice of confidentiality specifying each document, the nature of the document on which confidential information is found, and the basis(es) for the claim of confidentiality as to the information and the bates numbers of the confidential documents. The notice of confidentiality shall be served upon the Parties. Failure to file a notice of confidentiality will result in administrative rejection of the filing of the confidential information.

4. Each page of each document on which confidential information is contained shall clearly be marked as "CONFIDENTIAL." Confidential documents will be maintained in the record by the Commissioner separately from other public documents.

5. The Commissioner's acceptance of information or documents under a claim of confidentiality is not, and shall not be construed to be, an agreement or determination by the Commissioner that the subject information or document is, in fact, confidential.
6. The Commissioner may, at any time, sua sponte or after considering a motion from any Party, issue a decision as to whether the subject information or documents submitted under a claim of confidentiality is confidential.
7. In the event the Commissioner rules that information submitted under a claim of confidentiality is not confidential, any person with access to the information shall not disclose the information or use it in the public record for seven (7) days. During this time period, the Party making a claim of confidentiality may seek a stay or other relief permitted by law.

B. Protection of Confidential Information

1. Information or documents ruled by the Commissioner as confidential, or information or documents submitted under a claim of confidentiality for which no ruling has been made by the Commissioner, shall be treated as confidential ("Confidential Information").
2. Confidential Information will only be made available to the Commissioner, the Commissioner's staff, and Parties. Confidential Information will not be made available to the public.
3. The Office of the Insurance Ombudsperson as a Party to the public hearing will be provided access to Confidential Information, but shall not provide Confidential Information to consumers, advocacy organizations, or the public.

The Office of the Insurance Ombudsperson shall immediately notify the Commissioner and the Parties of any requests under the Colorado Open Records Act for Confidential Information.
4. Confidential Information may only be used for purposes of public hearings, and may not be shared with other persons or entities.
5. Confidential Information may be disclosed to experts or advisors for the Parties only for the purposes of public hearings.
6. Confidential Information shall not be used or disclosed for purposes of business or competition.
7. The Parties shall take all reasonable precautions to keep Confidential Information secure.
8. When reference is made to Confidential Information in exhibits, testimony, or pleadings, it shall be by citation to the title or nature of the document, or by some other description that will not disclose the Confidential Information.
9. Failure by any person to comply with the requirements of this Section regarding Confidential Information, or disclosure of Confidential Information to any person or entity who is not a Party to the public hearing, may result in sanctions as set forth in the Colorado Rules of Civil Procedure (C.R.C.P.) 37(b)(2) and may result in monetary penalties up to \$750,000 pursuant to §§ 10-3-1107 and 10-3-1108(1)(a), C.R.S., for violating a rule or order of the Commissioner.

10. Within thirty (30) days of the conclusion of the proceedings, including any appeal of the final agency order, the Confidential information retained by the Parties shall be destroyed.

C. Public Hearing

1. Upon a showing that it is necessary for a Party to refer to Confidential Information during testimony at the public hearing, the Commissioner may convene the public hearing with only the Parties present to hear such testimony. A recording of this portion of the public hearing will be maintained by the Commissioner and will be treated as Confidential Information. Other Parties may cross-examine the witness as to the Confidential Information during this confidential portion of the public hearing.
2. Time devoted to the closed portion of the public hearing shall count against the time allotted to the Party requesting the closed hearing. Where multiple Parties request a closed hearing, the time allotted to the closed portion of the hearing shall be equally divided amongst the Parties that made such request.

D. Division and Commissioner Maintaining Confidential Information

Notwithstanding the provisions of this Section 14, and subject to the requirements of the Colorado Open Records Act, the Division and the Commissioner shall retain all Confidential Information. The Division and Commissioner may use Confidential Information for any lawful regulatory purpose, including, but not limited to, rate review, investigations, and enforcement actions.

E. Appeal

In the event the Commissioner's final agency order from the public hearing is appealed or otherwise subject to judicial review, the Commissioner will file all Confidential Information under seal with the Colorado Court of Appeals in accordance with applicable rules and regulations.

Section 15 Conflicts of Interest Screen

- A. Where the carrier and hospitals and/or health-care providers elect to participate in the Opportunity for Settlement afforded under Section 12, any Division representatives that participate in the negotiations shall be screened from the Commissioner for the entirety of the applicable public hearing process. Additionally, the Division representatives that participate in the negotiations shall not disclose any information from the negotiations to the Commissioner.

The Division's representatives and staff supporting those representatives shall be screened from the Commissioner, and their representatives and staff, for the entirety of the applicable public hearing.

- B. "Screened" as used in this Section includes, specific to the matter that is the subject of the screen, remaining as separate entities for the public hearing and being restricted from ex parte communications. Except for filings submitted in SERFF or SFTP and documents submitted to the Parties and the Commissioner for a determination of confidentiality pursuant to Section 14, "screened" shall include prohibiting the Commissioner and their representatives' access to non-public filings and documents in the possession of Division staff and representatives on the opposite side of the screen from the Commissioner. It does not include restrictions on communications when all Parties and the Commissioner are included in the communication or communications. "Screened" does not include any procedural status updates filed by the Division prior to the filing of a complaint if the status update is publicly posted on the Division's website.

Section 16 Party Disclosures

- A. Unless otherwise set in a procedural order issued by the Commissioner, no later than fourteen (14) days after the Parties submit Answers, each Party shall serve upon the Commissioner and all Parties the following information:
1. A witness list including the name, address, and telephone number of any witness whom the Party may call to provide testimony at the public hearing, together with a detailed statement of the content of that person's testimony. The Party shall indicate for each witness whether the witness's testimony will be written or oral.
 2. Any of the following additional documentary evidence a Party may wish to include in the record at the public hearing related to a carrier's failure to meet the Premium Rate Reduction Requirements or network adequacy requirements in the Rating Area at issue may be submitted for the Commissioner's review including but not limited to:
 - a. An actuarial analysis demonstrating why the Premium Rate Reduction Requirements were not met.
 - b. Negotiated rates with other hospitals or health-care providers in the same Rating Area.
 - c. Enrollee and utilization data for the Rating Area.
 - d. Hospital or health-care provider financial data, including but not limited to, profit and loss statements and balance sheets. Hospitals or health-care providers may also submit other data to demonstrate unique circumstances that may not be represented in the public hearing.
 - e. Hospital or health-care provider rates with other carriers.
 - f. Carrier initiatives and assumptions to reduce health care costs for the Rating Area.
 - g. Demographics and acuity of covered persons within the Rating Area.
 3. All documents submitted to the Commissioner and the Parties pursuant to this Section will be included in the record for the public hearing, subject to Sections 14 and 21.

Section 17 Additional Discovery

- A. The Colorado Rules of Civil Procedure (C.R.C.P.) 26 through 37 do not apply to the public hearing proceedings.
- B. The Parties shall confer on any additional discovery beyond the disclosures identified in Section 16 and the written testimony in Section 21. The Parties are encouraged to keep discovery requests limited, targeted, and narrowly tailored to information that is related to the reason the carrier failed to meet network adequacy requirements or the Premium Rate Reduction Requirements. If the Parties cannot reach an agreement, the Party seeking discovery shall file a motion with the Commissioner before serving discovery on another Party. Additional discovery shall be at the discretion of the Commissioner. The Party seeking discovery shall set forth in the motion the following:
1. The specific data or information that the Party is requesting;

2. The rationale for the requested data or information;
 3. The relevance to the carrier's failure to meet the Premium Rate Reduction Requirements or network adequacy requirements;
 4. Whether the data or information is available from another source.
- C. If the Commissioner grants the additional discovery, the Commissioner will issue an order setting the deadline for the Party to produce the discovery.

Section 18 Motions

Parties shall have five (5) days to respond to any motion submitted by an opposing Party, unless otherwise ordered by the Commissioner. No reply briefs are permitted. Time shall be calculated as provided in Section 25.

Section 19 Consolidation of Proceedings

The Commissioner has the discretion to consolidate proceedings involving the same carrier.

Section 20 Burden of Proof

- A. The burden of proof shall be on the Party that is the proponent of a decision.
- B. Nothing in this Section 20 shall preclude a hospital or health-care provider from presenting evidence that the carrier's proposed reimbursement rate is insufficient.

Section 21 Public Hearing Proceedings

- A. No later than fifteen (15) days before the hearing, the Commissioner shall issue an order setting forth the allotted time for the Parties to present evidence and testimony at the hearing.
- B. Public Comment by Interested Persons

In addition to the Parties identified in Section 7, consumer advocacy organizations, trade organizations, and other entities or individuals shall be given the opportunity to present evidence regarding the carrier's failure to meet the Premium Rate Reduction Requirements or network adequacy requirements during the public hearing. Members of the public, consumer advocacy organizations, small businesses, trade organizations, and other entities or interested persons who seek to comment at the hearing shall sign up at least two (2) days in advance of the hearing on the Division's website. The Commissioner may set time limits on public comment.

Members of the public may submit written comments up to two (2) days after the hearing, in lieu of public comments at the hearing, which will be posted on the Division's website.

- C. Presentation of Evidence
 1. The Commissioner shall limit evidence presented at the hearing to information that is related to the reason the carrier failed to meet the network adequacy requirements or the Premium Rate Reduction Requirements for the Standardized Plans at issue in the hearing. Evidence shall be limited to information that is relevant to the Commissioner's determination pursuant to §§ 10-16-1306(3) to (11), C.R.S.
 2. The Colorado Rules of Evidence and requirements of proof shall conform, to the extent practicable, with those in civil nonjury cases in the district courts. However, when

necessary to ascertain facts affecting substantial rights of the Parties to the proceeding, the Commissioner may receive and consider evidence not admissible under the Colorado Rules of Evidence, if the evidence possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. Informality in any proceeding or in the manner of taking testimony shall not invalidate any order, decision, rule, or regulation. The Commissioner may exclude incompetent and unduly repetitious evidence.

3. Exhibits
 - a. Documentary evidence shall be admitted into the record, except as follows:
 - (1) Any Party may object under the Colorado Rules of Evidence to inclusion of documentary evidence in the record at the public hearing, provided the objection is made in writing to the Commissioner at least five (5) days prior to the public hearing. The Commissioner may rule on these objections in writing or on the record during the public hearing.
 - (2) At the Commissioner's discretion, the Commissioner may require the Party presenting a document in the record to present testimony or evidence as to the authenticity of that document.
 - b. The Commissioner encourages Parties to offer written stipulations resolving any evidentiary dispute, fact, or matter of substance or procedure at issue. Oral stipulations may be made on the record at the public hearing, but the Commissioner may require that the stipulation be reduced to writing, signed by the Parties or their counsel, and filed with the Commissioner. Any stipulation must be approved by the Commissioner, and the Commissioner may modify a stipulation as a condition of approval.
4. Witness Testimony
 - a. A Party may present the testimony of its witnesses through written testimony provided the Party has identified that the witness's testimony will be presented in writing in their witness list submitted pursuant to Section 16. Written testimony must be submitted to the Commissioner and the Parties no later than seven (7) days before the hearing.
 - b. All Parties may make objections to witness testimony, and all witnesses are subject to cross-examination by or on behalf of Parties to the hearing. Any witness who's oral and/or written testimony a Party wishes to have as part of the record shall be available for cross-examination at the hearing.
5. Where lengthy cross-examination would use undue time, the Commissioner may require each Party to estimate the amount of time necessary for cross-examination. To promote an efficient hearing, the Commissioner may limit each Party's time for cross-examination. Time devoted to cross-examination shall count against the time allotted to the Party conducting the cross-examination.

Section 22 Recording of Hearing

The public hearing shall be recorded and posted on the Division's website.

Section 23 Establishment of Reimbursement Rates, if Necessary, and Issuance of Final Agency Order

- A. Based on the evidence presented at the hearing, the Commissioner may establish and require hospitals and/or health-care providers to accept carrier reimbursement rates for hospitals and/or health-care providers, if necessary, to meet the network adequacy requirements or the Premium Rate Reduction Requirements. "If necessary" means essential to the achievement of network adequacy or reduced premiums, but not in all instances sufficient for a carrier to meet network adequacy requirements or the Premium Rate Reduction Requirements.
- B. In determining the hospital's reimbursement rate, the Commissioner may:
1. Consult with employee membership organizations representing health-care providers' employees in Colorado and with hospital-based health-care providers in Colorado.
 2. Take into account the cost of adequate wages, benefits, staffing, and training for health-care employees to provide continuous quality care.
 3. Take into account the most current Medicare prospective or cost-based payment rates available, or any rate modifications published by the Centers for Medicare and Medicaid Services that may be relevant to the applicable plan year, including how the most current Medicare prospective or cost-based payment rates available may impact the applicable Premium Rate Reduction Requirements.
 4. Utilize any publicly available hospital and provider data and cost tools.
- C. The Commissioner may not set a reimbursement rate for a hospital or health-care provider that is lower than the Hospital Reimbursement Floor or Health-Care Provider Reimbursement Floor specific to that hospital or health-care provider.
- D. The Commissioner cannot set the reimbursement rate for any hospital for any plan year at an amount that is more than twenty percent lower than the Negotiated Rate between the carrier and the hospital for the plan year preceding the applicable plan year. To determine the Aggregate Negotiated Rate between the carrier and hospital for the applicable plan year and the year preceding the applicable plan year, the carrier must submit the information required in Section 9.
- E. For a hospital with an Aggregate Negotiated Rate that is at least ten percent less than the Statewide Hospital Median Reimbursement Rate measured as a percentage of the Medicare Reimbursement Rate for the 2021 plan year using data from the All-Payer Health Claims Database:
1. The Commissioner will set the hospital reimbursement rate for that hospital at no less than the greater of:
 - a. The hospital's Aggregate Negotiated Rate minus one-third of the difference between the hospital's Aggregate Medicare Reimbursement Rate and the Hospital Reimbursement Floor established by Section 5 of Colorado Insurance Regulation 4-2-91.
 - b. One hundred sixty-five percent of the hospital's Medicare Reimbursement Rate.
 - c. The Hospital Reimbursement Floor established by Section 5 of Colorado Insurance Regulation 4-2-91.
 2. If a hospital believes that their Aggregate Negotiated Rate is at least ten percent less than the Statewide Hospital Median Reimbursement Rate, then a hospital may work with the carrier to submit to the Division a joint attestation by March 1 of the year preceding the applicable plan year. The joint attestation must contain the applicable plan year's

Aggregate Negotiated Rate, and documentation of the methodology to derive this estimate.

If a joint attestation is not submitted for a hospital and carrier by March 1 of the year preceding the applicable plan year and the hospital does not provide the Division with any information regarding their Aggregate Negotiated Rate, the Division will calculate the Hospital Reimbursement Floor as the greater of:

- a. One hundred sixty-five percent of the hospital's Aggregate Medicare Reimbursement Rate.
 - b. The reimbursement rate established by Section 5 of Colorado Insurance Regulation 4-2-91.
- F. The Commissioner shall issue a final agency order which shall include the Commissioner's determination of the reimbursement rate, by hospital and/or health-care provider, that must be used by the carrier in its rate filings.
- G. The decision of the Commissioner is a final agency order subject to judicial review pursuant to § 24-4-106(11) C.R.S.

Section 24 Modifications to Public Hearing Process

The Commissioner may issue appropriate orders to control the scope, course, and outcome of the public hearing including, but not limited to, dismissal.

Section 25 Computation and Modification of Time

- A. In computing any time period pursuant to this regulation, the day of the event from which the time period begins shall not be included. If the due date falls on a weekend or state holiday, the due date will be the next business day.
- B. At the Commissioner's discretion, a due date may be extended.

Section 26 Enforcement and Carrier Audit

- A. Nothing in this regulation shall be interpreted to prohibit the Division from investigating and initiating an enforcement action at any time if the Division has determined that a carrier is not reimbursing a Material Provider at the final agreed upon amount represented to the Division, or if a carrier is no longer complying with this regulation, a Final Agency Order or other Order of the Commissioner, Title 10, or any other applicable Colorado law for the applicable plan year. This includes, but is not limited to, enforcement pursuant to §§ 10-1-304, 10-3-1107, 10-3-1108, 10-16-107.2, and 10-16-107.1, C.R.S.
- B. In addition to the Division's enforcement authority set forth in Section 26.A., pursuant to § 10-16-1306, C.R.S., upon request of the Division, carriers shall conduct a self-audit to determine that the reimbursement rates reported to the Division in accordance with this regulation, including, but not limited to, Section 9 and Section 12, remain in effect and are, in fact, the actual reimbursement rates the carrier will reimburse Material Providers for the applicable plan year.

Section 2627 Severability

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 2728 Incorporation by Reference

42 C.F.R. § 400.202 published by the Government Printing Office shall mean 42 C.F.R. § 400.202 as published on the effective date of this regulation and does not include later amendments to or editions of 42 C.F.R. § 400.202. A copy of 42 C.F.R. § 400.202 may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of 42 C.F.R. § 400.202 may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.

45 C.F.R. § 147.102 published by the Government Printing Office shall mean 45 C.F.R. § 147.102 as published on the effective date of this regulation and does not include later amendments to or editions of 45 C.F.R. § 147.102. A copy of 45 C.F.R. § 147.102 may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of 45 C.F.R. § 147.102 may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.

Section 2829 Enforcement

Noncompliance with this Regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 2930 Effective Date

This regulation shall be effective on ~~February 1, 2025~~[January 30, 2026](#).

Section 3031 History

New regulation effective February 14, 2023.
Amended regulation effective February 1, 2024.
Amended regulation effective February 1, 2025.
[Amended regulation effective January 30, 2026.](#)

Notice of Proposed Rulemaking

Tracking number

2025-00546

Department

700 - Department of Regulatory Agencies

Agency

702 - Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)

Rulemaking Hearing**Date**

12/01/2025

Time

11:00 AM

Location

Webinar or 1560 Broadway, STE 850, Denver CO 80202

Subjects and issues involved

The purpose of this regulation is to establish the data reporting requirements for carriers concerning the coverage of medication-assisted treatment as required by § 10-16-710, C.R.S.

Statutory authority

§§ 10-1-109, 10-16-109, 10-16-710, and 10-16-148, C.R.S.

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DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

DRAFT Proposed Amended Regulation 4-2-75

CONCERNING REQUIREMENTS FOR REPORTING MEDICATION-ASSISTED TREATMENT COVERAGE

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Reporting Requirements
<u>Section 6</u>	<u>Incorporation by Reference</u>
Section 76	Severability
Section 87	Enforcement
Section 98	Effective Date
Section 109	History
<u>Attachment A</u>	<u>Medication-Assisted Treatment (MAT) Reporting Requirements</u>
Section 1	Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109, 10-16-109, ~~and 10-16-710~~, and 10-16-148, C.R.S.

Section 2 **Scope and Purpose**

The purpose of this regulation is to establish the data reporting requirements for carriers concerning the coverage of medication-assisted treatment as required by § 10-16-710, C.R.S.

Section 3 **Applicability**

This regulation applies to all carriers marketing and issuing or renewing health benefit plans in the individual, small group and large group markets in Colorado, including non-grandfathered plans, short-term limited duration health insurance policies, and student health insurance coverage, on or after the effective date of this regulation. This regulation does not apply to limited benefit plans, as defined in § 10-16-102(32)(b), C.R.S., ~~and~~ exclusions for coverage of specific mandated benefits as found at § 10-16-104~~(1.4)~~, C.R.S.

Section 4 **Definitions**

A. “Carrier” shall have the same meaning as found at § 10-16-102(8), C.R.S.

- B. "Health benefit plan" shall have the same meaning as found at § 10-16-102(32), C.R.S.
- C. "Medication-assisted treatment" or "MAT" means, for the purposes of this regulation, the use of an FDA-approved medication alone or in combination with evidence-based behavioral therapies to treat a substance use disorder or withdrawal or treat or prevent the relapse of a substance use disorder shall have the same meaning as found at § 23-21-803(4), C.R.S.
- ~~D. "Medication to treat opioid use disorder" shall mean medications to treat opioid use disorder as defined in this regulation.~~
- DE. "Opioid use disorder" or "OUD" shall mean a substance use disorder relating to the use of an opioid.
- EF. "Opioid Treatment Program" or "OTP" shall mean a program with current, valid certification from the Substance Abuse and Mental Health Services Administration and qualified by the Secretary of Health and Human Services under section 303(g)(1) of the Controlled Substances Act (21 U.S.C. § 823(g)(1)) to dispense opioid drugs in the treatment of opioid use disorder. It must be qualified under section 303(g)(1) of the Controlled Substances Act, and must be determined to be qualified by the U.S. Attorney General under section 303(g)(1), to be registered by the U.S. Attorney General to dispense opioid agonist treatment medications to individuals for treatment of opioid use disorder.
- F. "Prior authorization" shall have the same meaning as found at § 10-16-112.5(7)(d), C.R.S.
- G. "SERFF" means, for the purposes of this regulation, the NAIC System for Electronic Rate and Form Filing.
- HG. "Short-term limited duration health insurance policy" and "short-term policy" shall have the same meaning as found at § 10-16-102(60), C.R.S.
- I. "Step therapy" shall have the same meaning as found at § 10-16-145(1)(g), C.R.S.
- HJ. "Student health insurance coverage" and "student health policy" shall have the same meaning as found at § 10-16-102(65), C.R.S.
- HK. "Substance use disorder" or "SUD" means, for the purposes of this regulation, all disorders that fall under any of the diagnostic categories listed as a mental or behavioral disorder due to psychoactive substance use, or an equivalent category, in the mental, behavioral, and neurodevelopmental disorders chapter, or an equivalent chapter, or disorders listed as a substance-related and addictive disorder in the manuals referenced in § 10-16-104(5.5)(d)(II)(A), C.R.S. the recurring use of alcohol and/or drugs that causes clinically significant impairment, including health problems, disability, and failure to meet major responsibilities.
- JL. "Substance use disorder benefits" means, for the purposes of this regulation, the benefits supplied for items or services for substance use disorders for health benefit plans shall have the same meaning as found at 45 C.F.R. § 146.136(a)(2), except for generally recognized independent standards of current medical practice shall also include the Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood as referenced in § 10-16-104(5.5)(d)(II)(A), C.R.S.

Section 5 Reporting Requirements

A. Carriers shall annually report the data in Sections 5.~~BC~~ through 5.~~GF~~ to the Commissioner of Insurance using ~~the templates in Attachment A~~ and instructions provided by the Division.

B. Timing and Format of Filings

~~1. No later than September 1, 2021, carriers shall report all required data for medication-assisted treatment (MAT) and medication to treat opioid use disorder (MOUD) coverage provided in the 2020 calendar year.~~

~~1.2. On February 1, 2022, and annually thereafter, c~~Carriers shall report all required data for MAT coverage in the previous calendar year by February 1 of each year.

~~32.~~ Annual reports shall include data pertaining to the carrier's coverage of MAT, as well as coverage administered by third-party administrators (TPAs).

~~3.~~ Carriers shall submit the completed templates and documents in SERFF as an "Annual Medication-Assisted Treatment (MAT) Reporting (4-2-75)" filing. This filing shall be submitted separately from any rate, form, annual certification, binder or network adequacy filing.

~~4.~~ Carriers shall use "On Approval" for the "Implementation Date" in SERFF.

~~5.~~ Carriers shall use "File and Use" for the "Requested Filing Mode" in SERFF.

BC. Carriers shall provide the following information for each network regarding in-network providers that meet federal and state requirements~~are federally licensed~~ to prescribe MAT for substance use disorders (SUD), and including opioid use disorder (OUD), including buprenorphine.

1. The number of SUD providers by provider type at the beginning of the calendar year;

2. The number of SUD providers by provider type at the end of the calendar year;

3. The number of SUD treatment programs~~and opioid treatment programs (OTPs)~~and the types of MAT medications provided a;

4. The number of Opioid Treatment Programs (OTPs), the MAT medications provided, and the number of providers who are authorized to dispense or administer~~prescribe~~ methadone for the treatment of OUD; and

5. The number of SUD providers in each county; ~~and~~

~~6. The number of providers with a federal waiver to prescribe buprenorphine for the treatment of OUD.~~

GD. Carriers shall provide the Division with the total number of unique plan enrollees that used SUD services throughout the previous calendar year, at the beginning of the previous calendar year, and at the end of the previous calendar plan year.

DE. Carriers shall report data relating to medications prescribed for the treatment of SUD in the previous calendar year. Such data shall include:

1. Carriers shall provide to the Division ~~The total number of prescriptions filled by unique enrollees for MAT medications for SUD and the average number of prescriptions filled per unique enrollee for MAT medications for SUD and OUD in the prior calendar year.~~
2. The total number of prescriptions filled by unique enrollees for SUD that applied prior authorization, step therapy, quantity limits, or other utilization management protocols, and:
 - a. The name and dosage of the prescription medications and the applicable SUD;
 - b. Whether prior authorization or step therapy were required for each medication; and
 - c. The total number of claims that were approved or denied for each medication, and the top three reasons that the carrier or pharmacy benefit manager denied claims for the medication.
3. The total number of requests for a prescription medication for SUDs that is not otherwise included in the formulary, including the number of claims approved, denied, and in progress, as well as the top three reasons that the carrier or pharmacy benefit management firm denied the claims.

EF. Carriers shall provide to the Division a detailed description of its efforts to ensure sufficient capacity for and access to MAT for SUD, including the following:

1. Policies and procedures to ensure enrollee access to OTPs, including any policies and procedures to assist with transportation, telehealth services, take-home dosing, and complementary behavioral health services;
2. The methodology or other formal processes used by the carrier and TPA, if applicable, to determine network sufficiency to ensure access to MAT for SUD ~~and OUD~~, and process(es) undertaken if the carrier or TPA has found insufficiencies;
3. ~~Policies and procedures regarding prior authorization requirements for MAT for SUD and OUD, including requirements for pregnant and parenting people as well as minors;~~
4. ~~Coverage and utilization management for MAT prescriptions, including differences in coverage and utilization management provisions for different FDA-approved medications for the treatment of OUD;~~

35. Processes to recruit and retain providers to prescribe MAT for SUD ~~and OUD~~, including care received in an OTP ~~and office-based buprenorphine~~, to enrollees; and
64. The evidentiary or other standards and practices used to determine eligibility of providers who prescribe MAT for SUD ~~and OUD~~ to join the network.

G. Carriers shall provide to the Division all documentation and supporting data regarding coverage of MAT for SUD in compliance with Colorado law, including the following information:

1. The carrier's public-facing Colorado prescription drug formularies (e.g., "standard formulary") for each applicable market, which must show if the formulary contains FDA-approved medications for all SUDs;
2. A description and list of the tier placements for each FDA-approved prescription medication used in the treatment of SUDs to determine compliance with the requirements to place at least one FDA-approved medication for SUDs on the lowest-cost tier of the formulary;
3. For carriers that apply prior authorization requirements, the written policies and procedures regarding prior authorization requirements for MAT for SUD, including requirements for pregnant and parenting people as well as minors. If prior authorization is required for MAT for SUD, carriers must provide an overview of the carrier's or TPA's policies and procedures regarding requiring prior authorization, including the appeals process when a medication is denied, and an explanation for how the applied prior authorization meets the requirements laid out in § 10-16-148, C.R.S., and this regulation. This should include, at a minimum, the education and professional qualifications of the reviewer who is responsible for making the determinations at each level of the appeals process. If a carrier does not apply prior authorization requirements, a carrier must attest in a template provided by the Division that it does not apply such requirements; and
4. For carriers that apply utilization management requirements, a list of all utilization management requirements that a carrier applies for prescription drugs used for SUDs, including differences in coverage and utilization management provisions for different FDA-approved medications for the treatment of SUDs, supported by the carrier's written policies and procedures for these requirements. If a carrier does not apply any utilization management requirements, a carrier must attest in a template provided by the Division that it does not apply such requirements.

Section 6 **Incorporation by Reference**

45 C.F.R. § 146.136(a)(2) shall mean 45 C.F.R. § 146.136(a)(2) as published by the Government Printing Office on the effective date of this regulation and does not include later amendments to or editions of 45 C.F.R. § 146.136(a)(2). A copy of 45 C.F.R. § 146.136(a)(2) may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of 45 C.F.R. § 146.136(a)(2) may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.

Section 76 **Severability**

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 87 Enforcement

Noncompliance with this regulation may result, after proper notice and hearing, in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance or other laws which include the imposition of fines, issuance of cease and desist orders, and/or suspensions or revocation of license. Among others, the penalties provided for in §10-3-1108, C.R.S., may be applied.

Section 98 Effective Date

This regulation shall be effective on ~~January 30, 2026~~ ~~June 15, 2021~~.

Section 109 History

New regulation effective June 15, 2021.
[Amended regulation effective January 30, 2026.](#)

DRAFT

Attachment A: Medication-Assisted Treatment (MAT) Reporting Requirements

Carriers shall use this template to submit annual reporting requirements to the Division pursuant to Colorado Insurance Regulation 4-2-75 and § 10-16-710 CRS as it applies to the carrier and third-party administrator (TPA), if applicable. When providing information regarding medication-assisted treatment (MAT) for substance use disorder (SUD) and opioid use disorder (OUD), please differentiate data between the two treatment types. Do not include OUD-specific data in SUD-specific data.

Carrier	-
TPA (if applicable)	-
Network	-
Contact Name	-
Contact Email	-
Date of Submission	-

1. _____ Indicate the number of in-network providers that are federally licensed to provide MAT for SUD and OUD at the beginning of the calendar year and at the end of the calendar year, including the type of medications available to treat opioid use disorder (MOUD).

Beginning of Calendar Year

Provider Type	SUD	OUD	MOUD
Physician, MD or DO			
Nurse Practitioner			

Physician Assistant			
Clinical Nurse Specialist			
Certified Registered Nurse Anesthetist			
Certified Nurse Midwife			
Other			

End of Calendar Year

Provider Type	SUD	OUD	MOUD
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Physician, MD or DO			
Nurse Practitioner			
Physician Assistant			
Clinical Nurse Specialist			
Certified Registered Nurse Anesthetist			
Certified Nurse Midwife			

Other			
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2. Provide the number of SUD and opioid treatment programs in the network, as well as the type of MOUD.

Type of Program	Number	Type(s) of MOUD
SUD treatment program		
Opioid treatment program		

3. Provide the number of providers treating SUD & OUD in each county at the end of the calendar year.

County	SUD	OUD	County	SUD	OUD
Adams	-	-	Kit Carson	-	-
Alamosa	-	-	La Plata	-	-

Arapahoe	-	-	Lake	-	-
Archuleta	-	-	Larimer	-	-
Baca	-	-	Las Animas	-	-
Bent	-	-	Lincoln	-	-
Boulder	-	-	Logan	-	-
Broomfield	-	-	Mesa	-	-
Chaffee	-	-	Mineral	-	-
Cheyenne	-	-	Moffat	-	-
Clear-Creek	-	-	Montezuma	-	-
Conejos	-	-	Montrose	-	-
Costilla	-	-	Morgan	-	-
Crowley	-	-	Otero	-	-
Custer	-	-	Ouray	-	-
Delta	-	-	Park	-	-
Denver	-	-	Phillips	-	-
Dolores	-	-	Pitkin	-	-
Douglas	-	-	Prowers	-	-
Eagle	-	-	Pueblo	-	-
El-Paso	-	-	Rio-Blanco	-	-
Elbert	-	-	Rio-Grande	-	-
Fremont	-	-	Routt	-	-
Garfield	-	-	Saguache	-	-
Gilpin	-	-	San-Juan	-	-
Grand	-	-	San-Miguel	-	-
Gunnison	-	-	Sedgwick	-	-
Hinsdale	-	-	Summit	-	-
Huerfano	-	-	Teller	-	-
Jackson	-	-	Washington	-	-
Jefferson	-	-	Weld	-	-
Kiowa	-	-	Yuma	-	-

4. Provide the number of providers who are authorized to prescribe methadone for the treatment of OUD at the beginning and end of the calendar year in the network.

Time Period	Providers
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Beginning of Calendar Year	
End of Calendar Year	

5. Describe the policies in place and strategies utilized to ensure enrollee access to OTPs, including any policies and procedures to assist with transportation, telehealth services, take-home dosing, and complementary behavioral health services.

6. Provide the number of unique enrollees at the beginning of the calendar year and end of the calendar year using SUD and OUD services.

Time Period	Enrollees
Beginning of Calendar Year	
End of Calendar Year	

7. Provide the number of unique patients being seen for MAT for SUD, OUD, and MOUD.

Provider Type	Number of Patients- SUD	Number of Patients- OUD	Number of Patients Receiving MOUD
Physician, MD or DO			
Nurse Practitioner			
Physician Assistant			
Clinical Nurse- Specialist			
Certified Registered- Nurse Anesthetist			
Certified Nurse- Midwife			
Other			

8. Provide the total number of prescriptions that were filled by unique enrollees for MAT for SUD and OUD in the calendar year.

Condition Type	Total Prescriptions filled by Unique Enrollees

SUD	
OUD	

9. Provide a 'yes' or 'no' response following questions regarding MAT for SUD.

<input type="radio"/> Yes <input type="radio"/> No	Is prior authorization, step therapy, or other utilization management policies required for any FDA-approved medications used as part of the treatment of SUD? —
<input type="radio"/> Yes <input type="radio"/> No	Is prior authorization, step therapy, or other utilization management policies required for any FDA-approved medications used as part of MAT for OUD? —
<input type="radio"/> Yes <input type="radio"/> No	Does the formulary use place any of the medications used for OUD, SUD, alcohol use disorder, or nicotine dependence on the lowest cost tier of the formulary?
<input type="radio"/> Yes <input type="radio"/> No	Does the formulary contain all FDA-approved medications for the treatment of OUD, SUD, alcohol use disorder, and nicotine dependence?
<input type="radio"/> Yes <input type="radio"/> No	Is Naloxone covered? Please list all formulations that are covered below.
<input type="radio"/> Yes <input type="radio"/> No	Is Buprenorphine covered? Please list all formulations that are covered below.
<input type="radio"/> Yes <input type="radio"/> No	Is Methadone covered?
<input type="radio"/> Yes <input type="radio"/> No	Is Naltrexone covered?
<input type="radio"/> Yes <input type="radio"/> No	Is Disulfiram covered?
<input type="radio"/> Yes <input type="radio"/> No	Is Acamprosate covered?

<input type="radio"/> Yes <input type="radio"/> No	Is Clonidine covered?
--	-----------------------

Naloxone formulations:-

Buprenorphine formulations:

10. — If prior authorization is required for MAT for SUD or OUD, provide an overview of the carrier's or TPA's policies and procedures regarding requiring prior authorization, including the appeals process when a medication is denied. This should include, at a minimum, the education and professional qualifications of the reviewer who is responsible for making the determinations at each level of the appeals process. —

11. — Provide an overview of any other utilization management protocols in place for each covered medication, including differences in utilization management provisions for different FDA-approved medications for the treatment of OUD. —

12. — Provide a detailed description of the carrier's and TPA's, if applicable, processes to recruit and retain providers that prescribe MAT for SUD and OUD, including both care received in an OTP and office-based buprenorphine and methadone, to enrollees.

13. — Provide a detailed description of the methodology or other formal processes used by the carrier and TPA, if applicable, to determine network sufficiency to ensure access to MAT for SUD and OUD and process(es) undertaken if the carrier or TPA has found insufficiencies;

14. — Provide a detailed description of the evidentiary or other standards and practices used to determine eligibility of providers that are federally licensed to prescribe MAT for SUD and OUD to join the network.

Notice of Proposed Rulemaking

Tracking number

2025-00532

Department

700 - Department of Regulatory Agencies

Agency

720 - Division of Professions and Occupations - State Plumbing Board

CCR number

3 CCR 720-1

Rule title

PLUMBING RULES AND REGULATIONS

Rulemaking Hearing**Date**

12/17/2025

Time

09:00 AM

Location

https://us06web.zoom.us/webinar/register/WN_FKHO0STgTZ6PG3YeOSSKpQ

Subjects and issues involved

The Colorado State Plumbing Board will hold a Rulemaking Hearing on Wednesday, December 17, 2025 at 9:00 A.M. (MDT), to receive feedback on proposed revisions to Rule 1.2 - STANDARDS, Rule 1.3 - APPRENTICES REGISTRATION AND RECORDKEEPING and Rule 1.4 - APPLICATIONS AND LICENSING. The purpose of the proposed revisions is to correct and clarify the rules, and to implement Colorado House Bill 25-1077 (CONCERNING REQUIREMENTS FOR INDIVIDUALS WHO WORK ON BACKFLOW PREVENTION DEVICES, AND, IN CONNECTION THEREWITH, REMOVING THE LICENSURE REQUIREMENT FOR INDIVIDUALS WHO INSPECT, TEST, OR REPAIR THE DEVICES).

Statutory authority

12-20-204(1), 12-155-103(3), 12-155-105(1)(l), 12-155-123(2)(a), 12-155-105(1)(e) and 24-4-103, C.R.S.

Contact information**Name**

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Title

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DEPARTMENT OF REGULATORY AGENCIES

State Plumbing Board

PLUMBING RULES AND REGULATIONS

3 CCR 720-1

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

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1.2 STANDARDS

A. Colorado Plumbing Code

The Board hereby adopts and incorporates by reference, with certain additions, revisions, and deletions, the following chapters, sections, and appendices of the International Plumbing Code (“IPC”) and International Residential Code (“IRC”).

These Rules, together with the following incorporated provisions, shall be known as the Colorado Plumbing Code. The Colorado Plumbing Code sets forth the minimum standards governing the inspection, installation, alteration, and repair of the plumbing fixtures, appliances, and systems throughout Colorado. The Colorado Plumbing Code does not include any later amendments to or editions of the IPC or IRC provisions listed below.

1. Chapter 1, Sections 101.2, 102, 105, 106.1, 106.3, 106.4, 106.5, 106.5.5, 106.6.1, 107, 108.1, 110.3 Chapters 2-13, 15; and Appendices B, C, D, and E of the IPC, 2021 edition promulgated by the International Code Council 1st printing (March 2020).
2. Chapter 1, Section R101, R102; Chapter 2; Chapter 3, Section R305.1 exceptions 1 and 2, Section R306; Chapters 25-32, of the IRC, 2021 edition, promulgated by the International Code Council, 1st printing (January 2021).

B. Colorado Fuel Gas Code

The Board hereby adopts and incorporates by reference, with certain additions, revisions, and deletions, the following chapters, sections, and appendices of the International Fuel Gas Code (“IFGC”) and the IRC. These Rules, together with the following incorporated provisions, shall be known as the Colorado Fuel Gas Code. The Colorado Fuel Gas Code sets forth the minimum standards governing the inspection, installation, alteration, and repair of fuel gas piping and systems throughout Colorado. The Colorado Fuel Gas Code does not include any later amendments to or editions of the IFGC and IRC provisions listed below.

1. Chapter 1 Section 101, 102, 105, 107, Chapters 2-8 save and except Sections 412 and 413, Appendices A-C of the IFGC, 2021 edition, promulgated by the International Code Council, 1st printing (August 2020).

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2. Chapter 1, Section R101, R102; Chapter 2; Chapter 24, Sections G2411-G2422, and G2401.1-Table G2428.3(4) and G2448 of the IRC, 2021 edition, promulgated by the International Code Council, 1st printing (January 2021).

C. Public Copies

Copies of the provisions of the IPC, IFGC, and IRC, adopted and incorporated into the Colorado Plumbing Code and the Colorado Fuel Gas Code, are available for public inspection during regular business hours at the Board office at the Department of Regulatory Agencies Welcome Center, 1560 Broadway, Civic Center Plaza, Denver, Colorado, 80202, and at any state publications depository library. For further information regarding how this material can be obtained or examined, contact the Program Director for the Board ("Program Director") at 1560 Broadway, Suite 1350, Denver, Colorado, 80202, (303) 894-2309. Copies of the IPC, IFGD, and IRC may be obtained from the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001. A list of ICC regional offices is available at <http://www.iccsafe.org/AboutICC/Pages/ContactICC.aspx>.

D. General Interpretations

The following shall apply to the Colorado Plumbing Code and Colorado Fuel Gas Code.

1. **Code Official.** Whenever the Colorado Plumbing Code and the Colorado Fuel Gas Code refer to "the code official," it shall mean the Board or its designee, if any.
2. **Reasonable Time.** As used in the Rules, the term "reasonable time" shall mean thirty calendar days.
3. **Amendments to the Colorado Codes.** Any city, town, county or city and county which adopts more stringent standards than the Colorado Codes shall furnish a copy thereof to the Board.
4. Abbreviations

ANSI – American National Standards Institute

ASME – American Society of Mechanical Engineers

ASSE – American Society of Sanitary Engineers

ASTM – American Society for Testing and Materials

C.F.R. – Code of Federal Requirements

C.R.S. – Colorado Revised Statutes

ICC – International Code Council

NFPA – National Fire Protection Association

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USC FCCC&HR – University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research

5. Alternate Materials and Methods Review
 - a. **Criteria.** The Board shall consider requests for approval of alternate materials or methods under the procedures and limitations of Section 105 of the Colorado Plumbing Code and Colorado Fuel Gas Code.
 - b. Procedures
 - (1) **Petitions for Approval.** Any interested person may petition the Board to amend the Colorado Plumbing or Fuel Gas Code so as to approve the use of an alternate material or method, pursuant to Section 105 of the IPC. Such petition shall conform to the requirements in subsection (2)(b). Incomplete petitions will not be processed.
 - (2) **Petition Contents.** Each petition filed under this Rule shall comply with the following requirements:
 - (a) **Where to Submit.** Petitions shall be submitted in duplicate to the Program Director.
 - (b) **Petition Document.** Petitions shall begin with a short concise document labeled as the “petition,” and which includes the following information:
 - (i) Identification of the petitioner and the petitioner's interest in the alternate materials or methods approval. This identification shall designate one person as the Board's contact for the petition, and list telephone, fax, e-mail, and mailing addresses for that person.
 - (ii) A full description of the types of uses for which the petitioner would like approval. This list should be sufficiently detailed to allow the Board to consider specific types of applications or uses for the alternate material and/or method.
 - (iii) A complete identification of the applicable standards from the Referenced Standards identified in the Colorado Plumbing Code or Colorado Fuel Gas Code that the petitioner proposes to be the acceptance criteria for the alternate material or method.

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- (iv) If the petition is for approval of an alternate material, one sample of the material. The sample will be returned to the petitioner after completion of the review process.
 - (v) Copy of approval language of each code the petitioner cites.
- (c) **Submission of National Standards.** Each petition shall be accompanied by a set of the applicable standards from the Referenced Standards identified in the Colorado Plumbing Code, Colorado Fuel Gas Code or other standards listed by the petitioner in Rule 1.2(D)(5)(b)(2)(iii). If the listed standard incorporates other standards into its criteria, copies of the incorporated standards shall be submitted as well.
- (d) **Results of Independent Third Party Compliance Testing.** Each petition shall be supported with complete copies of test reports with protocols issued within the previous eighteen months prior to the date of submission by a laboratory or other testing facility that is recognized as a nationally recognized testing laboratory, pursuant to 29 C.F.R. section 1910.7, or by an ANSI accredited third-party certifier.
- (e) **Compliance with Section 105.** Each petition shall be supported by detailed written discussion as to why the proposed alternate material or method meets the following requirements from Section 105 of the IPC:
- (i) That the proposed design of the proposed alternate material is satisfactory and complies with the intent of the Colorado Plumbing Code or Colorado Fuel Gas Code.
 - (ii) That the proposed material is appropriate for the proposed intended use at least the equivalent of that prescribed in the Colorado Plumbing Code or Colorado Fuel Gas Code with respect to quality, strength, effectiveness, durability and safety. This description requires that the petitioner directly compare the quality, strength, effectiveness, durability and safety data on the applicable conventional systems with the tested and documented performance characteristics of the proposed alternate material and/or method.
 - (iii) When an alternate installation method is proposed, the petitioner shall describe how the proposed method of installation conforms to the most recently adopted edition of the Colorado Plumbing Code or Colorado Fuel Gas Code.

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c. Reconsideration of Board Action

Any petitioner whose petition has not been fully granted by the Board may apply for reconsideration of the Board's decision within thirty days of the mailing of the Board's notice of denial, publication of notice of termination, or publication of the Board Rule that partially granted the petition. A request for reconsideration shall be in writing and shall explain why reconsideration is warranted. Action on any request for reconsideration is within the sole discretion of the Board.

6. **Fee Establishment.** Licensing, permit, and reinspection fees shall be established pursuant to section 12-20-105, C.R.S., and shall be categorized appropriately, such as original license, registration, endorsement, renewal, reinstatement fees, permit fees, and reinspection fees.
7. **Information Only Sections.** Installations detailed in the Colorado Plumbing Code that are typically not installed by plumbers (i.e., shower wall composition from Sections 421.4.1, IPC and P2710.1, IRC; Shower floors from Sections 421.5, IPC and P2709.2, P2709.3, IRC) are not subject to licensing, permitting or inspection but are informational only.
8. Definitions
 - a. **Certified Cross-Connection Control Technician** means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE), the American Backflow Prevention Association (ABPA), or other agency recognized by the Board.
9. Clarification of "Domestic appliances" referenced in section 12-155-118(6)(a)(I), C.R.S. and "faucets" as shown in section 12-155-118(6)(a)(II), C.R.S.

Water heaters used to supply domestic hot water to a residential or commercial potable water system are not equipped with backflow preventers. Therefore, they do not fall under the exemption in section 12-155-118(6)(a)(I), C.R.S.

Shower valves and tub and shower valves referenced in 2021 IPC sections 412.3 to 412.8 and 2021 IRC section P2708.4 shall not be considered "faucets". Therefore, they do not fall under the exemption in section 12-155-118(6)(a)(II) CRS.

10. ~~Clarification of back flow prevention device installation requirements.~~

~~A plumbing license is not required for persons engaged in the business of inspecting, testing, and repairing backflow prevention devices. 12-155-118. Exemptions (4) CRS requires persons engaged in the installation and removal of such devices to be a registered and licensed plumbing contractor.~~

E. Revisions and Exceptions to the Incorporated Codes

1. Revisions and Exceptions to the Colorado Plumbing Code

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- a. IPC Section 102.8 Referenced codes and standards

Delete in its entirety and replace with:

[A] 102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes and standards adopted or recognized by the Plumbing Board shall be considered as part of the requirements of this code to the prescribed extent of each such reference.

- b. IPC Section 106.5 Permit issuance

Add exception reading:

Exception: Where emergency plumbing is performed, the required permit may be obtained the following business day after the work has been started (i.e., broken water lines, broken drain lines, water heater replacements).

- c. IPC Section 202 Definitions

Add new definitions to read:

Direct Supervision. Direct supervision means that the supervising licensed master plumber, journeyworker plumber, or residential plumber is physically present at the same physical addresses listed on the permits and where the apprentice is working or no more than five minutes distance from the apprentice within the same construction or job site.

- d. IPC Section 202 Definitions

Add new definitions to read:

Trap drain. That portion of horizontal piping between the weir of a trap and the point where it intersects with the vent serving that same trap (trap arm).

- e. IPC Section 202 Definitions

Delete the definition and replace with:

Fixture Drain. That portion of a plumbing drainage system that connects the trap drain to any other drain pipe receiving the discharge from one or more plumbing fixtures.

- f. IPC Section 202 Definitions

Delete the definition and replace with:

Graywater. Wastewater that, before being treated or combined with other wastewater, is collected from fixtures within residential, commercial, or industrial buildings or institutional facilities for the purpose of being put to beneficial uses.

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Sources of graywater are limited to discharges from bathroom and laundry room sinks, bathtubs, showers, and laundry machines. Graywater does not include the wastewater from toilets, urinals, kitchen sinks, dishwashers, or non-laundry utility sinks.

- g. IPC Section 202 Definitions

Delete the definition and replace with:

Reclaimed Water. Domestic wastewater that has received secondary treatment by a domestic wastewater treatment works (centralized system or a localized system) and such additional treatment as to enable the wastewater to meet the standards for approved uses.

- h. IPC Section 305.1 Protection against contact.

Delete section in it's entirety and replace with:

IPC Section 305.1 Protection against contact. Piping except for, for cast iron, ductile iron, and galvanized steel shall not be placed in direct contact with steel framing members. Piping shall not be placed in direct contact with concrete or cinder walls and floors, other masonry, and corrosive soil. Where sheathing is used to prevent direct contact, the sheathing shall have a thickness of not less than .025 inch (.64 mm). Where sheathing protects piping that penetrates concrete or masonry walls or floors, the sheathing shall be installed in a manner that allows movement of the piping within the sheathing.

- i. IPC Section 308 Interval of support

308.5 Interval of support

Add new sentence at the end of the section to read:

Hanger support rods shall be sized in accordance with table 308.5.1

- j. Add new Table 308.5.1 Hanger Rod Size

Table 308.5.1 Hanger Rod Size	
Pipe and Tube Size	Rod Size
½" – 4"	3/8"
5" – 8"	½"
10" – 12"	5/8"

- k. IPC Section 308.7.1 Location

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Delete in its entirety and replace with:

308.7.1 Location. For pipe sizes greater than four inches (102 mm), restraints shall be provided for drain pipes utilizing mechanical joints at all changes in direction and at all changes in diameter greater than two pipe sizes. Braces, blocks, rodding and other suitable methods as specified by the coupling manufacturer shall be utilized.

l. IPC Section 312.1 Required tests

Delete the words “for piping systems other than plastic” and “After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The code official shall require the removal of any cleanouts if necessary to ascertain whether the pressure has reached all parts of the system.”

m. IPC Section 312.3 Drainage and vent air test

Delete the words “Plastic piping shall not be tested using air.”

n. IPC Section 312.4 Drainage and vent final test

Delete in its entirety.

o. IPC Section 312.5 Water supply system test

Delete the words “for piping systems other than plastic.”

p. IPC Section 312.9 Shower liner test

Delete in its entirety.

q. IPC Section 312.10.2 Testing

Delete the verbiage entirely and replace it with:

312.10.2 Testing. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies and hose connection backflow preventers shall be tested at the time of installation, immediately after repairs or relocation and at least annually by a certified cross connection control technician, in accordance with the applicable testing procedures associated with each specific certifying agency. When applicable the testing procedure shall be performed for the identified backflow prevention assembly in its entirety in accordance with one of the following applicable standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10, CSA B64.10.1 or the testing procedures provided in the 10th Edition Manual of Cross-Connection Control

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from the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research.

The testing procedures from the 10th Edition Manual of Cross-Connection Control from the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research is incorporated by reference, and may be examined at the Colorado Plumbing Board's office at 1560 Broadway, Suite 1350, Denver, Colorado 80202, during normal business hours, Monday through Friday, except days designated as state holidays. Certified copies of the 10th Edition Manual of Cross-Connection Control shall be provided at cost, upon request. The Board or the Board's staff will provide information regarding how the 10th Edition Manual of Cross-Connection Control may be examined for free at the state public depository library. The 10th Edition Manual of Cross-Connection Control is also available from the agency, organization or association originally issuing the code, standard, guideline, or rule at: USC Foundation Office, Research Annex 219, Los Angeles, CA 90089-7700 or (<https://fccchr.usc.edu/>). This rule does not include any later amendments or editions of the code, standard, guideline, or rule.

- r. IPC Section 403.1 Minimum number of fixtures

Add a new sentence to the end of the section to read as follows:

Lavatory to water closet or urinal ratios in accordance with Table 403.1 shall be maintained in all restrooms.

- s. IPC Section 403.3 Employee and public toilet facilities, effective January 1, 2024

Add a new paragraph to the end of the section to read as follows:

All state departments (excluding K-12 schools), state agencies, state institutions of higher education, counties, cities, or municipality buildings that are newly constructed or are being remodeled shall provide an ADA-compliant single-user or an ADA-compliant multi-user non-gendered restrooms as required by section 9-5.7-103, C.R.S.

- t. IPC Section 405.3.2 Public Lavatories

Add a new exception reading:

Exception: Lavatories located outside a toilet room located within a classroom serving students from that classroom only. These toilet rooms and lavatories shall not count toward the total fixture count required by Table 403.1.

- u. IPC Section 410.4 Substitution.

Change first sentence to read:

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Where restaurants (or spaces classified as an A2 occupancy) provide drinking water in a container free of charge, drinking fountains shall not be required in (these restaurants and A2 occupancies).

- v. IPC Section 421.7 Shower head location

Add new section to read:

421.7 Shower head location. Showerheads shall be located on the sidewall of shower compartments or be arranged so the shower head does not discharge directly at the entrance to the compartment and the bather can adjust the valve prior to stepping into the shower spray.

Exception: Showers of the roll in type installed in accordance with 2017 ANSI A117.1 or ICC A117.1.

- w. IPC Section 421.8 Shower valve location

Add new section to read:

421.8 Shower valve location. A shower or tub/shower control valve shall be installed only where the spout and/or shower head discharges into an approved tub or shower compartment.

Exception: Emergency Showers.

- x. IPC Section 425.3 Water closet seats

Add new exception to read:

Exception: Water closets installed in public restrooms for the purpose of complying with accessible fixtures as required by Section 404 fitted with the "AXS-Wingman Universal Design Water Closet Seat" having a closed front are allowed.

- y. IPC Section 504.6.1 Collection of Relief Valve Discharge

Add new section 504.6.1 to read:

504.6.1. Collection of Relief Valve Discharge. A means shall be provided to capture the discharge from a relief valve and convey it to the sanitary drainage system or exterior of the structure either by gravity or a pumped discharge.

Exceptions:

- (1) Replacements for existing water heaters.

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(2) Where a water sensing device wired to a normally closed solenoid valve installed in the water supply piping to the heater is placed within the water heater drain pan.

z. IPC Section 504.6.1.1 Pumped discharge of relief valve collection

Add new Section 504.6.1 to read as follows:

504.6.1.1 Pumped discharge of relief valve collection. Pumps used to discharge the clear water collection of relief valves shall have an operating temperature equal to or exceeding that of the relief valve discharge temperature and shall have a gpm rating equal to or greater than the discharge of the relief valve.

aa. IPC Section 504.7 Required pan.

Add new exception to read:

Replacements for water heaters that did not have a pan previously installed to code in effect at the time of the original installation.

bb. IPC Section 504.7 Required pan.

Add new sentence at end of the section to read:

Unless the pan is constructed of material having a flame spread index of 25 or less and a smoke-developed index of 450 or less when tested in accordance with ASTM E84 or UL 723.

cc. IPC Section 605.15.2 Solvent cementing

Delete the exception in its entirety.

dd. IPC Section 608.3.1 Special equipment, water supply protection

Add additional wording to read:

The water supply for hospital fixtures and dental chairs shall be protected against backflow with a reduced pressure principle backflow prevention assembly, an atmospheric or spill resistant vacuum breaker assembly, or an air gap. Vacuum breakers for bedpan washer hoses shall not be located less than 5 feet (1524 mm) above the floor. Vacuum breakers for hose connections in health care or laboratory areas shall be not less than 6 feet (1829 mm) above the floor.

ee. IPC Section 608.9.1 Signage required

Delete the section in its entirety and replace with:

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- (1) Plumbing fixtures flushed with nonpotable water shall be identified with signage that reads as follows:

“Nonpotable water is used to flush this fixture. CAUTION: NONPOTABLE WATER – DO NOT DRINK.”

In addition to the required wordage, the pictograph shown in figure 608.8.1 shall appear on the required signage.

- (2) A permanent warning sign must also be visible at all fixtures from which graywater is collected. The sign must state that:

“WATER FROM THIS FIXTURE IS REUSED. CHEMICALS, EXCRETA, PETROLEUM OILS AND HAZARDOUS MATERIALS MUST NOT BE DISPOSED DOWN THIS DRAIN.”

- (3) For both types of fixtures indicated in subsections 1.2(E)(1)(ee)(1) and (2) above, the words shall be legibly and indelibly printed on a tag or sign constructed of corrosion-resistant waterproof material or shall be indelibly printed on the fixture. The letters of the words shall be not less than 0.5 inch (12.7 mm) in height and in colors in contrast to the background on which they are applied.

- ff. IPC Section 608.9.2 Distribution pipe labeling and marking

Delete the section verbiage and replace with:

Nonpotable distribution piping shall be purple in color or the piping shall be installed with a purple identification tape or wrap the entire length of the piping and shall be embossed, or integrally stamped or marked, with the words: “CAUTION: NONPOTABLE WATER – DO NOT DRINK”.

- gg. IPC Section 608-17 Connections to the Potable Water Systems

Add new subsection 608.17.2.1 to read:

Section 608.17.2.1 essentially nontoxic fluid conditioning chemical.

When the conditioning chemical introduced is an essentially nontoxic transfer fluid the potable supplier to the boiler shall, at a minimum, be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA B64.3.

- hh. IPC Section 608 Protection of potable water system

Add new subsection 608.17.11 to read:

Section 608.17.11 Connection to graywater system or reclaimed water system

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The potable water system connection to a graywater system must be protected against backflow by an air gap or reduced pressure principle backflow prevention assembly.

- ii. IPC Section 701.2 Connection to sewer required

Add exception 2:

Exception 2: Floor drains or trench drains installed in utility buildings and residential garages may be daylighted or discharged to an approved alternative disposal system when written approval has been provided from the jurisdiction having authority through CDPHE or sewer purveyor.

- jj. IPC Section 705.10.2 Solvent cementing

Delete the exception in its entirety.

- kk. IPC Section 706.3. Installation of fittings

Add sentence to end of IPC Section 706.3:

fixture crosses will not be required to meet the exception of IPC Section 706.3

- ll. IPC Table 706.3 Fittings for change of direction

Delete footnotes a and b from the table.

- mm. IPC Section 708.1.3 Building drain and building sewer junction.

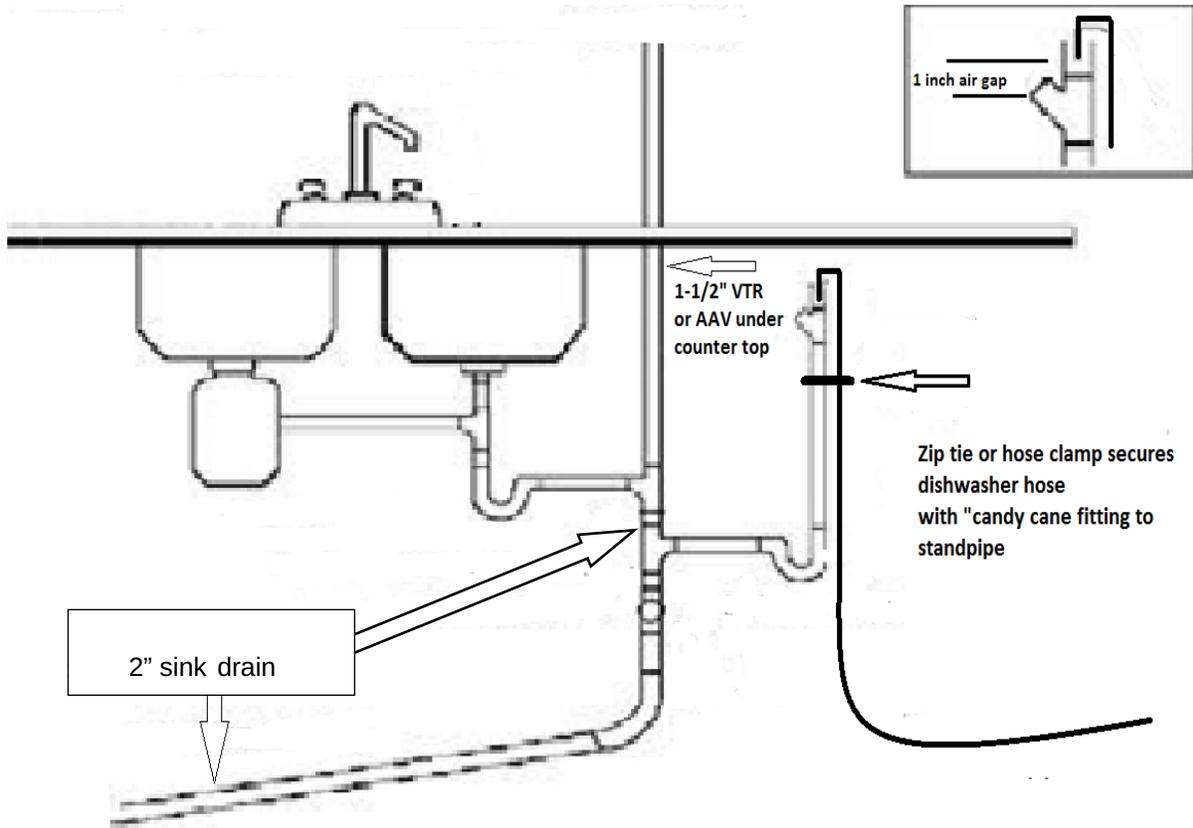
Add new sentence at the end of the section to read:

When the cleanout is installed at the junction of the building drain and building sewer, it shall be an approved two way fitting with a single riser not to exceed 4 feet in depth or a two riser cleanout using back to back combination fittings or equal of schedule 40 material. Cleanouts shall be installed and tested at underground or rough-in in accordance with Section 312.2.

- nn. IPC Section 802.1.8 Domestic dishwashing machines

Add a new section to read:

Domestic dishwashing machines may be connected to a separately trapped stand pipe provided with an air break (with drain hose secured to the underside of the counter top) or air gap as shown in the illustration below. Refer to 2021 IPC 409.4 for additional waste connections.



oo. IPC Section 802.3 Installation

Delete the last sentence

pp. IPC Section 802.4 Waste receptors.

Add new exception to read:

Exception: Where equipment is installed in a crawl space, a waste receptor shall be allowed with an approved backwater valve installed.

qq. IPC Section 903.1.1 Roof extension unprotected

Insert 6 inches into the section so that it reads: "All open vent pipes that extend through a roof shall be terminated at least 6 inches above the roof.

rr. IPC Section 903.1.3 Protected vent terminal

Change wording to read 4 inches instead of 2 inches.

Section 903.1.3 Where an open vent pipe terminates above a sloped roof and is covered by either a roof-mounted panel (such as a solar collector or photovoltaic panel mounted over the vent opening) or a roof element (such as an architectural

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feature or a decorative shroud), the vent pipe shall terminate not less than 4 inches (102 mm) above the roof surface.

- ss. IPC Section 903.2 Frost Closure

Delete in its entirety.

- tt. IPC Section 912.1 Horizontal wet vent permitted

Add a new exception to read:

Exception: Fixtures other than those considered to be bathroom group fixtures, of equivalent drainage fixture units, may be included in the wet vented section provided the total number of drainage fixture units does not exceed the total number included in two bathroom groups and the fixtures not considered bathroom fixtures are valued at one drainage fixture unit or less.

- uu. IPC Section 1002.1 Fixture traps

Add new exception 5 to read:

Exception: 5. Trench and floor drains connected to a sand oil interceptor need not be individually trapped provided the drain piping from the trench or floor drains is turned down after entering the interceptor so the discharge point is a minimum of 4 inches below the standing water level of the interceptor.

- vv. IPC Section 1003.1 Where required

Add the following Exception:

Exception: Where special regulations exist by the local waste water and/or sanitation district into which the grease trap or interceptor effluent is transported and/or treated. These regulations may supersede this requirement.

- ww. IPC.1003.2.3 Food waste disposers restriction.

Add exception to read:

When using a gravity interceptor equal to or greater than 500 gallon capacity.

- xx. IPC Section 1101.3 Prohibited drainage

Add a new sentence to the end of the section reading:

Storm water from roof drains shall not discharge over public walkways except when an approved grated trough or trench drain sized to accept the calculated discharge is installed in the walkway. The discharge shall be diverted vertically from a height not greater than 12 inches to the grate.

Exception: Secondary drains.

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- yy. IPC Section 1301.2.2 Filtration Required Exception

Modify section 1301.2.2 Exemption reading:

Nonpotable water utilized for water closet and urinal flushing application shall be filtered by a 100-micron or fine filter.

Exception: Reclaimed water sources shall not be required to comply with these requirements. Graywater treatment systems installed in accordance with Section 1302.6.1 do not need to meet additional filtration requirements.

- zz. IPC Section 1301 General

Add new section 1301.3.1 reading:

1301.3.1. Distribution pipe labeling and marking

Nonpotable distribution piping shall comply with Section 608.8.2 as amended in Rule 1.2(E)(1)(u).

- aaa. IPC Section 1301.3.2 Signage required graywater treatment works.

Add section new section 1301.3.2 reading:

For each room that contains graywater treatment works components, a sign that says "CAUTION GRAYWATER TREATMENT WORKS, DO NOT DRINK, DO NOT CONNECT TO THE POTABLE DRINKING WATER SYSTEM. NOTICE: CONTACT BUILDING MANAGEMENT BEFORE PERFORMING

ANY WORK ON THIS WATER SYSTEM" must be posted on any door providing entrance to the room.

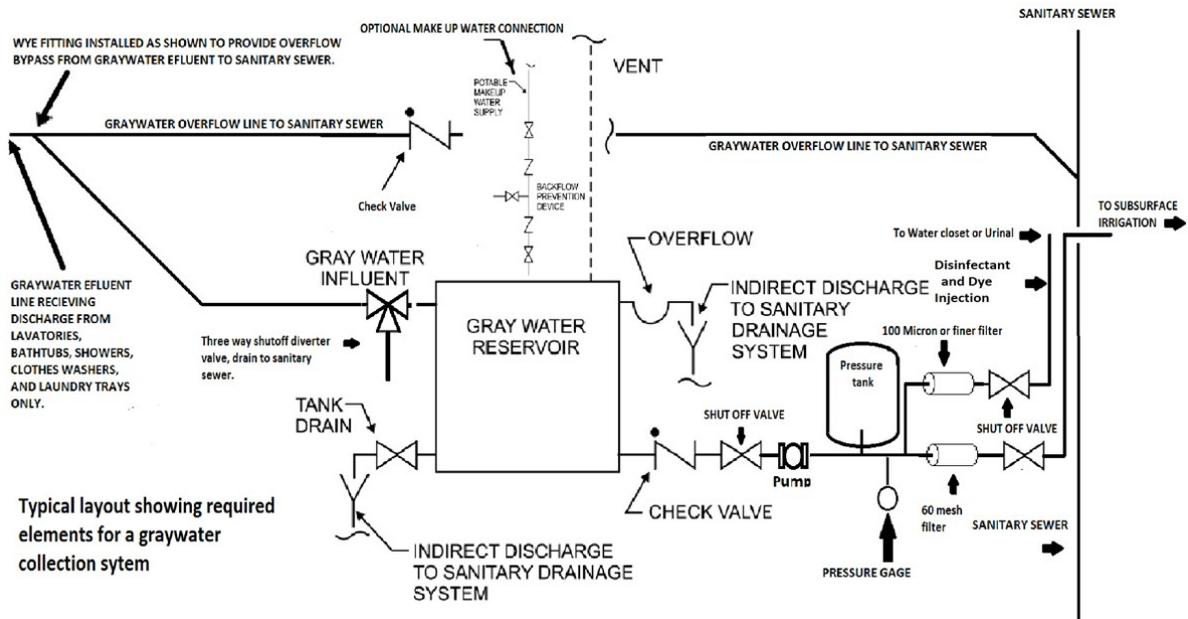
- bbb. IPC Section 1301 General

Add new figure 1301.4

1301.4 Typical Graywater Collection System

(This figure is typical only, not a schematic)

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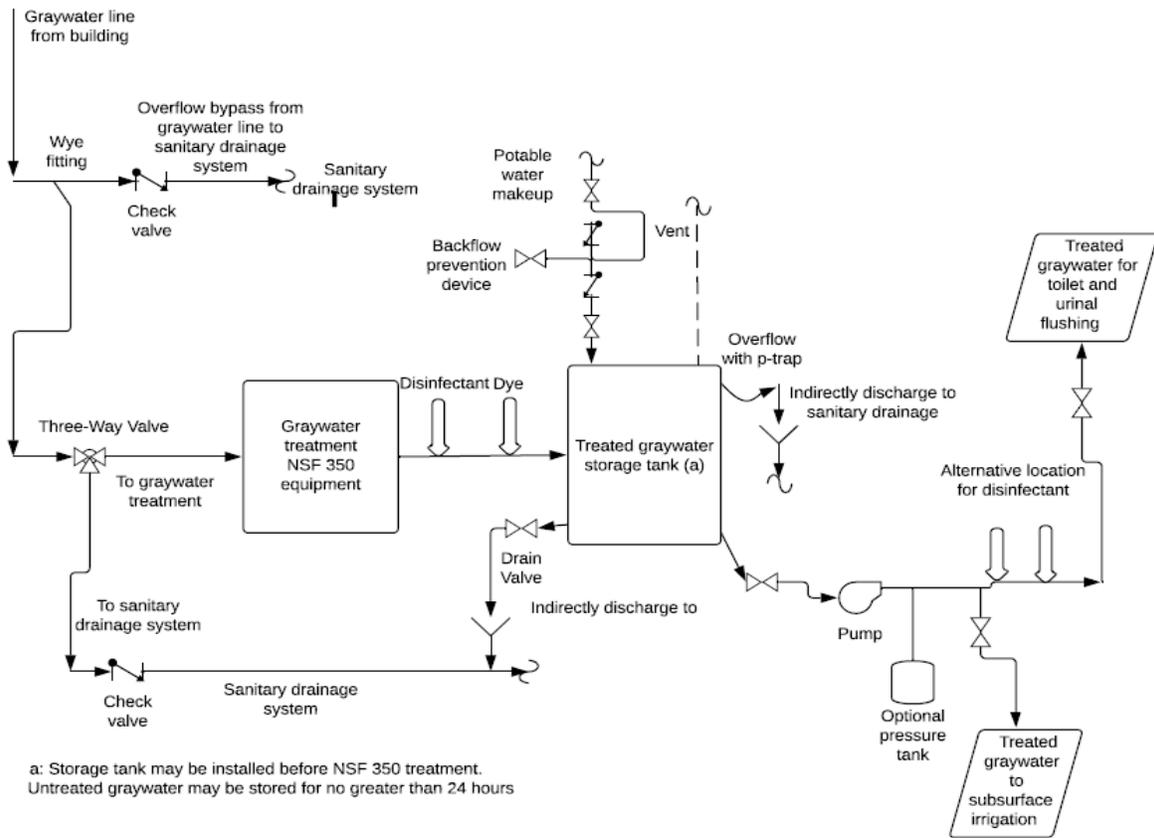
Typical layout showing required elements for a graywater collection system

ccc. IPC Section 1301 General

Add new figure 1301.5

1301.5 Typical graywater system for toilet and urinal flushing

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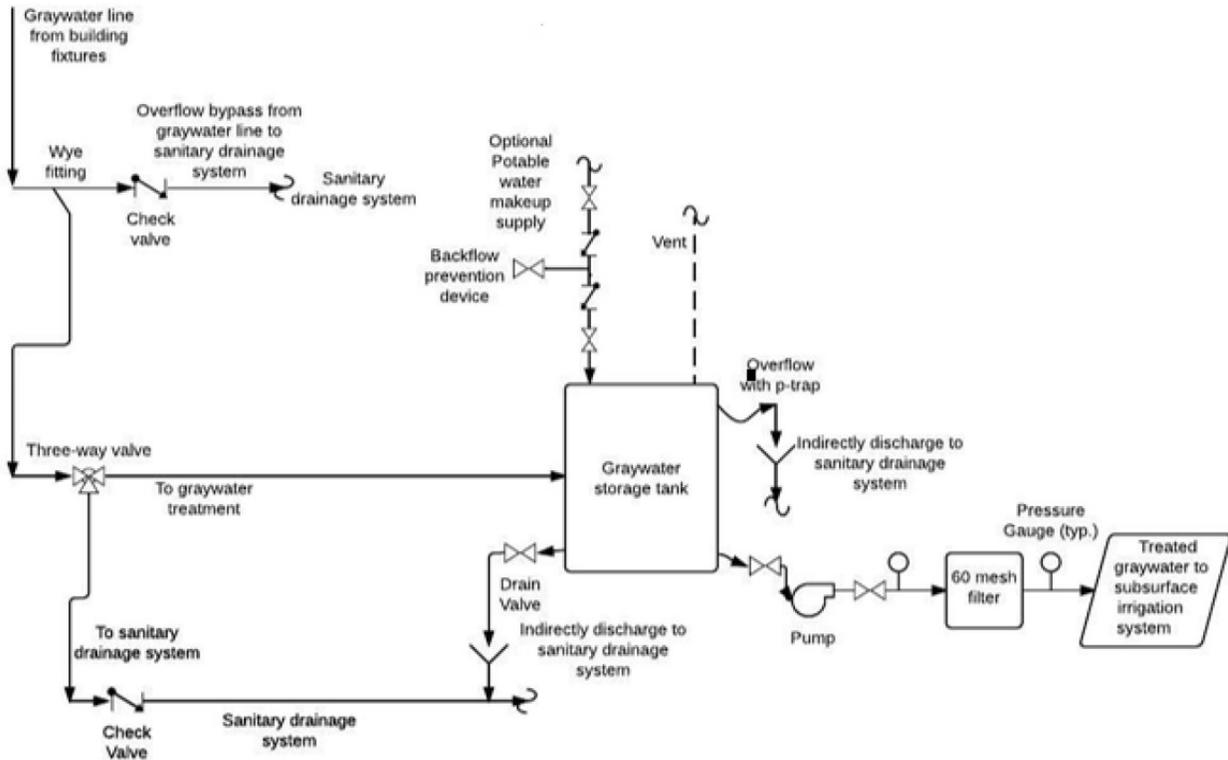


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ddd. IPC Section 1301 General

Add new figure 1301.6

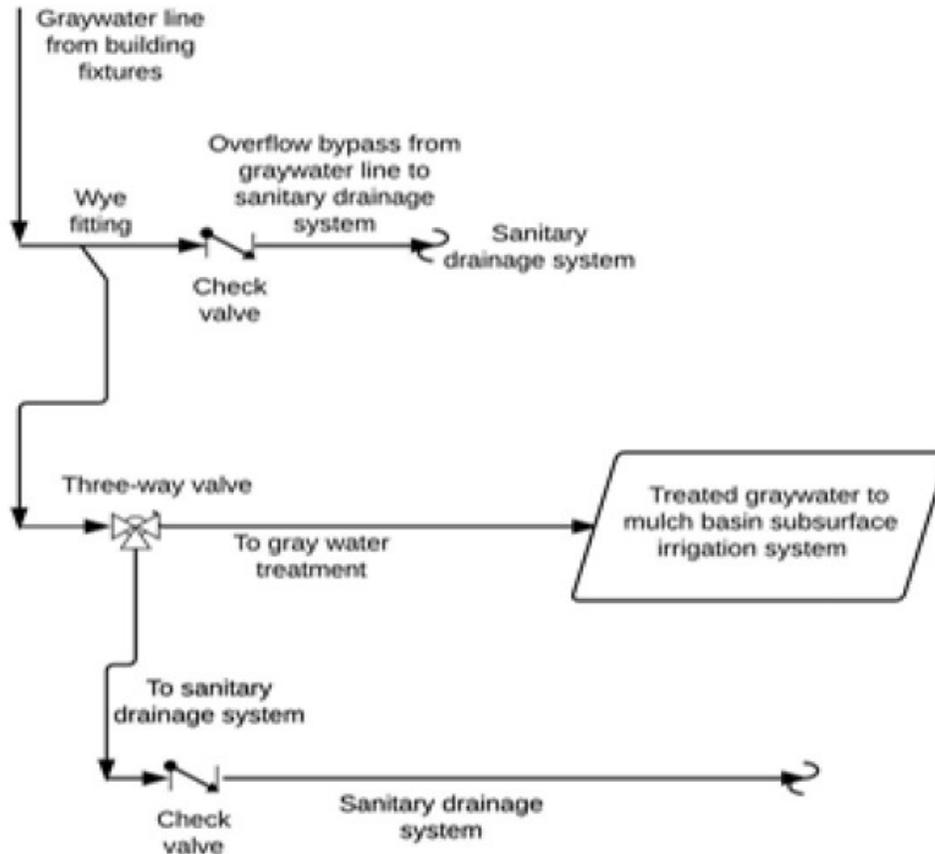
1301.6 Typical graywater system for disbursed subsurface irrigation system



eee. IPC Section 1301 General

Add new figure 1301.7

1301.7 Typical graywater system for mulch basin subsurface irrigation



fff. IPC Section 1301.9.2 Materials Exception Add section

1301.9.2 Exemption reading:

Exemption. Tanks are not required if the graywater use is comprised of only subsurface irrigation and flows into a mulch basin system, where the mulch basin volume is three times the anticipated average daily flow.

ggg. IPC Section 1301.9.5 Overflow

Delete the section verbiage and replace with:

The storage tank shall be equipped with an overflow pipe having a diameter not less than that shown in Table 606.5.4. The overflow pipe shall be protected from insects or vermin. The overflow drain shall not be equipped with a shutoff valve

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and shall discharge into the sanitary sewer either directly, or indirectly with a trap in the drain line to keep odors from escaping the tank. A cleanout shall be provided on each overflow pipe in accordance with Section 708.

hhh. IPC Section 1301.9.8 Draining of tanks

Delete the text "shall discharge as required for overflow pipes and". Replace it with: shall discharge into the sanitary sewer either directly, or indirectly with a trap in the drain line to keep odors from escaping the tank

iii. IPC Section 1301.11 Trenching Requirements

Delete in its entirety.

jjj. IPC Section 1301.12 Outdoor Outlet Access

Delete in its entirety.

kkk. IPC Section 1302.1 General

Add a sentence to the end of the section saying:

All plumbing systems utilizing nonpotable water reuse systems shall have a reduced pressure backflow preventer device installed at the water service entrance immediately downstream of the building water service shut off valve.

III. IPC Section 1302.5 Filtration

Add a new sentence to the end of the section saying:

1302.5 Filtration: Graywater used for dispersed subsurface irrigation system requires a cartridge filter. The cartridge filter must be a minimum of sixty mesh located between the storage tank and the irrigation system.

Exemption. Filtration is not required for mulch basin subsurface irrigation systems.

mmm. IPC Section 1302.6.1 Graywater used for fixture flushing

Add a new sentence to the end of the section reading:

Graywater used for toilet and urinal flushing shall be dyed with blue or green food grade vegetable dye and be visibly distinct from potable water.

nnn. IPC Section 1302.7.3 Overflow

Add a new Section 1302.7.3 that reads:

1302.7.3 Overflow. Storage tank for on-site nonpotable systems must include an overflow line without a shut off valve. The overflow line shall be connected to the

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sanitary sewer indirectly. The overflow line must be the same or larger diameter line than the tank influent line. The overflow line connected indirectly must be trapped to prevent the escape of gas vapors from the tank

ooo. IPC Section 1302.7.4 Venting

Add a new Section 1302.7.4 that reads:

1302.7.4 Venting. Storage tank for on-site nonpotable systems must be vented. Indoor tanks must be vented to the atmosphere outside the building or connected to the plumbing vent system.

ppp. IPC Section 1302.7.5 Tank Drains

Add a new Section 1302.7.5 that reads:

1302.7.5 Tank Drains. Storage tank for on-site nonpotable systems must include a valved drain. The drain shall be indirectly connected to the sanitary sewer. The tank drainline must be the same or larger diameter line than the tank influent line.

qqq. IPC Section 1302.8.1 Bypass Valve

Change the section heading and section verbiage to read:

Section 1302.8.1 System Bypass

Delete the section verbiage and replace with:

One three-way diverter valve listed and labeled to NSF 50 or other approved device shall be installed on collection piping upstream of any graywater treatment equipment, as applicable, to divert untreated on-site reuse sources to the sanitary sewer to allow servicing and inspection of the system. Bypass valves shall be installed downstream of fixture traps and vent connections. Bypass valves shall be marked to indicate the direction of flow, connection graywater treatment works, storage tank and graywater subsurface irrigation systems. Bypass valves shall be installed in accessible locations. Two shutoff valves shall not be installed to serve as a bypass valve. In addition to the bypass valve a series of drainage fittings shall be installed in the collection piping upstream of the bypass valve in a configuration that will allow the graywater from the plumbing fixtures to automatically flow directly into the sanitary sewer system in the event the filter or other parts of the collection system become clogged to the point of not allowing the effluent free flow through the system. The overflow line connected to the sanitary sewer shall be equipped with a backwater valve.

rrr. IPC Section 1303 Nonpotable rainwater collection and distribution systems

Delete in its entirety.

sss. IPC Chapter 14 Subsurface landscape irrigation systems

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Delete in its entirety.

2. Revisions and Exceptions to the International Residential Code Part VII incorporated as the Colorado Plumbing Code

- a. IRC Section 105.1 Required

Add exception reading:

Exception: Where emergency plumbing is performed, the required permit may be obtained the following business day after the work has been started (i.e., broken water lines, broken drain lines, water heater replacements).

- b. IRC Section R202 Definitions

Add new definition to read as follows:

Multipurpose Residential Fire Sprinkler System. A Multipurpose Residential Fire Sprinkler System includes the domestic water distribution piping and the fire sprinkler piping which shall be a part of and connect to the cold water distribution piping at any point.

- c. IRC Section R202 Definitions

Add new definitions to read:

Direct Supervision. Direct supervision means that the supervising licensed master plumber, journeyworker plumber, or residential plumber is physically present at the same physical addresses listed on the permits and where the apprentice is working or no more than five minutes distance from the apprentice within the same construction or job sites.

- d. IRC Section R202 Definitions

Add new definition to read as follows:

Trap drain. That portion of horizontal piping between the weir of a trap and the point where it intersects with its vent.

- e. IRC Section R202 Definitions

Delete the definition and replace with:

Fixture drain. That portion of a plumbing drainage system that connects the trap drain to any other drain pipe receiving the discharge from one or more plumbing fixtures.

- f. IRC Section R202 Definitions

Add new definition to read as follows:

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Manufactured Housing Hookup-Sewer. That portion of drainage piping and fittings connecting a single point of drainage pipe discharge from the factory installed plumbing of a manufactured home to the sanitary sewer riser under the set home. (More than a single connection to the home drainage piping shall be considered “plumbing” as defined in section 12-155-103, C.R.S., and subject to all provisions of Article 155 of Title 12).

- g. IRC Section R202 Definitions

Add new definition to read as follows:

Manufactured Housing Hookup-Water. That portion of piping and fittings connecting a single point of water supply from the factory installed water supply pipe of a manufactured home to the potable water riser under the set home.

- h. IRC Section 202 Definitions

Delete the definition and replace with:

Reclaimed Water. Domestic wastewater that has received secondary treatment by a domestic wastewater treatment works (centralized system or a localized system) and such additional treatment as to enable the wastewater to meet the standards for approved uses.

- i. IRC Section P2503.5.1 Rough Plumbing

Delete the words “for piping systems other than plastic”.

- j. IRC Section P2503.6 Shower liner test

Delete in its entirety.

- k. IRC Section P2503.7 Water supply system testing

Delete the words “for piping systems other than plastic”

- l. IRC Section P2503.5.2 Finished plumbing.

Delete 2, 2.1, and 2.2

- m. IRC Section P2601.2 Connection to drainage system

- n. IRC Section P2605.2 Thermal expansion tanks.

Add new section P2605.2 to read:

P2605.2 Thermal expansion tanks. A thermal expansion tank shall be supported in accordance with the manufacturer’s instructions. Thermal expansion tanks shall not be supported by the piping that connects to such tanks.

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- o. IRC Section P2603.3 Protection against corrosion.

Delete section in its entirety and replace with:

IRC P2603.3 Protection against corrosion. Piping except for, for cast iron, ductile iron, and galvanized steel shall not be placed in direct contact with steel framing members. Piping shall not be placed in direct contact with concrete or cinder walls and floors, other masonry, and corrosive soil. Where sheathing is used to prevent direct contact, the sheathing shall have a thickness of not less than .025 inch (.64 mm). Where sheathing protects piping that penetrates concrete or masonry walls or floors, the sheathing shall be installed in a manner that allows movement of the piping within the sheathing.

- p. IRC Section P2705.1 General

Add new exception to read:

Exception for remodels only: Lavatory clearance from its center to any sidewall or partition may be reduced to a minimum of twelve inches.

- q. **IRC P2706.1** General (waste receptors)

Add new exception to read:

Exception: Where equipment is installed in a crawl space, a waste receptor shall be allowed with an approved backwater valve installed.

- r. IRC Section P2708.5 Shower head location

Add new section P2708.5 to read:

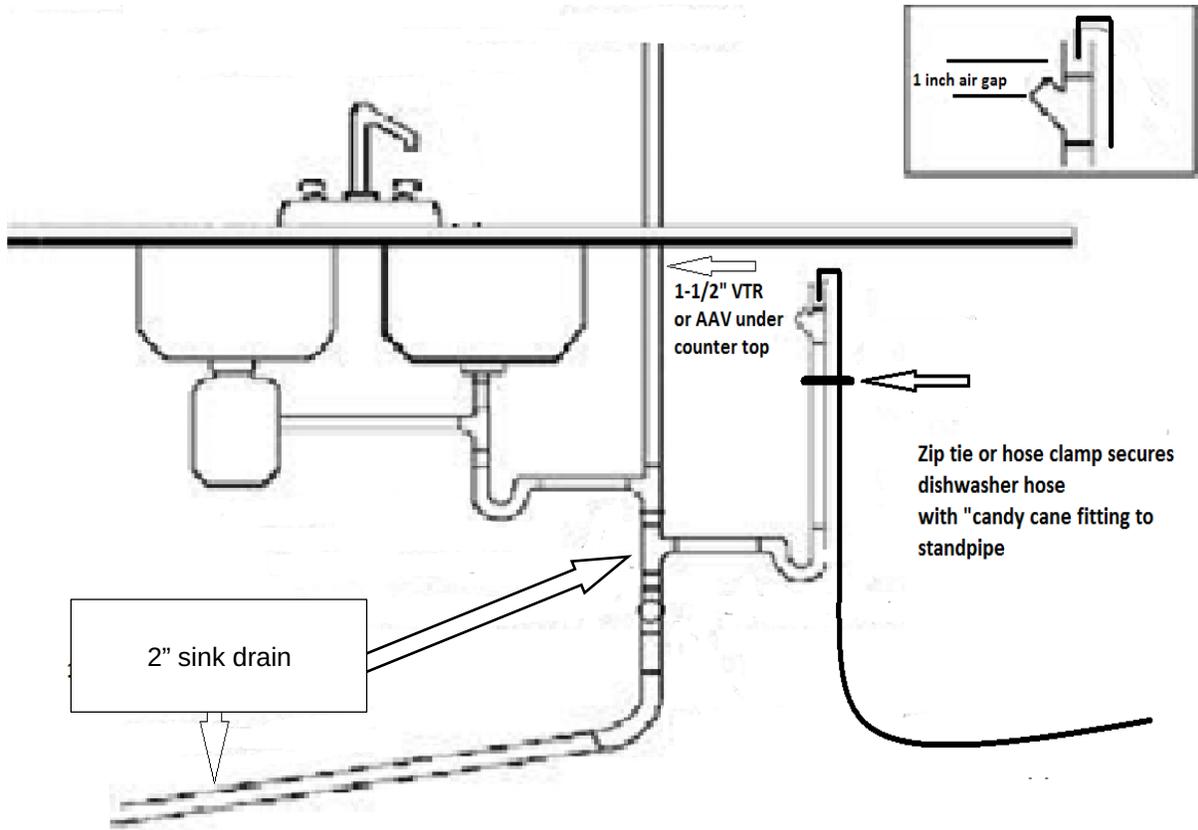
P2708.5 Shower head location. Shower heads shall be so located on the sidewall of shower compartments or be arranged so the shower head does not discharge directly at the entrance to the compartment and the bather can adjust the valve prior to stepping into the shower spray.

- s. IRC Section P2717.3 Dishwasher drain

Add new section to read:

IRC Section P2717.3 Dishwasher drain. Dishwashers may drain into a standpipe complying with Section P2706.2 as shown in the following illustration. The standpipe shall be provided with an air break (with drain hose secured to the underside of the counter top) or air gap as shown in the illustration below.

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- t. IRC Section P2801.6 Required pan.

Add new exception to read:

Exception: Replacements for water heaters that did not have a pan previously installed due to code in force at the time of installation.

- u. IRC Section P2803.6.2 Collection of Relief Valve Discharge

Add new section P2803.6.2 to read:

P2803.6.2 Collection of Relief Valve Discharge. A means shall be provided to capture the discharge from a relief valve and convey it to the sanitary drainage system or exterior of the structure either by gravity or a pumped discharge.

Exceptions:

- (1) Replacements for existing water heaters.

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(2) Where a water sensing device wired to a normally closed solenoid valve installed in the water supply piping to the heater, is placed within the water heater drain pan.

- v. IRC Section P2803.6.2.1 Pumped discharge of relief valve collection

Add new Section P2803.6.2.1 to read:

P2803.6.2.1 Pumped discharge of relief valve collection. Pumps used to discharge the clear water collection of relief valves shall have an operating temperature equal to or exceeding that of the relief valve discharge temperature and shall have a gpm rating equal to or greater than the discharge of the relief valve.

- w. IRC Section P2901.1 Potable water required

Delete the last sentence of the section.

- x. IRC Section P2901.1.2.1 Signage required

Delete the section in its entirety and replace with:

Plumbing fixtures flushed with nonpotable water shall be identified with signage that reads as follows:

“Nonpotable water is used to flush this fixture. CAUTION: NONPOTABLE WATER – DO NOT DRINK.”

In addition to the required wordage, the pictograph shown in figure P2901.2.1 shall appear on the required signage.

- y. IRC New Section P2901.1.2.4

Add new Section P2901.1.2.4 to read:

Graywater used for toilet and urinal flushing shall be dyed with blue or green food grade vegetable dye and be visibly distinct from potable water.

- z. IRC Section P2901.2.2 Distribution pipe labeling and marking

Delete the section verbiage and replace with:

Nonpotable distribution piping shall be purple in color or the piping shall be installed with a purple identification tape or wrap the entire length of the piping and shall be embossed, or integrally stamped or marked, with the words: “CAUTION: NONPOTABLE WATER – DO NOT DRINK”.

- aa. IRC Section P2902.5 Protection of potable water connections

Add new subsection P2902.5.1.1 to read:

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Section P2902.5.1.1 Essentially nontoxic fluid conditioning chemical.

When the conditioning chemical introduced is an essentially nontoxic transfer fluid the potable supplier to the boiler shall, at a minimum, be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA B64.3.

- bb. IRC New Section P2902.5.6 Protection of potable water system

Add new subsection P2902.5.6 to read:

Section P2902.5.6 Connection to graywater system or reclaimed water system

The potable water system connection to a graywater system or reclaimed water system must be protected against backflow by an air gap or reduced pressure principle backflow prevention assembly.

- cc. IRC Section P2903.9.1 Service valve.

Delete the words "with provision for drainage such as a bleed orifice or installation of a separate drain valve"

- dd. IRC Section P2904 General

Delete in its entirety and replace with:

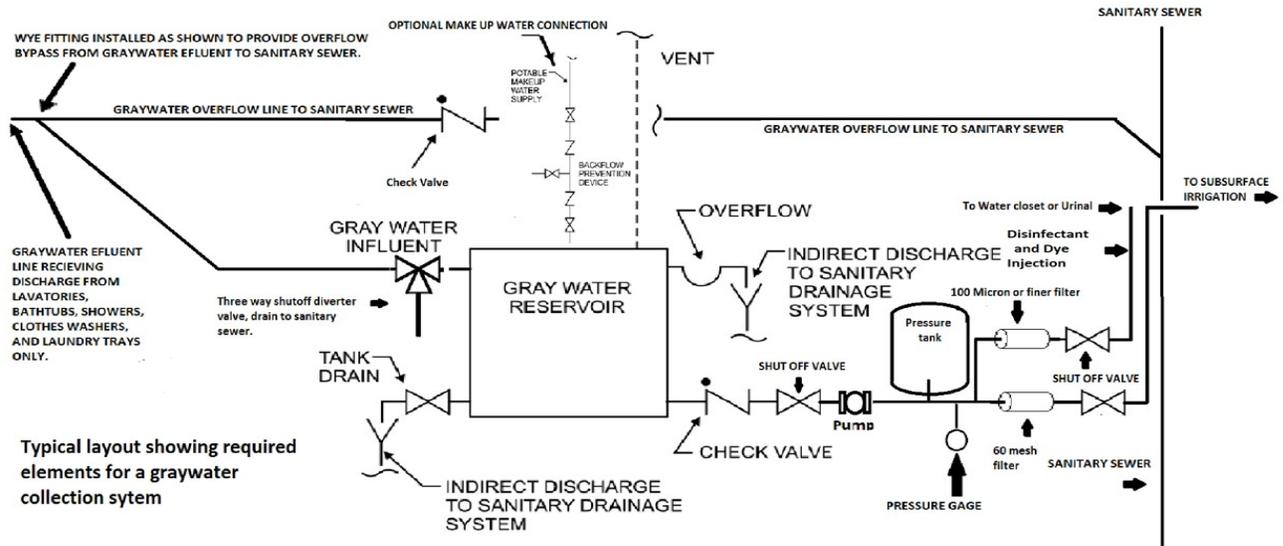
P2904.1 General. Where installed, residential fire sprinkler systems, or portions thereof, shall be in accordance with NFPA 13D or Section P2904, which shall be considered equivalent to NFPA 13D. Section P2904 shall apply to multipurpose wet-pipe sprinkler systems that do not include the use of antifreeze. A multipurpose fire sprinkler system shall supply domestic water to both fire sprinklers and plumbing fixtures. A backflow preventer shall not be required to separate the sprinkler system from the water distribution system.

- ee. IRC Section P2910 Graywater Recycling Systems

Add new Figure P2910.4 Typical Graywater Collection system.

(This figure is typical only, not a schematic)

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Typical layout showing required elements for a graywater collection system

- ff. IPC Section 2910.1 Scope

Add a sentence to the end of the section saying:

All plumbing systems utilizing nonpotable water reuse systems shall have a reduced pressure backflow preventer device installed at the water service entrance immediately downstream of the building water service shut off valve.

- gg. IRC Section P2910.2.2 Filtration Required Exception

Modify section Exemption to read:

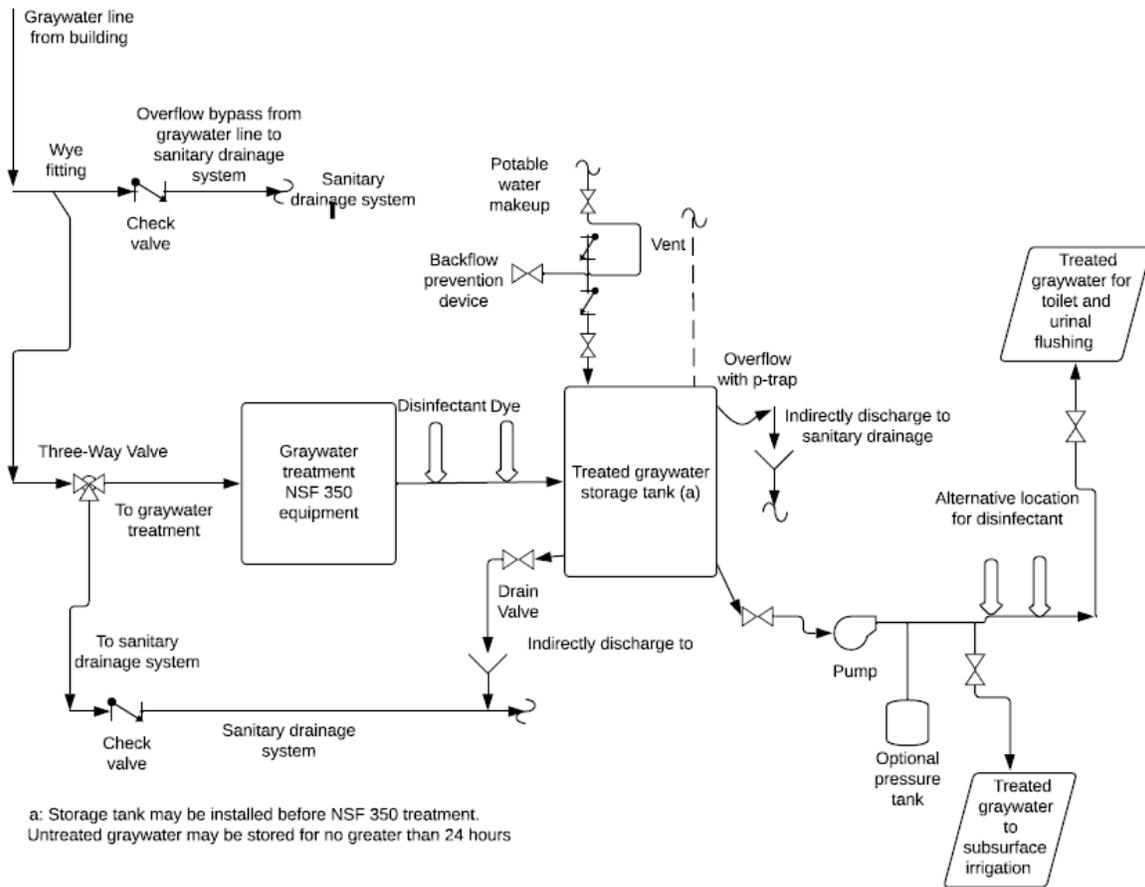
P2910.2.2 Filtration Required. Nonpotable water utilized for water closet and urinal flushing application shall be filtered by a 100-micron or fine filter.

Exception: Reclaimed water sources shall not be required to comply with these requirements. Graywater treatment systems installed in accordance with Section P2911.6.1 do not need to meet additional filtration requirements.

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hh. IRC Section P2910 Graywater recycling systems

Add new figure Section 2910.5

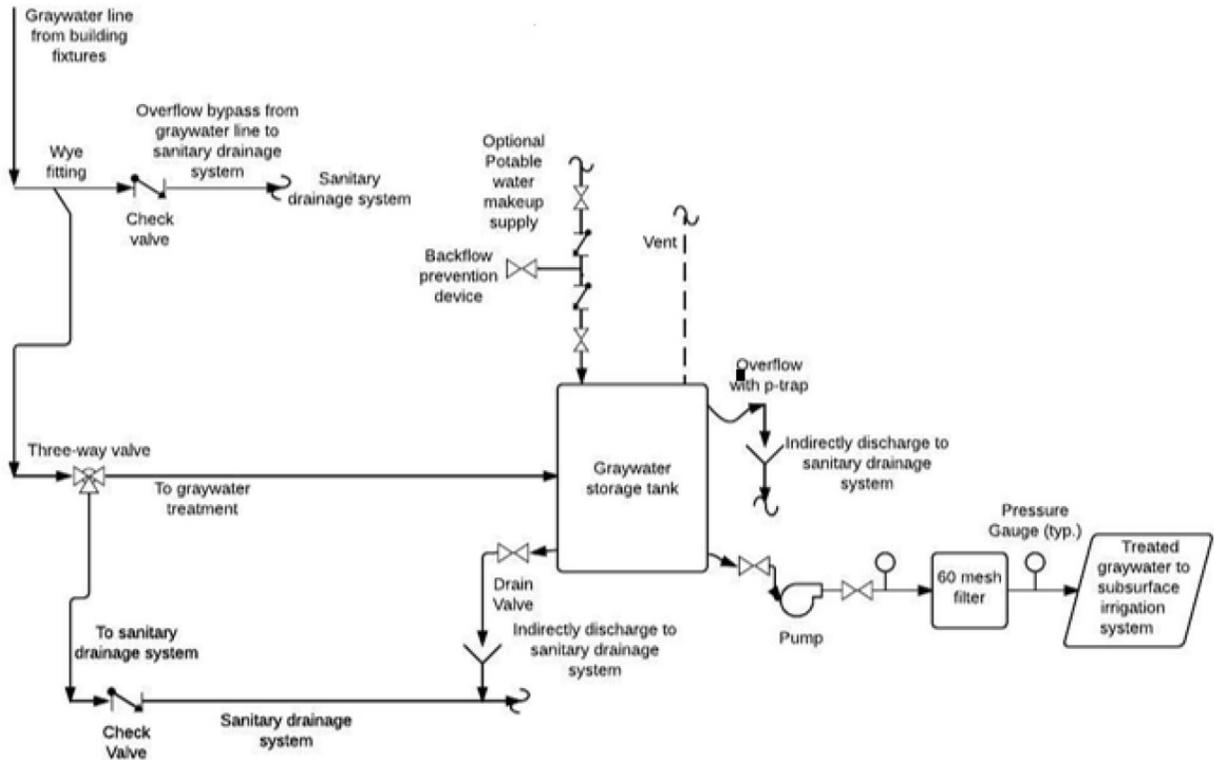


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ii. IRC Section P2910 Graywater recycling systems

Add New Figure Section 2910.6

2910.6 Typical graywater system for disbursed subsurface irrigation system

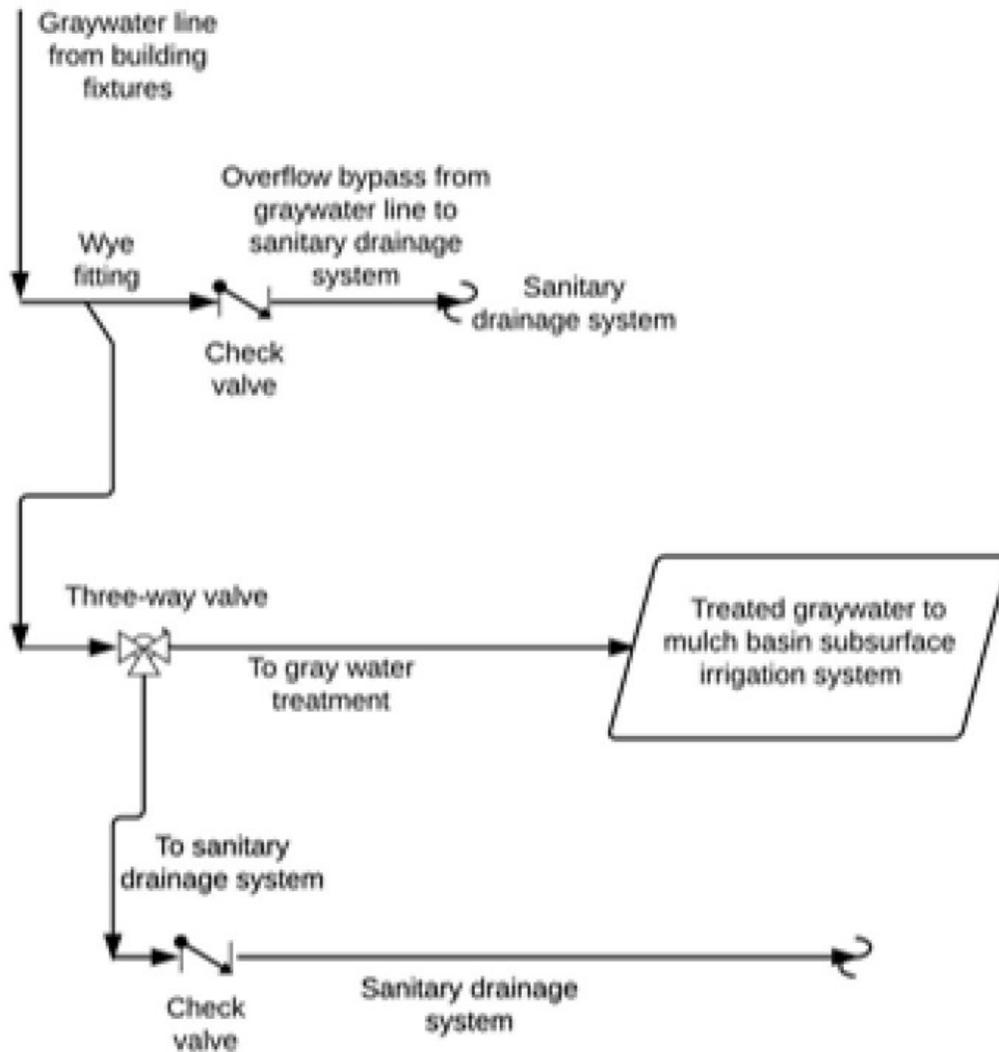


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jj. IRC Section P2910 General

Add new figure Section 2910.7

2910.7 Typical graywater system for mulch basin subsurface irrigation



kk. IRC Section 2910.9.3 Materials

Add section Exemption to read:

Exemption. Tanks are not required if the graywater use is comprised of only subsurface irrigation and flows into a mulch basin system, where the mulch basin volume is three times the anticipated average daily flow.

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II. IRC Section 2911.5 Filtration

Delete the section in its entirety and replace with:

P2911.5.1 Filtration. Graywater used for dispersed subsurface irrigation system requires a cartridge filter. The cartridge filter must be a minimum of sixty mesh located between the storage tank and the irrigation system. If a pump is being used to pressurize the graywater distribution system the filter must be located after the pump. Filters shall be accessible for inspection and maintenance. Filters shall utilize a pressure gauge or other approved method to provide indication when a filter requires servicing or replacement. Filters shall be installed with shutoff valves immediately upstream and downstream to allow for isolation during maintenance.

Exemption. Filtration is not required for mulch basin subsurface irrigation systems.

mm. IRC Section P2911.7.6 Overflow

Add a new Section P2911.7.6 that reads:

P2911.7.6 Overflow. Storage tank for on-site nonpotable systems must include an overflow line without a shut off valve. The overflow line shall be connected to the sanitary sewer indirectly. The overflow line must be the same or larger diameter line than the tank influent line. The overflow line connected indirectly must be trapped to prevent the escape of gas vapors from the tank.

nn. IRC Section P2911.7.4 Venting

Add a new Section P2911.7.4 that reads:

P2911.7.4 Venting. Storage tank for on-site nonpotable systems must be vented to the atmosphere or connected to the plumbing system vent piping.

oo. IRC Section P2911.7.5 Draining of tanks

Add a new Section P2911.7.5 that reads:

P2911.7.5 Draining of tanks. Storage tank for on-site nonpotable systems must include a valved drain. The drain line shall be connected to the sanitary sewer either directly or indirectly. The tank drain line must be the same or larger diameter line than the tank influent line.

pp. IRC Section P2911.8.1 Bypass valve

Section P2911.8.1 System Bypass

Delete the section verbiage and replace with:

One three-way diverter valve listed and labeled to NSF 50 or other approved device shall be installed on collection piping upstream of any graywater treatment equipment, as applicable, to divert untreated on-site reuse sources to the sanitary sewer to allow servicing and inspection of the system. Bypass valves shall be installed downstream of fixture traps and vent connections. Bypass valves shall be marked to indicate the direction of flow, connection to graywater treatment works, storage tank and graywater subsurface irrigation system.. Bypass valves shall be installed in accessible locations. Two shutoff valves shall not be installed to serve as a bypass valve. In addition to the bypass valve a series of drainage fittings shall be installed in the collection piping upstream of the bypass valve in a configuration that will allow the graywater from the plumbing fixtures to automatically flow directly into the sanitary sewer system in the event the filter or other parts of the collection system become clogged to the point of not allowing the effluent free flow through the system. The overflow line connected to the sanitary sewer shall be equipped with a backwater valve.

qq. IRC Section 3001.1 General

Add exception 1:

Exception 1: Floor drains or trench drains may be allowed to be daylighted or discharged to an approved alternative disposal system when written approval has been provided from the jurisdiction having authority.

rr. IRC Section P3003.9.2 Solvent cementing

Delete wording, "or other approved primer" and delete exception in its entirety.

ss. IRC Table P3005.1 Fittings for changes in direction

tt. IRC Section P3005.2.3 Building drain and building sewer junction.

Add new sentence at the end of the section to read:

When the cleanout is installed at the junction of the building drain and building sewer, It shall be an approved two way fitting with a single riser not to exceed 4 feet in depth or a two riser cleanout using back to back combination fittings of schedule 40 material. Cleanouts shall be installed and tested at underground or rough-in in accordance with Section 312.2.

uu. IRC Section P3008.1 Where required (backwater valves)

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Delete section in its entirety and replace with:

Backwater valves shall be installed where waste receptors are located in a crawl space for the purpose of receiving condensate discharge from equipment located in that crawl space. Refer to new exception for 802.4

- vv. IRC Section P3009 Graywater soil absorption systems

Delete in its entirety.

- ww. IRC Section P3103.1.3 Protected vent terminal

Change wording to read 4 inches instead of 2 inches.

Section P3103.1.3 Where an open vent pipe terminates above a sloped roof and is covered by either a roof-mounted panel (such as a solar collector or photovoltaic panel mounted over the vent opening) or a roof element (such as an architectural feature or a decorative shroud), the vent pipe shall terminate not less than 4 inches (102 mm) above the roof surface.

- xx. IRC Section P3103.2 Frost closure

Delete in its entirety.

- yy. IRC Section P3108.1 Horizontal wet vent permitted

Add a new exception to read:

Exception: Fixtures other than those considered to be bathroom group fixtures, of equivalent drainage fixture units, may be included in the wet vented section provided the total number of drainage fixture units does not exceed the total number included in two bathroom groups and the fixtures not considered bathroom fixtures are valued at one drainage fixture unit or less.

3. Revisions and exceptions to the International Fuel Gas Code incorporated as the Colorado Fuel Gas Code

- a. IFGC Section 101.1 Title

Delete in its entirety.

- b. IFGC Section 101.2.2 Piping Systems

Delete the words "and maintenance" from the end of the last sentences.

- c. IFGC Section 101.2.4 Systems, appliances and equipment outside the scope.

Delete 13 from the list.

- d. IFGC Section 303.3. Prohibited locations

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Delete the words "toilet rooms" from the section.

- e. IFGC Section 403.10.5 Welded joints

Add new section 403.10.5 to read:

403.10.5 Welded Joints. Welded joints shall be performed by a person holding a valid certificate of competency based on the requirements of the ANSI/ASME Boiler and Pressure Vessel Code, Section IX, Brazing and Welding Qualifications. Welded joints shall comply with ASTM 139.

- f. IFGC Section 404.14.1 Conduit with one end terminating outdoors

Delete in its entirety.

- g. IFGC Section 405.3 Plastic Pipe

New addition to read:

3. The radius of the inner curve of such bends shall be not less than 25 times the inside diameter of the pipe or in accordance with the manufacturer's instructions.

- h. IFGC Section 406.1 Inspection, Testing, and Purging

Add a new sentence to the end of the section reading:

Inspection and pressure testing shall apply to all temporary installations connected to a primary or temporary fuel gas source, natural or LP gas, for the purpose of supplying temporary heat.

- i. IFGC Section 409.5.3 Located at manifold

Delete in its entirety.

- j. IFGC 409.6 Shutoff valve for laboratories

Add new subsection 409.6.1 to read

409.6.1 Electric Solenoid Valve. A remotely located electric solenoid emergency shutoff valve may be used for compliance to Section 409.6, when all the following requirements are met.

- (1) The emergency control shutoff "panic button" shall be readily accessible, located within the laboratory space served, adjacent to the egress door from the space and shall be identified by approved signage stating "Gas Shutoff".
- (2) The gas solenoid valve shall be a "normally closed" type valve with a manual reset.

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- k. IFGC Section 411.1.1~~1~~ Connecting appliances

~~Add additional line (10):~~

10. Gas turrets for use in school or laboratory science rooms can be considered an appliance and may be allowed to be connected by an approved appliance connector in accordance with ANSI Z21.24 that is installed downstream of a shutoff valve as approved in Section 409.

- l. IFGC Section 503.4.1 Plastic Piping,

~~Add new sentence to the end of the section saying:~~

Where installed as an exhaust vent for a gas fired water heater, the new plastic pipe shall be tested with 5 psi air pressure or 10 ft. head water column at the time of inspection prior to being connected to the water heater.

Engineered UL-1738 vent systems do not require the pressure test as long as they are properly installed per the manufacturer's instructions.

4. Revisions and exceptions to the International Residential Code Chapter 24 Fuel Gas incorporated as the Colorado Fuel Gas Code

- a. IRC Section G2414.10.5 Welded joints

Add new section G2414.10.5 Welded joints to read:

Welded joints. Welded joints shall be performed by a person holding a valid certificate of competency based on the requirements of the ANSI/ASME Boiler and Pressure Vessel Code, Section IX, Brazing and Welding Qualifications. Welded joints shall comply with ASTM 139.

- b. IRC 2415.14.1 Conduit with one end terminating outdoors

Delete in its entirety.

- c. IRC Section G2420.5.3 (Shutoffs) Located at manifolds

Delete in its entirety.

- d. IRC G2427.4.1 Plastic Piping,

Add new sentence to the end of the section saying:

Where installed as an exhaust vent for a gas fired water heater, the new plastic pipe shall be tested with 5 psi maximum air pressure at the time of inspection prior to being connected to the water heater.

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1.3 APPRENTICES REGISTRATION AND RECORDKEEPING

A. Registration

1. The Board may require the supervising plumbing contractor of a plumbing apprentice to provide information verifying the apprentice's record of employment and practical experience, including but not limited to a written attestation from the responsible master plumber verifying that the apprentice has been performing plumbing work during any period the apprentice was not registered. Supervising plumbing contractor of apprentices shall cooperate with any request from the Board pursuant to this Rule and furnish such information or assistance as the Board may request.
2. An individual that holds an active residential plumber's license and is working on a commercial job site must be registered as an apprentice.
3. An employer who fails to timely register an apprentice within 30 days or less of employment as required by section 12-155-108(2)(a), C.R.S., and this Rule shall be subject to disciplinary action pursuant to sections 12-155-113(1) and 12-20-404, C.R.S.
4. An employer who fails to inactivate an apprentice from their company's registration within 30 days of termination of employment shall be subject to the same disciplinary action as Board Rule 1.3(A)(3) above.

B. **Recordkeeping.** ~~Supervising plumbing contractors shall maintain employment records or work reports for their individuals apprentices under their supervision in order to provide experience verification. Such records or reports shall accurately document the number of hours and months the individual apprentice performed plumbing work as defined by section 12-155-103, C.R.S., and should specifically reflect: and shall specifically reflect exact dates of employment. These records shall be provided to the apprentice upon his/her request and termination or resignation of an apprentice.~~

1. Exact dates of employment

2. Number of hours and months of residential plumbing experience; and,

3. Number of hours and months of commercial or industrial plumbing experience

C. Plumbing Contractors shall provide an experience verification form prepared and furnished by the Board within 30 days of their termination or resignation, and upon request indicated in Board Rule 1.3(B).

DE. Exemption for Apprentice Required to Exam. Apprentices seeking exemption to the requirements of section 12-155-124(4), C.R.S., must meet the following criteria established in accordance with section 12-155-124(4)(a)(II), C.R.S., which requires circumstances that justify the exemption.

1. An apprentice deployed to serve in the United States Military in accordance with military orders may be granted exemption to the examination requirements of section 12-155-124(4)~~12-115-115(4)~~, C.R.S.

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- a. Apprentice must meet the examination attempt requirements within the statute.
- b. A request, including supporting evidence and documentation for Board consideration, must be submitted at least 15 days prior to deployment.
 - (1) Acceptable evidence of deployment include but may not be limited to the following documentation that must clearly state the date and length of deployment, and be issued by the United States Military.
 - (a) Copy of Deployment Orders;
 - (b) Report or letter from a senior officer; and/or
 - (c) Other military evidence of deployment.
 - (2) Special consideration of timely submission may be given with evidence of short notice deployment.

2. Exemption will be applied:

- a. When calculating the years of apprentice registration that requires an examination per the statute;
- b. For the actual time the apprentice is deployed and actively registered as an apprentice with the Board; and
- c. So that times of deployment that may disadvantage the apprentice may not be counted.

ED. Direct Supervision. Direct Supervision of apprentices is defined within Board Rules, sections 1.2(E)(1)(c) and (2)(c).

1.4 APPLICATIONS AND LICENSING

A. Applications for License or Registrations.

- 1. **Submission.** All applications for licensure or registrations shall be submitted to the Division of Professions and Occupations. Candidates must pass the required examination(s) before submitting an application to the Board with the required experience and education.
- 2. **Incomplete Application.** An application for a license by examination or endorsement or a registration submitted without all required fees and documentation will be considered incomplete. Incomplete applications will be retained for one year from the date originally received, after which applicants shall begin the process again including payment of the application fee.
- 3. **Documentation for Plumbing License.** Any applicant for the residential, journeyman, or master plumber's license shall furnish evidence as to his or her training and experience to qualify for licensure by: Applicants shall provide documented written evidence of all in

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~~state and out of state experience on experience verification forms prepared and furnished by the Board which shall include all of the following:~~

- ~~a. A record of employment and/or as an apprentice doing plumbing work, exact dates so employed, and, at time of application, submission of original documented written evidence, verified by the master license holder or registered plumbing contractor.~~
- ~~b. If training and experience were obtained outside the State of Colorado, the applicant shall provide the Board with documented, written evidence verified by the employer of actual work performed.~~
 - ~~a. Exact dates of employment.~~
 - ~~b. Breakdown of plumbing work performed in:
 - ~~(1) Commercial, residential and industrial; and,~~
 - ~~(2) Increments of hours and months.~~~~
 - ~~c. Signature of the master plumber for, or a signatory authority of, the plumbing contractor, or employer.~~
- c. If training and experiences were obtained all or in part from an accredited high school vocational technical training course, community college, or trade school program, a transcript from the accredited high school vocational technical training course, community college or trade school verifying completion of the program shall be submitted with the application. The program length shall be a minimum of two years. Such education may replace actual field experience under a licensed master as follows: one hour of classroom training equals one hour of on the job training up to a maximum of one year, with 2000 hours equaling one year.
- d. If training and experiences were obtained all or in part from military training in plumbing work, detail and submit such for evaluation with the application. Such experience may replace actual field experience under a licensed master as follows: one month for every six months' training or experience up to a maximum of one year.
- e. The hours of practical experience required to qualify for licensure are:
 - (1) Residential Plumber 3,400
 - (2) Journeyworker Plumber 6,800
 - (3) Master Plumber 8,500
- f. Applicants cannot verify their own experience.

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4. **Documentation for Water Conditioning Installer, Principal, or Contractor.** Any applicant for registration shall furnish evidence upon request as to his or her training and experience to qualify for registration.
- a. Water Conditioning Installer.
- (1) Any applicant for a water conditioning installer registration shall possess the following qualifications and experience:
- (a) Knowledge of water quality, water quality issues, and problems common to water sources.
 - (b) Knowledge of the analysis and treatment of water for impurities, water softening, drinking water options, reverse osmosis and water filtration.
 - (c) Knowledge of common water treatment system operations, including water softening, reverse osmosis, and water filtration.
 - (d) Knowledge of hydraulics fundamentals including plumbing distribution system operations, pressure loss and cross connections, effects on public safety, flow rates, and code requirements for safe drainage.
 - (e) Knowledge of recommended practices, including legal and ethical considerations in the water treatment industry.
 - (f) Knowledge of disinfection methods, including standard disinfectants and methods, water contamination problems, UV and chemical disinfection systems, disinfection of private water sources, and final barrier water treatment.
 - (g) Knowledge of water analysis fundamentals including selection of tests for analysis, reading and interpreting water analyses, and conducting and interpreting water tests.
 - (h) Experience with water conditioning installation.
 - (i) Knowledge of general installation principles including POE and POU water treatment systems, including related safety considerations.
- (2) Any applicant for a water conditioning installer registration shall possess and maintain an active Certified Installer (CI) certification from the Water Quality Association or an equivalent certification as approved by the Plumbing Board.
- b. Water Conditioning Principal.

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- (1) Any applicant for a water conditioning principal registration shall possess the following qualifications and experience:
 - (a) All items listed in the previous subsection 1.4(A)(5)(a)(1) of these Rules.
 - (b) Knowledge of common water problems including: nitrates, bacterial contamination, iron/manganese/hydrogen sulfide, and arsenic.
 - (c) Ability to design water treatment systems to address regional water issues such as Endocrine Disruptors and Pharmaceuticals, Radium/Barium/Radioactive Decay, and Tannins.
 - (d) Knowledge of methods to calculate pressure loss in distribution systems.

 - (2) Principal. Any applicant for a water conditioning principal registration shall possess and maintain an active Certified Installer (CI) certification and an active Certified Water Specialist (CWS) or Master Water Specialist (MWS) certification from the Water Quality Association or an equivalent certification or certifications as approved by the Plumbing Board.
 - c. Water Conditioning Contractor. Any applicant for a water conditioning contractor must be or employ full time a water conditioning principal.
 - d. Water Conditioning Contractor's Loss of Water Conditioning Principal. A water conditioning contractor that, for any reason, loses the services of the water conditioning principal will be allowed twenty days in which to hire another water conditioning principal. If another water conditioning principal has not been hired during that period, the water conditioning contractor registration will be placed into a "Need WC Principal Hire-Cannot Practice" status until such time as a principal has been hired, and the appropriate fee paid.
- B. Licenses and Registration Issuance.
1. Issuance. Residential, journeyworker or master plumber licenses will be issued upon successful passing of the respective examination and meeting the qualifications within Title 12 of Article 155, C.R.S. Water conditioning registrations shall be issued upon application approval based on proper documentation as outlined in 1.4(A)(4) of these Rules.

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- a. **By endorsement.** Licensees from another state may be eligible for licensure by endorsement providing that the applicant meets the requirements of section 12-155-116, C.R.S., and all of the following conditions:
 - (1) Completion of a state or federally approved or registered apprenticeship program, or completion of the required years and type of experience for the comparable license.
 - (2) Successful completion of a comparable state plumbing examination based on the current or previous edition of the plumbing code adopted by the Board.
 - (3) Currently holds an active license by the endorsing state.

- C. Disapproval
 - 1. **Reconsideration.** An applicant requesting reconsideration of a Board action concerning a disapproval of an application or license by endorsement or requesting a personal interview before the Board, shall submit the request in writing, accompanied by additional information or documentation. This request shall be submitted within forty-five days of the date on which the Board made the decision. The Board may not consider requests filed thereafter.

- D. [Repealed eff.06/14/2020]

- E. Renewal and Reinstatement (Effective July 1, 2020)
 - 1. **Renewal.**
 - a. A licensee or registrant shall have a sixty-day grace period after the expiration of the license or registration to renew such license or registration without having to submit a reinstatement application. During this grace period a delinquency fee will be charged for late renewals.
 - b. A licensee or registrant who does not renew his or her license or registration shall be ineligible to practice until such license or registration is reinstated. If the licensee or registrant practices with an expired license or registration, the Board may impose disciplinary actions.
 - 2. **Reinstatement.** An expired license or registration may be reinstated by submitting a reinstatement application, paying the current reinstatement fee, and meet the appropriate requirements below.
 - a. Expired for More Than Sixty Days But Less Than ~~Two~~~~Three~~ Years. If the license or registration has expired for more than sixty days but less than ~~two~~~~three~~ years, the applicant must provide evidence of completion of continuing education complaint with requirements of Board Rule 1.4(E)(3), since applicant's most recent licensing event (original; license, renewal, or reinstatement) preceding the

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application for reinstatement, of eight hours of continuing education, ~~as defined in complaint with requirements of~~ Board Rule 1.4(E)(3).

- b. Expired for More Than ~~Two~~Three Years. If the license has been expired for more than ~~two~~three years, pursuant to section 12-155-112(2)(b)(II), C.R.S. the applicant must demonstrate competency to practice by ~~any of the following: satisfactorily passing the State plumbing examination. In the case of Water Conditioning Installers and Water Conditioning Principals, registrants shall re-affirm that their certifications per board Rule 1.4(A)(5) are current and active.~~

~~(1) Satisfactorily passing the State plumbing examination;~~

~~(2) Provide a verification of an active, substantially equivalent license in good standing from another state and proof of active practice in that state for the year immediately prior to the date of the reinstatement application;~~

~~(3) Holding an active Colorado plumbing license that is more advanced than the license to be reinstated; or~~

~~(2) By other means that may be approved by the Board.~~

- c. ~~In the case of Water Conditioning Installers and Water Conditioning Principals, registrants shall re-affirm that their certifications per board Rule 1.4(A)(5) are current and active.~~

3. Continuing Education Requirements

- a. Statutory Basis. Pursuant to section 12-155-112(3)(b) C.R.S, the Board shall adopt rules establishing continuing education requirements and standards that a licensee shall demonstrate in order to renew ~~or reinstate~~ a license. ~~on or after May 1, 2021~~. Such requirements and standards must include course work related to the code, including core competencies as determined by the ~~b~~Board.
- b. Basis of Requirements. As established by the Colorado General Assembly, the regulatory authority of the Board is to establish continuing education standards to renew, reinstate, or reactivate a license and the documentation necessary to demonstrate compliance.
- c. Definitions
- (1) Core Competencies: Core Competencies are technical and professional subjects, related to the practice of plumbing work, which the Board deems necessary to safeguard the public.
 - (2) Inactive Status: A licensee is not required to comply with continuing education requirements to renew a license in inactive status. An individual whose license is in inactive status is prohibited by law from practicing as a licensed plumber.

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- (3) Code: Code for the safe installation of plumbing installation, plumbing materials, conservation, medical gas, sanitary drainage systems, and solar plumbing.
- (4) Attesting Providers List: A ~~publically~~ publicly available list containing continuing education providers that have attested their courses and instructors meet all the requirements of Board Rule 1.4(E)(3)(d) and 1.4(E)(3)(e). Credit may be earned by a licensee by completing a course from a provider on this list. However, licensee are responsible for ~~ensure~~ ensuring that the providers they choose, meet the ~~continuing education~~ requirements ~~of the CE requirements~~ in Board Rule 1.4(E)(3).

d. Requirements

- (1) ~~Each renewal cycle after May 2021, or upon the completion of the first renewal of a license thereafter, a licensee in active status shall complete eight hours of continuing education for every twelve months that have passed after the later of the last date of renewal or reinstatement in order to renew a license to perform plumbing work in Colorado. After the first renewal or reinstatement, in order to renew or reinstate a plumbing license, an applicant must provide evidence of completion of eight (8) hours of continuing education, as defined in section 1.4(E)(3) herein, for each year since the applicant's most recent licensing event (i.e., original license, renewal, or reinstatement).~~

The continuing education hours must be selected from among the Core Competencies below in any combination, except that, within every twenty-four month period, a minimum of ~~four (4)~~ four (4) continuing education hours must be related to codes as defined in Board Rule 1.2 and a maximum of ~~two (2)~~ two (2) hours can be related to safety training:

- (a) Cross connection and backflow prevention
- (b) Fixtures, Faucets and Fixture Fittings
- (c) Indirect/Special Waste
- (d) Industry Product Training
- (e) Non-potable Water Systems
- (f) Plumbing Administration
- (g) Residential Fire Sprinkler Systems
- (h) Sanitary Drainage
- (i) Special Piping (Medical Gas)

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- (j) Storm Drainage
 - (k) System piping and components
 - (l) Traps, Interceptors and Separators
 - (m) Vents - DVM
 - (n) Water Heaters
 - (o) Water Supply and Distribution
 - (p) Safety related to the plumbing industry.
- (2) Colorado Plumbing Code. In addition to the requirements of 1.4(E)(3)(d) (1), licensees must make attestation upon renewal that they have read the current Colorado Plumbing Code in Board Rule 1.2.
- (3) Continuing education credits will only apply to each twelve month period after the later of the last date of renewal or reinstatement
- (4) Licensees shall cooperate with the Board to determine compliance with continuing education requirements.

~~(5) — The requirements stated in Board Rule 1.4(E)(3) shall apply to:~~

~~(a) — All original plumbing licenses granted after July 1, 2021;~~

~~(b) — All plumbing licenses upon completion of the 2021 renewal; and,~~

~~(c) — All plumbers are subject to Board Rule~~

Pursuant to section 12-155-112(2)(c), C.R.S. continuing education requirements within section 12-155-112(3)(a), C.R.S. and Rule 1.4(E)(3) do not apply to water conditioning installers or water conditioning principles,

- e. Attesting Providers. Continuing education providers must be listed with the Board and attest that their courses and instructors meet the continuing education requirements of Board Rule sections 1.4 (E)(3)(d)(1) through (4), The list of Attesting Providers with expire on December 31st of the final year of the current code cycle.
- (1) The Board has sole discretion to accept providers that have attested.
 - (2) Providers. Providers may attest that they meet the CE requirements if their courses and instructors meet all the requirements of Board Rule 1.4(E)(3)(e)(4).

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- (a) As proof of course completion, the Board will accept a certificate of completion from the course provider.
 - (b) Certificates of completion shall not be issued to attendees unless the course is successfully completed. Certificates of completion shall include all of the following elements:
 - (i) Name of attendee;
 - (ii) Attendee's Colorado plumber's license number;
 - (iii) Date of course;
 - (iv) Provider name and approval number;
 - (v) Course title;
 - (vi) Instructor name; and
 - (vii) Number hours of continuing education credit earned.
- (3) Courses. Criteria for courses from Attesting Providers shall include the following:
- (a) Each course shall cover a minimum of one core competency, as listed in Board Rule 1.4(E)(3)(d)(1). Course credit will apply to only one core competency per course.
 - (b) All online courses or webinars shall be interactive. Each course must have capabilities in place to ensure active participation and demonstrate comprehension a minimum of once per hour, and fast-forward must be disabled.
- (4) Instructors. Courses must be taught by instructors with the following qualifications:
- (a) Instructors must be sponsored by the Attesting Provider.
 - (b) Instructor's background and experience must meet at least one of the following criteria.
 - (i) Hold a minimum of a Colorado master plumber's license or journeyworker plumber's license (or equivalent) plus a minimum of five years of journeyworker plumber field experience;
 - (ii) Community college or vo-tech instructor as approved by the Board;

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- (iii) Plumbing continuing education instructor from other areas as approved by the Board; or,
 - (iv) Instructor shall provide documentation of background and experience as requested by the Board.
 - (5) Once attesting they meet the qualifications as an Attesting Provider, providers will be placed on an Attesting Provider list.
 - (6) The Board has sole discretion to accept or reject any continuing education credit earned by a licensee from a provider that is, or is not, on the list.
 - (7) The Board has discretion to remove providers from the list.
 - (8) It is the responsibility of the licensee to ensure the continuing education obtained meets the requirements of this section 1.4(3)(E).
- f. Recordkeeping
 - (1) The licensee shall track and document completed continuing education in a process approved by the Board.
 - (2) The licensee shall retain documentation for a minimum of six years.
- g. Audits
 - (1) The Board may conduct audits of continuing education for verification of compliance with these requirements at any time. The Board may, at its discretion, disallow any continuing education course completed by a licensee that was offered by a provider on the Attesting Provider list.
 - (2) A licensee shall provide all documentation requested for audit within thirty days of the request.
- h. Multiple Licenses. A licensee holding multiple licenses issued by the Board shall complete continuing education requirements for the most advanced license held. Completion of continuing education requirements for the most advanced license shall satisfy the requirements for all lesser licenses.

4. Inactive License Status and Reactivation

- a. Inactive License. Pursuant to section ~~12-20-20312-70-101~~, C.R.S., any licensee may apply to the Board to transfer his or her license to inactive status. Such application shall be in the form and manner designated by the Board. The holder of an inactive license shall not be required to comply with continuing education requirements for renewal so long the license remains inactive.

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- (1) Each holder of an inactive license shall renew once every three years with the Board in the same manner as active license holders and pay a fee pursuant to section 12-155-105(1)(d), C.R.S.
 - (2) During such time as a license remains in an inactive status, the licensee shall not perform any acts restricted to active licensed plumbers. Such practice may be grounds for revocation.
- b. **Reactivation of Inactive License.** An inactive license may be reactivated by submitting the proper application, paying the current reactivation fee, and meeting the appropriate requirements below.
- (1) **Inactive for Less Than Three Years.** To reactivate a license that has been inactive for less than three years, the applicant must provide evidence of completion, within the three years immediately preceding the application for reinstatement, of twenty-four hours of continuing education, as defined in Board Rule 1.4(e)(3)
 - (2) **Inactive for More Than Three Years.** Pursuant to section ~~12-155-112(2)(a)~~~~12-115-110(4)(c)~~, C.R.S., a licensee whose license has been inactive for more than three years must demonstrate **education competency** to practice by any of the following:
 - (a) Satisfactorily pass the state plumbing examination.
 - (b) ~~Provide verification of an active license with a state where a reciprocal agreement for an equivalent license exists. Provide a verification of an active, substantially equivalent license in good standing from another state and proof of active practice in that state for the year immediately prior to the date of the reinstatement application;~~
 - (c) ~~Provide verification of active licensure in a non-reciprocal state as follows: Holding an active Colorado plumbing license that is more advanced than the license to be reactivated; or~~
 - (d) ~~By other means that may be approved by the Board.~~
 - (i) ~~Verify an active residential plumber's license, journeyworker plumber's license, or master plumber's license in non-reciprocal state, respective to the license you are reinstating;~~
 - (ii) ~~Evidence of completing twenty-four continuing education hours pursuant to Board Rule 1.11(C) in the three years immediately preceding the application for reinstatement; and,~~

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(iii) — ~~By other means approved by the Board.~~

- (3) Practicing with an Inactive License. Practicing plumbing work with a license in inactive status shall constitute practice without an active license and, therefore, may be grounds for injunctive or disciplinary action, up to and including revocation.

5. Registered Plumbing and Water Conditioning Contractors with expired permits shall not have their contractor registrations renewed until such time as all expired permits are cleared or as otherwise allowed by the Board.

F. Pumping Equipment License

License required. Any individual licensed as a residential plumber, journeyworker plumber, or master plumber under Title 12, Article 155 of the Colorado Revised Statutes who intends to install, alter, or repair “pumping equipment”, as defined by section 37-91-102(13), C.R.S., shall first apply for and obtain licensure with the Water Well Construction and Pump Installation Contractors Board prior to commencing any such activity. Failure to comply with the licensure requirements set forth herein shall be, if proven, a violation of sections 12-155-113(1)(b) and 12-20-404, C.R.S.

(“Pumping equipment” means any pump or related equipment used or intended for use in withdrawing or obtaining groundwater, including, but not limited to, well seals, pitless adapters, and other safeguards to protect the groundwater from contamination and any waterlines up to and including the pressure tank and any coupling appurtenant thereto.)

- G. **Requirement to Carry Documentation.** Any licensed water conditioning registrant working as a plumber, apprentice, or registered individual shall be required to carry on his or her person the appropriate license, temporary work permit, or registration.
- H. **Residential Plumber on Commercial Job.** Residential Plumbers must maintain an apprentice registration when working on commercial jobs and be supervised accordingly.
- I. **Plumbing Contractor's Loss of Responsible Master.** A plumbing contractor that, for any reason, loses the services of the responsible master plumber will be allowed twenty days in which to hire another master plumber. If another master plumber has not been hired during that period, the plumbing contractor registration will be placed into a “Need Master Hire-Cannot Practice” status until such time as a master has been hired, and the appropriate fee paid.
- J. **Termination or Separation of Apprentice.** Plumbing contractors shall notify the Board within thirty days after the termination or separation of a plumbing apprentice.
- K. **Apprentice Information File.** It shall be the responsibility of the apprentice to file and keep current contact information with the Board. Notification by any manner approved by the Board is acceptable but the online registration system is preferred.
- L. Notice of Change of Address

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1. A licensee or registrant shall inform the Board in a clear, explicit, and unambiguous written statement or through the Board's secure online system (as available) of any name, address, telephone, or email change within thirty days of the change. The Board will not change the licensee or registrant information without explicit notification from the licensee or registrant. Notification by any manner approved by the Board is acceptable.
 - a. The Division of Professions and Occupations maintains one contact address for each licensee or registrant, regardless of the number of licenses or registrations the licensee or registrant may hold.
 - b. All communications will be sent to the address on record for each licensee or registrant. Address change requests to route specific communications (i.e., confidential communications) to a separate address are not accepted.
 2. The Board requires one of the following forms of documentation to change the name or correct the social security number or individual taxpayer identification number of a licensee or registrant:
 - a. Marriage license;
 - b. Divorce decree;
 - c. Court order;
 - d. Documentation from the Internal Revenue Service verifying the licensee's valid individual taxpayer identification number; or
 - e. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Division of Professions and Occupations.
- M. **Advertising.** Registered plumbing contractors or water conditioning contractors shall not advertise in any manner by any name, including DBA's, other than the registered company name on record with the Department of Regulatory Agencies.
- N. Requirements for Displaying Registration and License
1. On and after July 1, 2025, plumbing contractors are required to display their plumbing contractor registration number and the license number of their master plumber on their vehicles, billing materials, bid sheets, and website pursuant to section 12-155-125, C.R.S. The purpose of these rules is to ensure transparency and accountability among plumbing contractors by requiring the display of relevant registration and license information wherever public interaction occurs. Compliance with the requirements includes:
 - a. Company Vehicles
 - (1) All company owned vehicles, or any vehicle used for the company's business purposes for any length of time must display the plumbing

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- contractor's registration number and the company's master plumber's license number issued by the Board.
- (2) The registration and license numbers must be prominently displayed in at least two locations on the vehicle.
 - (3) The registration and license numbers must be readable, and the lettering and numbering must be least two inches in height.
- b. Bid Sheets
- (1) All bid forms must include the registration and license numbers.
 - (2) For bid forms that are provided to the public by a general contractor, the plumbing contractor must ensure the registration and license numbers are:
 - (a) Entered onto the general contractor's bid form; or,
 - (b) Within a coversheet the plumbing contractor submits to the general contractor to be provided to the public.
 - (3) The registration and license numbers should appear on the cover page or at the top of the first page.
- c. Billing Materials
- (1) Plumbing contractor invoices, receipts, and other billing documents must include the registration and license numbers.
 - (2) The registration and license numbers should be placed near the contractor's contact information.
- d. Websites
- (1) The registration and license numbers must be displayed prominently on the homepage of the company website.
 - (2) The registration and license numbers should also appear on the "Contact Us" and "About Us" pages to ensure visibility.
 - (3) Any plumbing contractor advertising on any website, including social media, shall also display the required registration and license numbers.
- e. Plumbing contractors must ensure all required displays are updated in the event of changes to the company's plumbing contractor number or master plumber's license number within 90 days.

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Editor's Notes**History**

Entire rule eff. 01/01/2008.

Entire rule eff. 04/01/2010.

Rules 2.3.A, 2.4.1-2.4.2, 6.4 eff. 09/01/2011.

Entire rule eff. 03/15/2014.

Rules 2.3, 3.1 eff. 12/15/2014.

Entire rule eff. 02/14/2016.

Rules 2.5.1.27, 4.1, 4.2, 4.5.4, 4.5.5, 4.6-4.13, 6.1, 7.4 eff. 04/01/2016.

Rules 1.2 A-C, 1.2 D.4, 1.2 D.7-10, 1.2 E, 1.3, 1.4 A, 1.4 E, 1.6 B.8 eff. 06/14/2020. Rule 1.4.D repealed eff. 06/14/2020.

Rule 1.3 C eff. 08/30/2021.

Rule 1.4 L.2 eff. 12/15/2021.

Rule 1.10 emer. rule eff. 10/26/2022.

Rule 1.10 eff. 12/15/2022.

Rules 1.2, 1.3 A,B, 1.4 A,B,E,L, 1.5 E, 1.7 D eff. 04/14/2023.

Rule 1.2 E.1 eff. 12/15/2023. Rule 1.10 repealed eff. 12/15/2023.

Rules 1.1 C, 1.2 E.1.c, 1.2 E.2.c, 1.3 D, 1.4 A.3.e-f, 1.4 B.1, 1.4 E.2, 1.4 E.3.e(4)(b)(i), 1.4 E.4.a(1), 1.4 E.4.b(2)(c)(i), 1.4 F, 1.4 N, 1.7 B.1, 1.7 D, 1.9 eff. 04/30/2025.

Annotations

Rules 1.10 B. and 1.10 C. (adopted 10/26/2022) were not extended by Senate Bill 23-102 and therefore expired 05/15/2023.

Notice of Proposed Rulemaking

Tracking number

2025-00530

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-1

Rule title

RULES REGARDING REAL ESTATE BROKERS

Rulemaking Hearing

Date

12/02/2025

Time

09:00 AM

Location

1560 Broadway, Suite 925, Denver, CO 80202 - VIRTUAL HEARING ONLY
https://us06web.zoom.us/webinar/register/WN_B-KrSNLXRuGHVT_1TdpBvg

Subjects and issues involved

The purpose of this rulemaking is to modify the rules for the portability of servicemember and spouse licensure to conform with federal law; to revise and clarify the requirements for continuing education for real estate brokers and continuing education providers; to create a definition of a client; to revise the rule that addresses how real estate brokers manage conflicts of interest; and to create a rule that explains the requirements for obtaining informed consent from a client.

Statutory authority

Parts 1-4 of Title 12, Article 10, Colorado Revised Statutes, as amended.

Contact information

Name

Marcia Waters

Title

Division Director

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**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
REAL ESTATE COMMISSION
4 CCR 725-1**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
December 2, 2025, at 9:00 AM MST**

**Division of Real Estate Office
1560 Broadway
Denver, CO 80202**

VIRTUAL MEETING REGISTRATION LINK:

https://us06web.zoom.us/webinar/register/WN_C7haOLgAQNebbhq0v2Eb2w

Pursuant to and in compliance with Title 12, Article 10 and Title 24, Article 4, C.R.S., as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission (the "Commission") to promulgate rules, or to amend, repeal, or repeal and re-enact the present rules of the Commission.

The hearing will be conducted only in a virtual setting. All interested parties are urged to attend this public hearing by registering for the webinar on the Division's website at <https://dre.colorado.gov/> and to submit written comments concerning the proposed amended rules in advance, if possible, for consideration.

To facilitate the review of comments by the Commission, all interested parties are strongly encouraged to submit their written comments to Marcia Waters via email at marcia.waters@state.co.us on or before 5:00 p.m. on November 21, 2025. Any written comments not received by this date may be submitted via public testimony at the hearing on December 2, 2025.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules of the Colorado Real Estate Commission is Parts 1-4 of Title 12, Article 10, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of the rules is to effectuate the legislative directive to promulgate the necessary and appropriate rules in conformity with the state statutes of the real estate practice act.

SPECIFIC PURPOSE OF RULEMAKING

The specific purpose of this rulemaking is to modify the administrative rules regarding license portability for servicemembers and their spouses, continuing education requirements, and professional standards related to conflicts of interest. This rulemaking also establishes an additional definition for a client, and professional standards to obtain informed consent from clients. Finally, a specific purpose of this rulemaking is to comply with 50 USC 4025a: Portability of professional licenses of servicemembers and their spouses, which allows for license portability for members of the military and their spouses and was amended in 2025. Please be advised that the proposed amended rules being considered are subject to further changes and modifications after public comment and the formal hearing.

PROPOSED NEW, AMENDED AND REPEALED RULES

Deleted material shown ~~struck through~~; new material is indicated by underline. Rules, or portions of rules, which are unaffected are not reproduced. Readers are advised to obtain a copy of the complete rules of the Commission at www.dre.colorado.gov.

Chapter 1: Definitions

~~1.11~~ Client: A person, persons or entity that has engaged a Broker for the performance of Real Estate Brokerage Services.

~~1.11-12~~ Commercial Real Estate: Any real property other than real property containing one to four residential units, single-family or multi-family residential units including condominiums, townhouses, or homes in a subdivision when such real estate is sold, leased, or otherwise conveyed on a unit-by-unit basis even though the units may be part of a larger building or parcel of real property containing more than four residential units as defined pursuant to section 38-22.5-102(2), C.R.S.

~~1.12-13~~ Commission: The Colorado Real Estate Commission as defined pursuant to section 12-10-201(1), C.R.S.

~~1.13-14~~ Conflict of Interest: When a Broker has a real or apparent competing professional or personal interest which may influence their actions in the performance of their Real Estate Brokerage Services, including, but not limited to, hindering their ability to fulfill duties on behalf of their client.

~~1.14-15~~ Consumer: A member of the public that has sought or is seeking to engage Real Estate Brokerage Services provided by a Broker. A Consumer is a buyer, seller, tenant, or landlord, as applicable.

~~1.15-16~~ Customer: Has the same meaning pursuant to section 12-10-402(2), C.R.S.

~~1.16-17~~ Deemed Complete: An Applicant has submitted a complete and satisfactory application in compliance with sections 12-10-202 and 12-10-203, C.R.S. that includes the Fee and the accompanying required documentation as set forth in Chapters 2 and 3 of these Rules.

~~1.17-18~~ Designated Broker: Has the same meaning pursuant to section 12-10-402(3), C.R.S.

~~1.18-19~~ Director: The Director of the Division as defined pursuant to section 12-10-101(1), C.R.S.

~~1.19-20~~ Distance Learning: Any education process based on the geographical separation of student and instructor. Components of distance education include synchronous, asynchronous, and hybrid.

~~1.20-21~~ Division: The Division of Real Estate as defined pursuant to section 12-10-101(2), C.R.S.

~~1.21-22~~ Duplicate: A legible photocopy, carbon copy, facsimile, or electronic copies which contain a digital or electronic signature as defined pursuant to section 24-71-101(1), C.R.S.

~~1.22-23~~ Electronic Media: The method of communicating information that are in an electronic format rather than a paper format. Electronic Media may include, but is not limited to, websites, electronic mailings, social media such as Twitter and Facebook, banner advertisements, virtual tours, and YouTube.

~~1.23-24~~ Electronic Record: A record generated, communicated, received, or stored by electronic means as defined to pursuant to section 24-71.3-102(7), C.R.S.

~~1.24-25~~ Employing Broker: Has the same meaning pursuant to section 12-10-201(2), C.R.S.

- 1.~~25-26~~. Expired: A License that was not renewed prior to the last day of the license cycle and is no longer valid for a person or entity to perform any Real Estate Brokerage Services. Such persons cannot hold themselves out to the public as Brokers and such entities cannot Advertise as Brokerage Firms.
- 1.~~26-27~~. Fee: The prescribed non-refundable fee as set by the Division.
- 1.~~27-28~~. Initial License or Initial Licensure: The first license granted by the Commission to an Applicant pursuant to sections 12-10-202 and 12-10-203, C.R.S.
- 1.~~28-29~~. Inactive: A Broker who holds a valid License shown in the Commission's records as being Inactive is not permitted to engage in Real Estate Brokerage Services. To maintain licensure on Inactive status, a Broker must continue to renew their License as set forth in Chapter 3 of these Rules.
- 1.~~29-30~~. Independent Broker: A Broker either holding an Independent Broker level license or Employing Broker level license acting as their own Brokerage Firm or sole proprietor and not employing or supervising any Associate Brokers.
- 1.~~30-31~~. Invalid Payment: If the Fees accompanying any application including Fees for the recovery fund, renewals and transfers made to the Division are paid for by check and the check is not immediately paid upon presentation to the bank upon which the check was drawn, or if payment is submitted in any other manner, and payment is denied, rescinded or returned as invalid, the application will be immediately canceled. The application will only be reinstated if the Division has received valid payment of all application Fees together with any fees incurred by the Division including the fee required by state fiscal rules for clerical services necessary for reinstatement.
- 1.~~31-32~~. Jurisdiction: For purposes of Chapter 2 of these Rules, all 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.
- 1.~~32-33~~. License: A Broker's or Brokerage Firm's license issued by the Commission pursuant to section 12-10-203, C.R.S.
- 1.~~33-34~~. Listing Contract: An agreement between a Brokerage Firm and a Consumer in which a Broker licensed with the Brokerage Firm is designated to provide Real Estate Brokerage Services to the Consumer. Listing Agreements include: Exclusive Tenant Contract, Exclusive Right to Sell, Exclusive Right to Lease, Exclusive Right to Buy, and Management Agreements.
- 1.~~34-35~~. Management Agreement: An agreement between a Brokerage Firm and an owner of a property in which a Broker licensed with the Brokerage Firm is designated to provide Property Management Services on behalf of the owner.
- 1.~~35-36~~. Money Belonging to Others: Money Belonging to Others which is accepted by the Broker or Brokerage Firm for deposit in the Broker's or Brokerage Firm's Trust or Escrow Account that includes, but is not limited to, money received in connection with Management Agreements, partnerships, limited liability companies, syndications, lease agreements, advance fee contracts, guest deposits for short term rentals, rental receipts, security deposits, earnest money deposits, or Money Belonging to Others received for any other purpose.
- 1.~~36-37~~. New Associate Broker: An Associate Broker with less than two (2) years of accumulative Active experience.
- 1.~~37-38~~. Office Policy Manual: The Manual required for all Employing Brokers or the Employing Broker's Brokerage Firm, which contains certain policies and procedures.

1. ~~3839~~. Personal Identifying Information: as defined in section 6-1-713(2)(b), C.R.S.: a social security number; a personal identification number; a password; a pass code; an official state or government-issued driver's license or identification card number; a government passport number; biometric data, as defined in section 6-1-716(1)(a), C.R.S.; an employer, student, or military identification number; or a financial transaction device, as defined in section 18-5-701(3), C.R.S.
1. ~~39-40~~. Petitioner: For the purposes of implementing the provisions of Chapter 8 of these Rules, any person who has filed with the Commission a petition or has been granted leave to intervene by the Commission for a declaratory order pursuant to section 24-4-105(11), C.R.S. and as set forth in Chapter 8 of these Rules.
1. ~~40-41~~. Property Management: An on-going relationship between a Brokerage Firm and an owner of a property in which the Brokerage Firm is designated to provide Property Management Services.
1. ~~41-42~~. Property Management Services: The activities performed in leasing and subsequent management of a property on behalf of an owner that are pursuant to section 12-10-201(6), C.R.S. and further described in the Management Agreement.
1. ~~42-43~~. Real Estate Brokerage Services: Any of the activities pursuant to section 12-10-201(6)(a), C.R.S. when performed on behalf of a Consumer.
1. ~~43-44~~. Real Estate Licensing Examination: An examination that consists of two (2) parts; a national part and a Colorado part as set forth in Rule 2.2.
1. ~~44-45~~. Real Estate School: Has the same meaning pursuant to section 23-64-103(20), C.R.S.
1. ~~45-46~~. RESPA – The Real Estate Settlement Procedures Act of 1974, set forth in 12 U.S.C. 2601, et seq. (Act), effective June 1, 2018, incorporated by reference in compliance with section 24-4-103(12.5), C.R.S. and does not include any later amendments or editions to the Act. A certified copy of the Act is readily available for public inspection at the Office of the Colorado Real Estate Commission at 1560 Broadway, Suite 925, Denver, Colorado. The Act may also be examined at the internet website of the Consumer Bureau of Financial Protection (CFPB) at www.consumerfinance.gov. The CFPB may also be contacted at 1700 G. Street, NW, Washington, D.C. 20552 or by telephone at (202) 435-7000.
1. ~~46-47~~. Recognized Depository: Any bank, savings and loan association, or credit union that accepts deposits or shares insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Administration (NCUA) respectively.
1. ~~47-48~~. Reinstatement or Reinstating or Reinstated: Has the same meaning pursuant to section 12-10-212(4)(a)(III), C.R.S.
1. ~~48-49~~. Safe and Secure Manner: Reasonable measures are taken to minimize the risk of loss, damage, or theft of electronic information and documents, including, but not limited to, Personal Identifying Information.
1. ~~49-50~~. Single Agent: Has the same meaning pursuant to section 12-10-402(6), C.R.S.
1. ~~50-51~~. Standard Form: Has the meaning pursuant to section 12-10-403(4), C.R.S. and also as set forth in Rule 7.1.
1. ~~51-52~~. Supervisory Broker: A Broker, such as a managing broker, team lead, office manager, etc., who has been delegated in writing by an Employing Broker to assume some of the Employing Broker's duties and responsibilities as set forth in Rule 6.3.

1. ~~52-53~~. Team: Two (2) or more Brokers within a Brokerage Firm that cooperate on an on-going basis to conduct a substantial portion of their Real Estate Brokerage Services together.
1. ~~53-54~~. Temporary License: Has the same meaning pursuant to section 12-10-203(6)(c), C.R.S.
1. ~~54-55~~. Things of Value: Monetary considerations as well as the exchange of tangible, non-monetary assets.
1. ~~55-56~~. Trademark: Any logo, service mark, or other identifying mark used in conjunction with a Brokerage Firm's legal name or Trade Name. Trademarks may be registered with the Colorado Secretary of State pursuant to section 7-70-102, C.R.S. As an example, the brokerage "A Better Choice Real Estate" uses a logo bearing the initials "ABC". The logo is used to identify the Brokerage Firm and the Real Estate Brokerage Services that it provides to Consumers; therefore, it would be the trademark for the Brokerage Firm.
1. ~~56-57~~. Trade Name: The name under which a Brokerage Firm does business other than the Brokerage Firm's legal name. Any Trade Name used by a Brokerage Firm must be on file with the Commission and must be filed with the Colorado Secretary of State pursuant to section 7-71-101, C.R.S. For example, a Brokerage Firm is licensed with the Commission under its legal name of "Colorado Real Estate Group LLC". However, the Brokerage is also a franchise of "International Realty" and does business under the Trade Name "International Realty of Colorado".
1. ~~57-58~~. Transaction-Broker: Has the same meaning pursuant to section 12-10-402(8), C.R.S.
1. ~~58-59~~. Transition Period: The two-year licensing period plus a partial year commencing on the anniversary date when a Broker's license expires in the years of 2018, 2019, or 2020 and expiring two (2) years plus the remaining days in the third year to reach December 31. The length of the Transition Period is dependent on the anniversary date and could be as long as three (3) years or as short as two (2) years and one day.
1. ~~59-60~~. Trust or Escrow Account: Any checking, demand, passbook or statement account, which has, at a minimum, the following elements:
- A. The account is separate and contains only Money Belonging to Others;
 - B. The account is custodial and fiduciary;
 - C. All funds are available on demand; and
 - D. The account is held with a Recognized Depository.
1. ~~60-61~~. Trust or Escrow Accounting Equation: The reconciled trust or escrow bank account cash balance must equal the sum total of the individual ledger balance for each owner at any given point in time.
1. ~~61-62~~. Unlicensed On-Site Manager: An unlicensed person who fills in blanks, as a scrivener, on lease forms, shows prospective tenants available units, quotes rental prices established by the owner or Broker, arranges for maintenance, and collects monies, including security deposits and rents. A Brokerage Firm which employs an Unlicensed On-Site Manager must do so either as a regularly salaried employee or as an independent contractor, and pay the Unlicensed On-Site Manager through the Brokerage Firm. The salary may include rent value or other non-commission income.
1. ~~62-63~~. Viewable Page: A page that may or may not scroll beyond the border of the screen and includes the use of frame pages.

Chapter 2: Licensure Requirements

2.11. Portability of Professional Licenses of Servicemembers and their Spouses

When a servicemember or spouse relocates their residency to Colorado because of military orders for military service, and the servicemember or spouse possesses a valid Broker's license, or its equivalent, issued by another Jurisdiction, the Commission will grant the servicemember or spouse the authority to practice in Colorado conditional on the following terms being met:

- A. ~~The Commission must receive a copy of the military orders indicating that the new residency will be in Colorado; The applicant must submit a set of fingerprints to the Colorado Bureau of Investigation as set forth in Rule 2.3;~~
- B. ~~The servicemember or spouse must remain in good standing with the licensing authority that issued the Broker's license, or equivalent; If the applicant is the spouse of a servicemember, the applicant must submit a copy of the marriage certificate;~~
- C. ~~The servicemember or spouse must have been actively licensed during the two years immediately preceding the relocation to Colorado; and The applicant must submit proof of military orders demonstrating relocation to Colorado; and~~
- D. ~~The servicemember or spouse must submit to the authority of the Commission for purposes of standards of practice, disciplinary procedures, and fulfillment of any continuing education requirements. The applicant must attest, under penalty of perjury in the second degree, §18-8-503, C.R.S., that:~~
 - 1. ~~The applicant is the person described and identified in the application;~~
 - 2. ~~All statements made in the application are true, correct, and complete;~~
 - 3. ~~The applicant has read and understands the requirements to receive a license, and the scope of practice, of the Real Estate Commission;~~
 - 4. ~~The applicant certifies that that they meet and shall comply with the application requirements for license portability as a servicemember or spouse; and~~
 - 5. ~~The applicant is in good standing in all states in which the applicant holds or has held a license.~~

~~The ability to practice in Colorado will be at the Associate Broker or Independent Broker license level and is valid only as long as the military orders are in effect.~~

Chapter 4: Continuing Education Requirement

4.2. Methods for Satisfying Continuing Education

- A. Brokers must satisfy the continuing education requirement for a licensing cycle through one (1) of the following options:
 - 1. Brokers may complete the twelve (12) credit hours of continuing education pursuant to section 12-10-213(1)(a), C.R.S. and as set forth in subsection A.1. of this Rule in annual 4-hour increments developed by the Commission, the "Annual Commission Update". The "Annual Commission Update" must be completed by July 1st of each calendar year. Brokers must also complete an additional twelve (12) credit hours of electives to meet the total 24-hour continuing education

requirement during the licensing cycle in subject areas pursuant to section 12-10-213(3), C.R.S. and as set forth in Rule 4.4.B.1. A Broker may not take the same version of the Annual Commission Update more than once.

2. During the Transition Period licensing cycle, Brokers may complete two (2) different versions of the Annual Commission Update for eight (8) credit hours of continuing education pursuant to section 12-10-213(1)(b), C.R.S. Brokers must also complete an additional sixteen (16) credit hours of electives to meet the total 24-hour continuing education requirement during the Transition Period in subject areas pursuant to section 12-10-213(3), C.R.S. and as set forth in Rule 4.4.B.1.
3. Brokers may complete the Commission approved 24-hour "Broker Reactivation Course". This option is only available to Brokers under one (1) of the following conditions:
 - a. The Broker is currently Active and did not use the Broker Reactivation Course to satisfy the continuing education requirement in the previous licensing cycle; or
 - b. The Broker is Inactive or Expired for an accumulative time period of up to thirty-six (36) months prior to activating an Inactive License or Reinstating an Expired License to Active status and unable to comply with the continuing education requirement as set forth in subsections A.1. or A.2. of this Rule.
4. Pass the Colorado portion of the Real Estate Licensing Examination as set forth in Rule 2.2.A.2.
5. Complete seventy-two (72) total hours of the educational requirements as set forth in Rules 2.1.A.2.b. and 2.1.A.2.c.

- B. If a Broker cannot satisfy the continuing education requirement as set forth in subsections A.1. through A.3. of this Rule, the Broker must comply with the continuing education requirement as set forth in subsections A.4. or A.5. of this Rule prior to activating an Inactive License or Reinstating an Expired License to Active status.

4.3. Annual Commission Update Course Standards

- A. Pursuant to section 12-10-213(2), C.R.S. and as set forth in Rule 4.2.A., the Annual Commission Update will be developed, presented by the Division, and furnished only to approved course providers. ~~The course will be presented without any additional content by the course provider and/or instructor. Any deviation from the established curriculum is not permitted. Course materials are to be presented visually as provided and used as a guide to support instruction, not to be delivered verbatim. The course is structured to meet four (4) hours of continuing education credit. Accordingly, instruction must be sufficiently substantive and appropriately paced to ensure the full duration is used effectively. This includes expanding on key concepts, providing relevant context, and incorporating illustrative examples.~~
- B. All course providers must apply annually for approval to offer the Annual Commission Update as set forth in Rule 4.6.B., except that the course outline as set forth in Rule 4.6.B.1. and course exam as set forth in Rule 4.6.B.2. will be furnished by the Commission.

- C. Each Broker must complete the Annual Commission Update by achieving a passing score of seventy percent (70%) on a written or on-line course examination developed by the Commission. The Commission will provide an alternate examination for successive use by Brokers failing the end-of-course examination.

4.4. Standards for Continuing Education Courses

Courses approved for continuing education must meet the following standards:

A. Course Content

1. The course content must have been developed by persons qualified in the subject matter;
2. The content of the course must be current;
3. The course must maintain and improve a Broker's skill, knowledge, and competency in theColorado real estate practice; and
4. The course must be at least one (1) hour increment in length, containing at least fifty (50) instructional minutes per one (1) hour increment. Instruction time is the amount of time devoted to the actual course instruction and does not include acts such as introductions of speakers, breaks, group discussions, activities, quizzes or exams, or question and answer sessions.
5. Division-approved credit for any single course shall not exceed eight (8) hours per calendar day. For courses spanning multiple days, the Division may grant additional credit for eligible material, provided that the daily credit awarded does not exceed eight (8) hours.

B. Topics for Continuing Education Courses

1. Eligible Topics for Continuing Education Courses

All course content must be presented in a manner that reinforces compliance with Colorado laws, rules, and regulations. Instruction should emphasize how these subject areas intersect with regulatory obligations and consumer protection. Pursuant to section 12-10-213(3), C.R.S., courses approved for continuing education must include one (1) or more of the following topics:

- a. Real Estate Law;
- b. Property Exchanges;
- c. Real Estate Contracts;
- d. Real Estate Finance;
- e. Real Estate Appraisal;
- f. Real Estate Closing;
- g. Real Estate Ethics;
- h. Condominiums and Cooperatives;

- i. Real Estate Time-Sharing;
- j. Real Estate Marketing Principles;
- k. Real Estate Construction;
- l. Land Development;
- m. Real Estate Energy Concerns;
- n. Real Estate Geology;
- o. Water and Waste Management;
- p. Commercial Real Estate;
- q. Real Estate Securities and Syndications;
- r. Property Management;
- s. Real Estate Computer Principles;
- t. Brokerage Administration and Management;
- u. Agency; and
- v. Any other subject matter as approved by the Commission.

2. Ineligible Topics for Continuing Education Courses

The following types of courses will not qualify and will not be approved for continuing education:

- a. Sales or marketing meetings conducted in the general course of a real estate brokerage practice;
- b. Orientation, personal growth, self-improvement, self-promotion, or marketing sessions;
- c. Motivational meetings or seminars; or
- d. Examination preparation or exam technique courses.
- e. Instruction focused on prospecting, communication skills, or techniques for marketing, including staging, branding, or social media use, unless directly tied to regulatory compliance;
- f. Property tours or site visits that do not include substantive instruction on an approved topic or regulatory matters; or
- g. Marketing or promotion of a product or service, whether offered by the provider, an instructor, a sponsor, or any other affiliated or unaffiliated party.

C. Course Format

All continuing education courses may be offered and completed by classroom or Distance Learning.

D. Topics for courses that are eligible for Employing Broker Level License education are advanced in scope and specifically designed to enhance professional competency in brokerage administration, legal compliance, and regulatory practice. Course content must address substantive topics such as real estate law, contract negotiation and enforcement, licensing procedures, and risk management. Courses may also focus on specialized areas of brokerage practice, including but not limited to, property management, commercial brokerage, land acquisition and sales, investment analysis, and real estate development.

4.5. Continuing Education Credit Requirements

- A. A maximum of eight (8) hours of credit may be earned per day.
- B. No course may be repeated for credit in the same ~~calendar year license cycle~~.
- C. Hours in excess of twenty-four (24) in a given licensing cycle may not be carried forward to satisfy the continuing education requirements of a subsequent licensing cycle.
- D. Education stipulated to between a Broker and the Commission as part of a disciplinary action or alternative to disciplinary action will not be accepted to fulfill a Broker's continuing education requirement.
- E. All continuing education must be taken from course providers either approved by the Commission or exempt as set forth in Rule 4.6.A.2.
- F. Brokers must complete an entire course to receive any continuing education credit. Brokers will not be awarded partial credit for partial or incomplete attendance.
- G. Instructors may receive continuing education credit for teaching an approved continuing education course; however, credit will be awarded for only one (1) course taught per calendar year. Teaching multiple courses or different course types within the same calendar year will not result in additional credit.
- H. The Commission will award two (2) hours of continuing education credit for Brokers who attend a Commission's public meeting under the following conditions:
 - 1. The meeting must be open to the public and must be a minimum of two (2) hours in length;
 - 2. The Broker must be present for at least a two (2) hour segment of the meeting to be eligible for elective credit; and
 - 3. Elective credit will be awarded for a single Commission meeting per calendar year.
- I. Each Broker is responsible for securing from the course provider proof of course completion in the form of an affidavit, certificate, or official transcript of the course as set forth in Rule 4.7.A.
- J. Brokers must retain proof of continuing education completion certificates for four (4) years from the date of the Broker's most current renewal or, if newly licensed, from Initial Licensure.

- K. The act of submitting an application for renewal, activation, or Reinstatement of a License means that the Broker attests to compliance with the continuing education requirement pursuant to section 12-10-213, C.R.S. However, if a Broker did not comply with the continuing education requirement, the Broker must provide written notification to the Division prior to submitting an application for renewal, activation, or Reinstatement of a License.
- L. Upon written notification from the Commission, Brokers must provide proof of completion of the continuing education requirement in a manner that is acceptable to the Commission. Failure to provide said proof within the prescribed time set by the Commission in its notification will be grounds for disciplinary action unless the Commission has granted an extension.

4.6. Process for Course Approval

A. Course Providers

Continuing education must be taken from course providers either approved by the Commission or course providers which are exempt as set forth in subsection A.2. of this Rule.

1. Approval of Course Providers

All course providers must receive approval from the Commission prior to any course offering except for the course providers specifically exempted as set forth in subsection A.2. of this Rule.

2. Course Providers Exempt from Commission Approval

The following course providers may provide course offerings for elective continuing education credit without Commission pre-approval only if the courses are within the topic areas pursuant to section 12-10-213(3), C.R.S. and as set forth in Rule 4.4.B.1. and comply with all other provisions of Chapter 4 of these Rules.

- a. Courses offered by accredited colleges, universities, community or junior colleges, public or parochial schools, or government agencies.
- b. Courses developed and offered by quasi-governmental agencies.
- c. Courses approved by and taken in satisfaction of another occupational licensing authority's education requirements.
- d. Courses in real property law by a provider approved by the Colorado Board of Continuing Legal and Judicial Education.

B. Course providers must, as set forth in Chapter 4 of these Rules, submit an application form prescribed by the Commission, along with the following information at least thirty (30) days prior to the initial proposed course date(s):

- 1. Detailed course outline or syllabus, including the intended learning outcomes, the course objectives, and the approximate time allocated for each topic.
- 2. A copy of the course exam(s) and instructor answer sheet, if applicable.

3. Copy of the instructor's teaching credential; if none, a resume showing education and experience which evidence a mastery of the material to be presented.
 4. Upon Commission request, a copy of any advertising or promotional material used to announce the offering.
 5. Upon Commission request, a copy of any textbook, manual, audio or videotapes, or other instructional material.
 6. Course providers of continuing education offered through Distance Learning must submit evidence in a form prescribed by the Commission that the method of delivery and course structure is consistent with acceptable educational principles assuring that the desired learning objectives are met. The Commission will approve methods of delivery certified by the Association of Real Estate License Law Officials (ARELLO), or by a substantially equivalent authority and method.
 7. Repealed.
- C. Course approval certification will be for a period of three (3) years, except that an annual, or otherwise periodic, or one-time seminar or conference offering may be approved for a shorter period of time to ensure the content of the course is current, as set forth in Rule 4.4.A.2.
- D. Continuing education credit may only be awarded to eligible students for courses delivered within the Commission-approved period. Course providers are prohibited from issuing credit for courses that are not approved, expired, or otherwise outside of the designated approval window.

4.7. Course Provider Requirements

- A. Course providers must provide to each student who successfully completes an approved course for continuing education credit with an affidavit, certificate, or official transcript, which must include the following information:
1. Name of the course provider;
 2. Course title, which must describe the topical content as approved by the Commission;
 3. Repealed.
 4. Number of Commission-approved continuing education hours/credits;
 5. Course date(s);
 6. Name of the student;
 7. Authentication by the course provider; and
 8. Course approval number as issued by the Division, if applicable.
- B. A course provider may not waive, excuse completion of, or award partial credit for the full number of course hours.

- C. Each course provider must retain copies of course outlines or syllabi and complete records of attendance for a period of four (4) years from the date of the course and provide the records to the Commission upon request.
- D. By offering continuing education, each course provider agrees to comply with relevant Commission statutes and these Rules and to permit Commission audit of said courses at any time and at no cost. Failure to comply with the standards and requirements as set forth in Chapter 4 of these Rules may result in the invalidation of the course provider, instructor, and/or the course.
- E. Course providers must implement and maintain a reliable method for monitoring live student attendance throughout the full duration of each approved continuing education course. Student participation, including start and end times, break periods, and any observable inattentiveness, must be tracked to ensure that students are continuously present and engaged for the entirety of the instructional time.
- F. Course providers must maintain accurate attendance records for each live continuing education course delivered. Records must include student names, the name, date and duration of the course, and verification of full attendance by recording any instances of breaks, departures, or observable inattentiveness that may affect a student's eligibility for credit.
- G. Once the Commission has approved a course, no alterations may be made to the course title, content, delivery method, or any other material component without prior written approval by the Commission.
- H. Course providers must notify the Commission within thirty (30) calendar days or before the next course offering, whichever occurs first, in a manner acceptable to the Commission, of any changes to the provider's name, contact information, or instructor(s).
- I. The Commission may revoke course and/or course provider approval if a course provider does not meet professional and regulatory requirements. This includes, but is not limited to, failure to comply with established course standards; dissemination of inaccurate or misleading information regarding Commission regulations; issuance of course completion certificates containing incorrect or misleading information; and engagement in business practices that result in substantiated complaints filed with the Commission.

Chapter 6: Practice Standards

6.17. Duty to Disclose Conflict of Interest and License Status

- A. Brokerage Firms and Brokers have a continuing duty to disclose, in writing, any known Conflict of Interest that may arise in the course of any real estate transaction.
- B. If a Broker sells, buys, or leases real property on the Broker's own account, such Broker must disclose in the contracting instrument, or in a separate concurrent writing, that they are a licensed Broker.
- C. A Brokerage Firm or Broker engaged in Property Management Services has a duty to disclose, in writing, any known Conflict of Interest that may arise in the selection or use of a business or vendor that provides services applicable to lease transactions, including property maintenance. The Brokerage Firm or Broker is required to disclose any ownership, financial, or familial interest associated with the selection or use of a particular business or vendor.

D. If the Employing Broker supervises the Designated Brokers that represent both sides of the same transaction, and confidential information about one or more of the Clients will be shared with the Employing Broker, the Designated Brokers must disclose this as a conflict of interest to their Clients. The Designated Broker must include a statement about the conflict of interest and supervision in the informed written consent request from their Client.

E. If the Employing Broker supervises the Designated Broker that represents the opposite side of the transaction and the Employing Broker represents the other side of the same transaction, the Employing Broker is prohibited from receiving confidential information about the Designated Broker's client.

6.27 Informed Consent

A Broker representing a buyer, seller, landlord, or tenant, or acting as a transaction broker must obtain the informed consent of a Client before disclosing any of the Client's confidential information for any purpose. The Client's informed consent must be in writing, and it must be voluntary, specific, and made following the Broker's full disclosure of the risks involved and the alternative options available.

Confidential information is defined in the following statutes:

12-10-404(2), C.R.S.: The following information shall not be disclosed by a broker acting as a seller's or landlord's agent without the informed consent of the seller or landlord:

- (a) That a seller or landlord is willing to accept less than the asking price or lease rate for the property;
- (b) What the motivating factors are for the party selling or leasing the property;
- (c) That the seller or landlord will agree to financing terms other than those offered;
- (d) Any material information about the seller or landlord unless disclosure is required by law or failure to disclose the information would constitute fraud or dishonest dealing; or
- (e) Any facts or suspicions regarding circumstances that may psychologically impact or stigmatize any real property pursuant to section 38-35.5-101.

12-10-405(2), C.R.S.: The following information shall not be disclosed by a broker acting as a buyer's or tenant's agent without the informed consent of the buyer or tenant:

- (a) That a buyer or tenant is willing to pay more than the purchase price or least rate for the property;
- (b) What the motivating factors are for the party buying or leasing the property;
- (c) That the buyer or tenant will agree to financing terms other than those offered;
- (d) Any material information about the buyer or tenant unless disclosure is required by law or failure to disclose the information would constitute fraud or dishonest dealing; or
- (e) Any facts or suspicions regarding circumstances that would psychologically impact or stigmatize any real property pursuant to section 38-35.5-101.

12-10-407(3), C.R.S.: The following information shall not be disclosed by a transaction broker without the informed consent of all parties:

- (a) That a buyer or tenant is willing to pay more than the purchase price or lease rate offered for the property;
- (b) That a seller or landlord is willing to accept less than the asking price or lease rate for the property;
- (c) What the motivating factors are for any party buying, selling, or leasing the property;
- (d) That the seller, buyer, landlord, or tenant will agree to financing terms other than those offered;
- (e) Any facts or suspicions regarding circumstances that may psychologically impact or stigmatize any real property pursuant to section 38-35.5-101; or
- (f) Any material information about the other party unless disclosure is required by law or failure to disclose the information would constitute fraud or dishonest dealing.

A hearing is scheduled for December 2, 2025, beginning at 9:00 a.m. and will only be conducted via Zoom Webinar. All interested and affected parties must register to attend the hearing through the link provided below:

https://us06web.zoom.us/webinar/register/WN_C7haOLgAQNebbhq0v2Eb2w

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments in writing to the Division of Real Estate by 5:00 p.m. on November 21, 2025. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rules being considered are subject to further changes and modifications after public comment and formal hearing.

Notice of Proposed Rulemaking

Tracking number

2025-00531

Department

700 - Department of Regulatory Agencies

Agency

727 - Division of Professions and Occupations - Board of Veterinary Medicine

CCR number

4 CCR 727-1

Rule title

VETERINARIAN AND VETERINARY TECHNICIAN RULES AND REGULATIONS

Rulemaking Hearing**Date**

12/11/2025

Time

09:00 AM

Location

https://us06web.zoom.us/webinar/register/WN_DpqZaff3Q3SnRKWLqWE0LA

Subjects and issues involved

The Board of Veterinary Medicine will hold a Permanent Rulemaking Hearing on December 11, 2025, at 9:00 A.M. (MDT), to allow stakeholders a final opportunity to testify before the Board determines on proposed repeal of Rule 1.20 - RULES REGARDING THE USE OF BENZODIAZEPINE. The purpose is to implement Colorado Senate Bill 24-047 (CONCERNING THE PREVENTION OF SUBSTANCE USE DISORDERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION) which removes veterinarians from the definition of "prescriber" as used in Section 12-30-109; conforming the existing rule to the requirements of sections 12-30-109(6) and 12-280-404(4)(a.5), C.R.S.

Statutory authority

12-20-204(1), 12-315-106(5)(g) and 24-4-103, C.R.S.

Contact information**Name**

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Title

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DEPARTMENT OF REGULATORY AGENCIES

State Board of Veterinary Medicine

VETERINARIAN AND VETERINARY TECHNICIAN RULES AND REGULATIONS

4 CCR 727-1

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

...

1.20 — RULES REGARDING THE USE OF BENZODIAZEPINE

~~The basis for the Board's promulgation of these rules and regulations is sections 12-20-204(1), 12-315-106(5)(g) and 12-315-126, C.R.S. The specific statutory authority for the promulgation of this Rule is section 12-30-109(6), C.R.S.~~

~~The purpose for the Board's promulgation of these rules and regulations are to implement rules required by section 12-30-109(6), C.R.S., related to requirements for prescribing benzodiazepines to patients that have not been prescribed benzodiazepines within the last twelve months.~~

~~A. — Licensees must limit any prescription for a benzodiazepine to no more than 30 continuous days, for a patient who has not received a benzodiazepine prescription within the last 12 months.~~

~~Prior to prescribing a benzodiazepine for a condition that is not exempt under section 12-280-404(4)(a.5), C.R.S., a licensee must comply with the requirements of section 12-280-404(4), C.R.S.~~

~~B. — The limitation stated in section (A) of this Rule does not apply to patients for whom licensees prescribe benzodiazepines for the following conditions:~~

~~1) — Epilepsy;~~

~~2) — A seizure or seizure disorder, or suspected seizure disorder;~~

~~3) — Spasticity; or~~

~~4) — A neurological condition, including a posttraumatic brain injury or catatonia.~~

~~C. — These rules do not require or encourage abrupt discontinuation, limitation, or withdrawal of benzodiazepines. Licensees are expected to follow generally accepted standards of veterinary medicine practice, based on an individual patient's needs, in tapering benzodiazepine prescriptions.~~

State Board of Veterinary Medicine

Editor's Notes**History**

Rules 1.00, 4.00 eff. 09/30/2007.

Rule 4.00 eff. 01/30/2008.

Entire rule eff. 12/30/2011.

Rule I.B eff. 08/30/2012.

Rule I.B emer. rule eff. 02/08/2013.

Rules I.A, 1.B, 1.E eff. 05/30/2013.

Rule I.A eff. 06/14/2013.

Rules I.B, II.A.17 eff. 09/30/2013.

Rule I eff. 08/14/2014.

Rules 1.2 A.8-18, 1.2 E.4, 1.2 G eff. 11/30/2019.

Rule 1.23 emer. rule eff. 05/01/2020; expired 08/29/2020.

Rule 1.24 emer. rule eff. 05/11/2020; expired 09/08/2020.

Rule 1.23 emer. rule eff. 08/30/2020; expired 12/28/2020.

Rule 1.24 emer. rule eff. 09/09/2020.

Entire rule eff. 10/15/2020.

Rule 1.10 B eff. 12/15/2020.

Rules 1.24, 1.25 emer. rules eff. 12/28/2020.

Rule 1.25 emer. rule eff. 01/11/2021.

Rules 1.4 E-F, 1.12 C eff. 04/14/2021.

Rules 1.24, 1.25 emer. rules eff. 04/27/2021.

Rule 1.25 emer. rule eff. 05/11/2021.

Rules 1.24, 1.25 emer. rules eff. 07/12/2021.

Rule 1.26 emer. rule eff. 11/01/2021.

Rules 1.24, 1.25 emer. rules eff. 11/02/2021.

Rules 1.17 C.1, 1.26 eff. 11/30/2021.

Rules 1.24, 1.25 emer. rules eff. 03/02/2022.

State Board of Veterinary Medicine

Rules 1.24, 1.25 emer. rules eff. 06/28/2022.

Rules 1.21, 1.22 emer. rules eff. 10/13/2022.

Rules 1.18, 1.19 emer. rules eff. 10/26/2022.

Rules 1.18, 1.19 emer. rules eff. 11/11/2022.

Rules 1.2-1.10, 1.12-1.22 eff. 12/15/2022.

Rules 1.18, 1.19 emer. rules eff. 01/09/2023; expired 05/09/2023.

Rule 1.11 eff. 04/14/2023.

Rules 1.21, 1.22 repealed, rule 1.20 renumbered as 1.18 eff. 11/30/2023.

Rules 1.8 C-D emer. rules eff. 02/13/2025.

Rules 1.8 C-D emer. rules eff. 06/12/2025.

Rules 1.8 C-D eff. 07/30/2025.

Entire rule eff. 10/15/2025.

Annotations

Rules 1.22 B. and 1.22 C. (adopted 10/13/2022) were not extended by Senate Bill 23-102 and therefore expired 05/15/2023.

Notice of Proposed Rulemaking

Tracking number

2025-00528

Department

1000 - Department of Public Health and Environment

Agency

1009 - Division of Disease Control and Public Health Response

CCR number

6 CCR 1009-2

Rule title

THE INFANT IMMUNIZATION PROGRAM AND IMMUNIZATION OF STUDENTS ATTENDING SCHOOL

Rulemaking Hearing**Date**

12/17/2025

Time

10:00 AM

Location

Colorado Department of Public Health & Environment 4300 Cherry Creek Drive S, Denver, CO 80246

Subjects and issues involved

The Division of Disease Control and Public Health Response (DCPHR) within the Colorado Department of Public Health and Environment (CDPHE) is requesting a rulemaking hearing to revise 6 Colorado Code of Regulations (CCR) 1009-2, Infant Immunization Program and Immunization of Students Attending School. The passage of House Bill (HB) 25-1027 in the most recent legislative session requires CDPHE to update and revise 6 CCR 1009-2 to align with the current statute. The most significant change in the proposed rules is the incorporation by reference of the 2025 American Academy of Pediatrics (AAP) Recommended Child and Adolescent Immunization Schedule. In addition, CDPHE is proposing changes to better adhere to best practices and provide clarity. The Department has proposed changes that are technical in nature and intended to clarify existing rule language without significant policy change.

Statutory authority

House Bill 25-1027

Contact information**Name**

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Department of Public Health & Environment

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2 To: Members of the Colorado State Board of Health
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4 From: Heather Roth, Immunization Branch Chief
5 Through: Diana Herrero, Interim Director of Disease Control and Public Health Response Division
6
7 Date: October 15, 2025
8
9 Subject: 2025 Board of Health Request for Rulemaking: 6 CCR 1009-2: Infant Immunization Program and Immunization of Students Attending School

11 The Division of Disease Control and Public Health Response (DCPHR) within the Colorado Department of Public Health and Environment (CDPHE)
12 is requesting a rulemaking hearing to revise 6 Colorado Code of Regulations (CCR) 1009-2, Infant Immunization Program and Immunization of
13 Students Attending School. Colorado requires students attending school or licensed child care to be immunized against certain diseases unless a
14 Certificate of Medical or Nonmedical Exemption is filed. The purpose of the immunization requirements for school entry is to protect students,
15 staff, and the community against vaccine-preventable diseases.

16 These rules establish immunization requirements for students attending schools, which include Head Start programs, licensed child care facilities,
17 child care centers, preschools, family child care homes, school-age child care centers, and camps, PK-12 schools, and higher education facilities
18 with residence facilities in Colorado. The rules cover:

- 19 ● Minimum immunization requirements to attend school
- 20 ● Exemption processes
- 21 ● Requirements related to denial of attendance
- 22 ● Required recordkeeping and reporting by certain school facilities
- 23 ● And other related rules

24 The passage of [House Bill \(HB\) 25-1027](#) in the most recent legislative session requires CDPHE to update and revise 6 CCR 1009-2 to align with the
25 current statute. The most significant change in the proposed rules is the incorporation by reference of the 2025 American Academy of Pediatrics
26 (AAP) Recommended Child and Adolescent Immunization Schedule.

27 In addition, CDPHE is proposing changes to better adhere to best practices and provide clarity.

- 28 ● As the 2025 AAP immunization schedule only covers children 18 years and younger, additional rule language in Appendix A defines the
29 immunization requirements for students attending public, private, or parochial secondary schools through grade 12 who are aged 19
30 through 21 years.
- 31 ● Adding language in the definition of an “in-process student,” stating that a student is also considered “in-process” if their Certificate of
32 Medical or Nonmedical Exemption has expired and they are in the process of submitting any of the following to their school: 1) a new
33 Certificate of Medical or Nonmedical Exemption, 2) an immunization record documenting that the student is up to date on all school-
34 required vaccines, or 3) has a signed written plan for obtaining the remaining required vaccines, administered according to the
35 medically recommended minimum intervals.
- 36 ● Clarifying valid doses of age-appropriate measles, mumps, and rubella (MMR) vaccine series for college/university students.



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- Clarifying that students who are eligible for the McKinney-Vento Homeless Assistance Act may be exempt from certain stipulations of the rule.
- Changing the requirement for the timing of the adolescent dose of the tetanus, diphtheria, and pertussis vaccine (Tdap) to be given prior to seventh grade entry (instead of prior to sixth grade entry), in accordance with best practices.
- Updating language for when college and university students who are residing in student housing should receive a dose of meningococcal vaccine (MenACWY).
- Clarifying the definitions of a “college or university student” and a “college or university.”
- Clarifying the timing of medical and nonmedical exemptions.
- Updating rules in accordance with HB 25-1027, including:
 - Clarifying that CDPHE may use the immunization schedule or recommendations published by the Advisory Committee on Immunization Practices (ACIP), American Academy of Family Physicians (AAFP), the American Academy of Pediatrics (AAP), American College of Obstetrics and Gynecologists (ACOG), or the American College of Physicians (ACP).
 - Extending the period from when a school notifies a student’s family of immunization noncompliance to when the student will be excluded from school if updated immunization documentation is not received (the “in process” period) from 14 days to 30 days.
 - Starting in the 2025-2026 school year, extending the deadline for schools and child cares to send the Department’s Annual Parent Letter to the parent/guardian (or self, if student is emancipated) of every enrolled student from Feb. 15 to April 15.
 - For purposes of out-of-state campers attending a licensed children’s residential camp, allowing the camp to maintain an out-of-state immunization record for an out-of-state camper, rather than requiring them to transfer out-of-state records onto the state’s Official Certificate of Immunization.
 - Repealing the requirement for schools to notify the department and the local public health agency when a student is suspended or expelled from school for noncompliance with immunization requirements.

Finally, the Department has proposed changes that are technical in nature and intended to clarify existing rule language without significant policy change.

CDPHE staff carried out a wide-ranging stakeholder process, notifying over 26,000 individuals and organizations about this rulemaking process via email and holding a public meeting with college and university representatives in which the Division requested suggestions, concerns, and questions. The Division also collected written feedback via an online form (Formsite) and email.

After this initial stakeholder process was carried out, CDPHE revised the rules to incorporate the 2025 AAP immunization schedule by reference and include an additional Appendix to cover students ages 19-21 who are not covered in the AAP pediatric schedule. Stakeholder engagement was carried out a second time, and people were able to submit comments, questions, or suggestions via online form (Formsite) or email.



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STATEMENT OF BASIS AND PURPOSE AND SPECIFIC STATUTORY AUTHORITY

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for

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6 CCR 1009-2: Infant Immunization Program and Immunization of Students Attending School

5 **Background**

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The Division of Disease Control and Public Health Response (DCPHR) within the Colorado Department of Public Health and Environment (CDPHE) is requesting a rulemaking hearing to revise 6 Colorado Code of Regulations (CCR) 1009-2, Infant Immunization Program and Immunization of Students Attending School. Colorado requires students attending school or licensed child care to be immunized against certain diseases unless a Certificate of Medical or Nonmedical Exemption is filed. The purpose of the immunization requirements for school entry is to protect students, staff, and the community against vaccine-preventable diseases.

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These rules establish immunization requirements for students attending schools, which include Head Start programs, licensed child care facilities, child care centers, preschools, family child care homes, school-age child care centers, and camps, PK-12 schools, and higher education facilities with residence facilities in Colorado. The rules cover:

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- Minimum immunization requirements to attend school

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- Exemption processes

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- Requirements related to denial of attendance

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- Required recordkeeping and reporting by certain school facilities

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- And other related rules

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The passage of [House Bill \(HB\) 25-1027](#) in the most recent legislative session requires CDPHE to update and revise 6 CCR 1009-2 to align with the current statute. In addition, CDPHE is proposing changes to incorporate the AAP schedule, to better adhere to best practices, and to provide clarity.

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22 **Statutory authority**

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25-4-904, C.R.S. states that the State Board of Health shall establish rules for administering the School Entry Immunization statutes (25-4-901 through 912). According to statute, the State Board of Health shall establish the immunizations required for school and the manner and frequency of their administration, and the rules should conform to “recognized standard medical practices.”

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26 **Summary of significant changes**

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CDPHE proposes several changes to the rule that are intended to:

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- Align the rules with the updated statute

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- Adhere to best practices and evidence-based science

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- Provide further clarity to the rule



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Department of Public Health & Environment

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1 The proposed changes were the result of an internal review of the existing rule, feedback received from stakeholders, and consideration of best
2 practices.

3 Changes in response to statutory updates

4 The following changes ensure the rules are in alignment with the changes in law from [House Bill \(HB\) 25-1027](#).

6 **The Board may take into consideration recommendations from various medical bodies in establishing school vaccine**
7 **requirements.** These include recommendations published by CDC's Advisory Committee on Immunization Practices (ACIP), American Academy
8 of Family Physicians (AAFP), American Academy of Pediatrics (AAP), American College of Obstetricians and Gynecologists (ACOG), or the American
9 College of Physicians (ACP). The rule has been updated to provide definitions of these medical bodies.

10 **The "in process" period for a student has been extended from 14 days to 30 days.** This period refers to the time between when a
11 school notifies a student's parent or guardian of immunization noncompliance to when the student will be excluded from school if updated
12 immunization documentation is not received.

13 **The deadline for schools and child cares to send the Department's Annual Parent Letter to the parent or guardian of every**
14 **enrolled student has been extended from Feb. 15 to April 15.** This change will take effect in the current 2025-2026 school year. The
15 Department's responsibility to update and post the Annual Parent Letter by Jan. 15 remains unchanged.

16 **Licensed children's residential camps may use out-of-state immunization records for out-of-state campers rather than being**
17 **required to transfer out-of-state immunization records onto Colorado's Official Certificate of Immunization.** Maintaining out-of-state
18 immunization records for out-of-state campers removes unnecessary administrative burden while retaining capacity for vaccine-preventable
19 disease outbreak responses within the camp setting.

20 **Schools are no longer required to notify CDPHE and their local public health agency when a student is suspended or expelled**
21 **from school for noncompliance with immunization requirements.** This requirement is not allowed under the Family Educational Rights and
22 Privacy Act (FERPA) and was not being used in the school setting.

23 Changes in response to best practices

24 The following proposed changes to the rules are guided by current best practices, both in terms of policy and evidence-based science.

26 **The proposed revisions incorporate the 2025 AAP immunization schedule by reference for children 18 years and younger and**
27 **create guidelines for high school students aged 19-21 based on the ACIP immunization schedule published in November 2024.**

28 CDPHE considered pediatric vaccine recommendations from ACIP and AAP and determined the 2025 AAP immunization schedule to have the
29 greatest positive impact on the health of Coloradans. As the AAP immunization schedule only provides guidance through age 18, CDPHE also
30 created Appendix A based on 2024 ACIP guidance.

31 **Certificates of Medical Exemption for temporary conditions will expire after the "temporary until" date has elapsed,** which is
32 determined by the immunizing provider who is signing the form. Schools must monitor the expiration date of any certificates of exemption. While
33 some medical contraindications to one or more school-required vaccines are lifelong, others are temporary, such as pregnancy, recent receipt of
34 antibody-containing blood product, or temporary use of immunosuppressive therapies.

35 **The timing of when the adolescent dose of the tetanus, diphtheria, and pertussis (Tdap) vaccine is required will change from**
36 **before a student's first day of sixth grade to before a student's first day of seventh grade.** Tdap is routinely recommended at age 11-
37 12 years. Most students entering sixth grade are 11 years old, some are 10, and a small number of accelerated students are 9. Most students
38 entering seventh grade are 12 years old, some are 11, and a small number of accelerated students are 10. This change better aligns student age
39 with AAP recommendations, reducing confusion among providers and families.



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1 In addition, a change to a seventh grade requirement will align the timing of this adolescent Tdap vaccine requirement with the majority of other
2 states and jurisdictions (~76.5%, according to CDPHE research). To assess whether to make this change, CDPHE staff carried out a survey with
3 324 school nurses, local public health agency staff, and immunization providers. 69% of respondents agreed that the sixth grade Tdap
4 requirement should be changed to seventh grade. (See the section on stakeholder engagement for more details on the survey and results.)

5 Changes to clarify rule

6 The following changes are a result of program experience and stakeholder feedback on areas of the rules needing greater clarification and
7 precision.

8 **Revisions provide added visibility for students eligible for the McKinney-Vento Homeless Assistance Act and how they may be**
9 **exempt from certain stipulations of the rule.** This change clarifies federal law related to who is eligible for exceptions and special
10 consideration under the McKinney-Vento Homeless Assistance Act and defines who these students are in rule. This is in response to community
11 partners and other state agencies expressing concerns that the rule should highlight the needs of these vulnerable students.

12 **Additional details have been added to the definitions of a “college or university student” and a “college or university.”** Details
13 from the definition of a “school” (Section I-O) have been added to the definition of a “college or university student” to provide consistency and
14 clarity. Language was added to the definition of a “school” to clarify that the immunization requirement only pertains to colleges and universities
15 that have residence hall facilities within their systems.

16 **New language adds clarity for when college and university students who are residing in student housing should receive a dose of**
17 **meningococcal vaccine (MenACWY).** The added language aligns with best practice guidelines to clarify that the MenACWY vaccine needs to
18 be given within: 1) the last five years, and 2) on or after the student’s 16th birthday. The added language also specifies that college or university
19 administrators may use either: 1) the student’s move-in date, or 2) the student’s first day of classes as a fixed date to determine whether the
20 MenACWY vaccine was administered within the required time frame. Stakeholders expressed that this added precision would help them enforce
21 the rules.

22 **Language changes provide clarity on the timing for Certificates of Medical Exemption.** Language was removed so that Certificates of
23 Medical Exemption will not expire when a “student’s information or school changes.” Most medical contraindications (i.e., severe allergic reaction
24 after a previous dose or to a vaccine component) are lifelong and would not be useful to revisit. Additional language has been added to the rule to
25 clarify that Certificates of Medical Exemption associated with temporary conditions (such as pregnancy or immune-compromising treatment) may
26 have a “temporary until” date on the form. Schools must monitor the expiration date. For permanent conditions, the Certificate of Medical
27 Exemption is submitted to the school once. (Like other official school immunization records, when a student withdraws, transfers, or promotes to
28 a different school, the school officials either returns the exemption form or transfers it to the new school.)

29 **Additional language provides clarity for higher education about when Certificates of Nonmedical Exemption are required to be**
30 **submitted.** A new Certificate of Nonmedical Exemption is required anytime the student enrolls in a new college or university.

31 **Section XII, the definition of CDPHE’s Online Immunization Education Module, has been revised to more closely match the**
32 **definition included within statute (CRS 25-4-903 2.7).** Standardizing the definition of the education module across rule and statute helps
33 ensure fidelity to the law and gives CDPHE the greatest latitude to design a module that meets the current best practices and needs of
34 Coloradans.

35 **Language was added to better describe the MMR vaccine requirement for college and university students.** This gives college and
36 university administrators guidance on how to assess if doses of MMR vaccine were administered according to best practice guidelines.

37



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1 **Specific statutory authority:** 25-4-904, C.R.S

2 **Is this rulemaking due to a change in state statute?**

3 Yes No

4 Rules are authorized required.

5 **Does this rulemaking include proposed rule language that incorporates materials by reference?**

6 Yes URL No

7 **Does this rulemaking include proposed rule language to create or modify fines or fees?**

8 Yes No

9 **Does the proposed rule language create (or increase) a state mandate on local government?**

10 Yes No.

11 The proposed rule does not require a local government to perform or increase a specific activity for which the local government
12 will not be reimbursed;

13 The proposed rule requires a local government to perform or increase a specific activity because the local government has opted
14 to perform an activity, or;

15 The proposed rule reduces or eliminates a state mandate on local government.



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Department of Public Health & Environment

REGULATORY ANALYSIS

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for

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6 CCR 1009-2: Infant Immunization Program and Immunization of Students Attending School

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1. A description of the classes of persons affected by the proposed rule, including the classes that will bear the costs and the classes that will benefit from the proposed rule.

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Group of persons/entities affected by the proposed rule	Size of the group	Relationship to the proposed rule Select category: C/S/B
Public and private schools, child cares, colleges/universities, camps	> 5000	C/B
The Colorado Department of Education, the Colorado Department of Human Services, the Colorado Department of Higher Education, the Colorado Office of Early Childhood	~200 staff	C
Students enrolled in Colorado schools (preschool, child care, K-12, and college and university)	~1.2 million	S, B
Parents/legal guardians of school-age children	~2.4 million	S, B
Local public health agencies (LPHAs) and the Department	~57	B
Immunization providers	~100,000	C, B
Population of Colorado	~6 million	

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While all are stakeholders, groups of persons/entities connect to the rule and the problem being solved by the rule in different ways. To better

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understand those different relationships, use this relationship categorization key:

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C = Individuals/entities who implement or apply the rule.

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1 S = Individuals/entities who do not implement or apply the rule but are interested in others
2 applying the rule.

3 B = Individuals who are ultimately served, including the customers of our customers. These individuals may benefit, be harmed by, or be
4 at risk because of the standard communicated in the rule or the manner in which the rule is implemented.

5 More than one category may be appropriate for some stakeholders.

6

7 **2. To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or**
8 **otherwise, upon affected classes of persons.**

9 ***Economic outcomes***

10 Individuals/entities who implement or apply the rule (C)

11 ● **Implementers may have to expend minor financial resources to adjust systems and forms:** While most changes do not
12 constitute enough of a shift in the rules, some implementers may need to update forms or processes to align with the new rules. A few
13 examples:

- 14 ○ Schools with seventh grade students will need to send out communications and update processes as the state moves from
15 a sixth to a seventh grade Tdap requirement.
- 16 ○ Schools will need to incorporate new documentation such as the updated Certificate of Medical Exemption.

17 There are no apparent economic outcomes for any other stakeholder group. The proposed changes to this rule will result in clarification for
18 consistent interpretation by end-users of the rule and better alignment with current medical practice, both of which the Department expects will
19 result in improved customer experience.

20 ***Non-economic outcomes***

21 Summarize the anticipated favorable and unfavorable non-economic outcomes (short-term and long-term), and, if known, the likelihood of the
22 outcomes for each affected class of persons by the relationship category.

23 Individuals/entities who implement or apply the rule (C)

24 ● **Increased clarity on proper procedures:** Updates to rule language, grammar changes, and increased precision of key definitions
25 within the proposed rules provide clarity and reduce ambiguity for implementers.

26 ● **Enabling camps to use out-of-state immunization records will decrease their administrative workload:** This rule change
27 enables camps to use out-of-state records to meet Colorado's immunization requirements.

28 ● **Additional time to release the parent letter** gives schools and child cares added flexibility to send information on immunization
29 requirements during the time when they send out other communications for the next school year.

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1 Individuals who are ultimately served (B)

2 ● **The time extension for families to be in compliance with immunization records has the potential to improve education**
3 **and immunization outcomes.** Previously, families had 14 days to get into compliance with immunization requirements before being
4 denied attendance. With a 30-day time period, families are more likely to have time to schedule vaccine appointments and come into
5 compliance.

6 **3. The probable costs to the agency and any other agency of the implementation and enforcement of the proposed rule and any**
7 **anticipated effect on state revenues.**

8 CDPHE does not estimate any costs for implementing and enforcing the rule.

9
10 **Anticipated personal services, operating costs, or other expenditures by another state agency:**

11 **Anticipated revenues for another state agency:**

12 CDPHE does not anticipate any costs or revenue for any other state agency.

14 **4. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.**

15 Costs of these rule changes are almost nonexistent, but there is a potential for significant benefits in providing clarity for everyone engaged in
16 these rules. The proposed changes to this rule will result in clarification for consistent interpretation by end-users of the rule and better alignment
17 with current medical practice, both of which the Department expects will result in improved customer experience.

18 **Along with the costs and benefits discussed above, the proposed revisions:**

19 **Comply with a statutory mandate to promulgate rules.**

20 Comply with federal or state statutory mandates, federal or state regulations, and department funding obligations.

21 **Maintain alignment with other states or national standards.**

22 Implement a Regulatory Efficiency Review (rule review) result

23 **Improve public and environmental health practice.**

24 **Implement stakeholder feedback.**

25 **Advance the following CDPHE Strategic Plan priorities:**

26 Goal 1, Implement public health and environmental priorities

27 Goal 2, Increase Efficiency, Effectiveness and Elegance

28 Goal 3, Improve Employee Engagement



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Goal 4, Promote health equity and environmental justice

Goal 5, Prepare and respond to emerging issues, and

Comply with statutory mandates and funding obligations

Strategies to support these goals:

- Substance Abuse (Goal 1)
- Mental Health (Goal 1, 2, 3 and 4)
- Obesity (Goal 1)
- Immunization (Goal 1)**
- Air Quality (Goal 1)
- Water Quality (Goal 1)
- Data collection and dissemination (Goal 1, 2, 3, 4, 5)**
- Implement quality improvement/a quality improvement project (Goal 1, 2, 3, 5)**
- Employee Engagement (Goal 1, 2, 3)
- Decisions incorporate health equity and environmental justice (Goal 1, 3, 4)**
- Detect, prepare, and respond to emerging issues (Goal 1, 2, 3, 4, 5)
- Advance CDPHE Division-level strategic priorities.**

5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

Rulemaking is proposed when it is the least costly method or the only statutorily allowable method for achieving the purpose of the statute. The specific revisions proposed in this rulemaking were developed in conjunction with stakeholders. The benefits, risks, and costs of these proposed revisions were compared to the costs and benefits of other options. The proposed revisions provide the most benefit for the lowest cost, are the minimum necessary, or are the most feasible manner to achieve compliance with statute.

6. Alternative rules or alternatives to rulemaking considered and why rejected.

Few alternative methods for achieving the purpose of the proposed rules were considered because the statute refers to rulemaking.



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7. To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.

No quantitative analysis is appropriate.



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STAKEHOLDER ENGAGEMENT

for

6 CCR 1009-2: Infant Immunization Program and Immunization of Students Attending School

State law requires agencies to establish a representative group of participants when considering to adopt or modify new and existing rules. This is commonly referred to as a stakeholder group.

These rules affect a broad swath of Coloradans, and our engagement was similarly broad. The engagement occurred in two rounds. Round 1 included most of the proposed changes described in this packet. However, before the Division submitted the request, AAP released an updated 2025 recommended immunization schedule. After considering several options, the Division chose to use this schedule, made the necessary changes to the rules, and re-released the proposed changes for an accelerated feedback round, Round 2.

Round 1 stakeholder engagement included:

- Emails inviting stakeholders to submit written feedback
- Written feedback collected via email or online feedback form throughout the entire process
 - Four emails were received by program staff.
 - Six submissions were received through the online feedback form.
- A survey to school nurses and immunizing providers to specifically assess their opinions on changing the Tdap vaccine requirement from sixth to seventh grade

We also conducted targeted outreach for specific sections that touch on specialized topics.

- For the rules affecting higher education stakeholders, we held a virtual listening session June 11 for approximately two hours to collect feedback. 15 representatives from higher education attended. Many of the changes made in rule are a result of questions that came from this group and their requests for additional clarification and consistency.
- In drafting the language around students who qualify under the McKinney-Vento Act (MVA), we reached out to MVA experts at the Colorado Department of Education to review the language.
- In ensuring that all Head Start programs were appropriately included in our definition, we reached out to the Head Start Collaboration State Director at the Colorado Department of Early Childhood to clarify regulations around Head Start programs.
- Individualized emails sent out to contacts from organizations defined in the rules, specifically asking for feedback regarding those definitions. These organizations included:
 - Colorado Academy of Physician Assistants
 - American Academy of Pediatrics
 - American College of Obstetricians and Gynecologists



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1 American Academy of Family Physicians

2 American College of Physicians

3 **Round 2 stakeholder engagement** included:

4 Emails inviting stakeholders to submit written feedback

5 Written feedback collected via email or online feedback form

6 9 emails received by program staff.

7 26 submissions were received through the online feedback form.

8 The emails inviting people to submit written feedback went out to a vast number of people, including listservs and multiple agencies. The below
9 table outlines the mailing lists our engagement utilized for both rounds.

	Who owns listserv	Approximate number of people included in listserv
LPHAs		
LPHA directors and staff	CDPHE	411
Schools (K-12)		
School nurses	CDE	2,400
Schools of choice (charter schools and blended learning)	(some are included in the CDE school nurse communication)	Unknown
Child care facilities and licensing		
Child care health consultants (CCHC)	Healthy Child Care Colorado	964 subscribers receive the CCHC Network Newsletter
Department of Early Childhood (CDEC) licensed providers	Colorado Department of Early Childhood (CDEC)	~26,000 (includes all facility license types)
Early Childhood Council Leadership Alliance (ECCLA)	ECCLA director	35 individual councils, ~50 people. Coaches, QI Navigators, and others that local Early Childhood Councils have requested to receive emails. Many also forward it on to the networks of programs and providers.
Early Childhood Education Association of Colorado		
Head Start	CDPHE	150 directly receive communications. They may be shared with CDEC staff, state agency partners, and federal Region 8 staff.



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Regulators		
School health inspectors	CDPHE's Division of Environmental Health and Sustainability (DEHS)	120. DEHS and environmental health specialists working in LPHAs
Child care licensing specialists	CDEC	70
Camps		
Colorado Camp Association	Colorado Camp Association leadership	All accredited and member camps in Colorado, ~45-50 facilities
Higher education		
Colleges and universities with resident hall facilities in their systems	CDPHE	24 facilities
Immunization contacts		
Colorado Immunization Information System (CIIS) users	CDPHE	24,000
Vaccines for Children providers	CDPHE	3,319
Advocacy organizations and interested individuals	CDPHE	~500

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2 **Stakeholder feedback**

3 **Out of thousands of stakeholders contacted, only eight expressed concerns about shifting from the ACIP to the AAP immunization**
 4 **schedule.** Statute allows the Board of Health flexibility to use AAP's comprehensive, evidence-based recommendations in determining school
 5 vaccine requirements.

6 Other respondents approved of and supported the change (six individual submissions). For example, one respondent wrote, "Thank you for
 7 following the AAP and following evidence-based medicine and sound science." Another wrote, "I appreciate [the] use of the AAP rather than the
 8 new ACIP rules. Please hold strong. I am the daughter of [a] polio survivor who is 85 years old and has post polio syndrome." Many organizations
 9 wrote to support the change:

- 10 ● American Academy of Pediatrics, Colorado Chapter
- 11 ● Children's Hospital Colorado
- 12 ● Adams County Health Department
- 13 ● Boulder County Public Health
- 14 ● Colorado Nurses Association
- 15 ● Colorado Association of School Nurses

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- 1 ● Colorado Association of Local Public Health Officials
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- 2 ● Colorado Academy of Family Physicians
- 3 ● Colorado Chapter of the American College of Physicians
- 4 ● Colorado Children's Campaign
- 5 ● Colorado Medical Society
- 6 ● Colorado PTA
- 7 ● Denver Health and Hospital Authority
- 8 ● Metro Denver Public Health Initiative
- 9 ● Public Health Institute at Denver Health
- 10 ● Immunize Colorado
- 11 ● Jefferson County Council PTA
- 12 ● Youth Healthcare Alliance

13 **Both AAP and AAFP requested minor changes to the definitions of their respective organizations, which CDPHE implemented.** ACP
14 also responded to our query and found our proposed definition acceptable.

15 **A few stakeholders expressed concerns that the rules around noncompliance do not fully take into account hardships and**
16 **challenges faced by individual students.** Special considerations related to the exclusion of "indigent" children are already in rule. Adding
17 language for the McKinney-Vento Act clarifies existing federal law, which provides liaisons and additional resources to help children who are in
18 marginalized circumstances. The proposed rule revisions merely clarify who these children are and outline the exceptions to the rule that may
19 apply to these students.

20 **Surveyed stakeholders voted overwhelmingly in support of changing the Tdap requirement from sixth to seventh grade.** Of the
21 324 people who completed the survey, 69% (or 223 respondents) stated they would prefer a change to a seventh grade Tdap requirement. Some
22 respondents enthusiastically expressed support, with one writing, "I've been wanting this for YEARS! If it doesn't change, I'll be heartbroken!"
23 Respondents in favor of the change cited their desires to increase clarity among parents and providers and align Colorado's rules with other
24 states (especially for military families).

25 CDPHE also received feedback from stakeholders who preferred to keep the Tdap requirement at sixth grade entry.

26 ● Five respondents stated concerns that any changes to the timing of required school vaccines may create controversy and increase
27 vaccine hesitancy.

28 ○ While this is understandable given the current discussions around vaccines, CDPHE staff believe the advantages of better
29 alignment of law with the AAP schedule will reduce existing confusion and frustration among parents and providers.

30 ● Eight respondents stated that they believed the Tdap vaccine requirement should be age-based rather than grade-based.



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This option was considered by CDPHE staff. However, enforcement of this law was deemed too resource-intensive for school nurses, who would need to regularly assess students' dates of birth, as opposed to a requirement that applies to an entire cohort (i.e., all students entering seventh grade).

Eleven respondents stated that it is better to have this Tdap requirement at sixth grade entry, as there are many other school requirements (such as paperwork to enter middle school) that often occur at this age.

While there may be school-specific documentation requirements to begin middle school, preventative health visits and well-child checks are recommended annually. Moving the Tdap requirement to seventh grade provides better alignment of a student's age with vaccines recommended for adolescents, received during that annual visit. These include:

- Tdap vaccine at age 11-12
- Meningococcal (MenACWY) vaccine at age 11-12
- HPV vaccine at age 9-12 years

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

2 Disease Control and Public Health Response Division

3 THE INFANT IMMUNIZATION PROGRAM AND IMMUNIZATION OF STUDENTS ATTENDING SCHOOL

4 6 CCR 1009-2

5

6 I. Definitions

- 8 A. ~~Advisory Committee on Immunization Practices (ACIP) – a federal advisory committee group of medical and public health experts that develops recommendations on~~
9 ~~the how to use of vaccines for the public to control diseases in the United States. ACIP was established under Section 222 of the Public Health Service Act (42 U.S.C.~~
10 ~~§217a).~~
- 11 B. ~~Alternate Certificate of Immunization – A Certificate of Immunization created by a school district, college or university, or practitioner’s Electronic Health Record system~~
12 ~~that must meet a minimum criteria set by the Department to be considered equivalent with Colorado’s Official Certificate of Immunization. The Alternate Certificate of~~
13 ~~Immunization must be approved by CDPHE and renewed annually. This includes approved Certificates of Immunization from select states that the Department~~
14 ~~recognizes to be consistent with Colorado’s Official Certificate of Immunization.~~
- 16 C. ~~American Academy of Family Physicians (AAFP) – A national medical association for family physicians, residents, and medical students with a commitment to treating~~
17 ~~the whole person through the specialty of family medicine. The AAFP supports recommendations on the use of vaccines to prevent and control diseases in the United~~
18 ~~States.~~
- 20 D. ~~American Academy of Pediatrics (AAP) – A national medical organization for pediatricians committed to the optimal physical, mental, and social health and well-being~~
21 ~~for all infants, children, adolescents, and young adults. The AAP supports evidence-based recommendations on the use of immunizations to prevent and control~~
22 ~~diseases in the United States.~~
- 24 E. ~~American College of Obstetricians and Gynecologists (ACOG) – A national professional membership organization for obstetricians and gynecologists that is dedicated~~
25 ~~to improving the lives of all people seeking obstetric and gynecologic care, their families, and communities. The ACOG supports recommendations on the use of~~
26 ~~vaccines to control diseases in the United States.~~
- 27 F. ~~American College of Physicians (ACP) – A global medical specialty organization of internal medicine specialists and subspecialists who apply scientific knowledge and~~
28 ~~clinical expertise to the diagnosis, treatment, and compassionate care of adults. The ACP supports recommendations on the use of vaccines to control diseases in the~~
29 ~~United States.~~
- 30 G.B. Child – any student less than 18 years of age.
- 31 H.C. College or university student – any student who is enrolled ~~in~~for one or more classes at a college or university and who is physically present at the institution ~~for~~
32 ~~participation in classes, enrichment, athletics, or other activities.~~
- 33 1. This includes students who are auditing classes, but does not include
- 34 a. ~~Nontraditional adult students as defined by the governing board of the institution; or~~
- 35 b. ~~Persons taking classes online or by correspondence only.~~
- 36 I. ~~Delegated physician assistant – a licensed physician assistant authorized under section 12-240-107 (6), C.R.S., to execute Certificates of Immunization, Certificates of Medical~~
37 ~~exemptions and/or supervise a public health or school nurse, as authorized by part 9 of article 4 of title 25, C.R.S.~~
- 38 I. E. Department (the) – the Colorado Department of Public Health and Environment.
- 39 J.F. Dose – a measured quantity of an immunizing agent; quantity and frequency of administration ~~described in Section II of these rules determined by recognized health-~~
40 ~~authorities and the manufacturer of each agent.~~

- 1 | K.G. Emancipated student – any student who has reached 18 years of age; a lawfully married child of any age; a child 15 years of age or older who is managing their own
2 | financial affairs and who is living separate and apart from their parent.
- 3 | L.H. Immunization information system – a comprehensive immunization tracking system the Department is required to maintain pursuant to section 25-4-2403(2), C.R.S. that
4 | enables the collection of epidemiological information from the sources delineated in section 25-4-2403(2), C.R.S. and the investigation and control of communicable
5 | diseases. Individuals, parents and ~~legal~~ guardians may provide information to the immunization information system; however, pursuant to section 25-4-2403(7), C.R.S.,
6 | they have the option to exclude their or their student's immunization information from the immunization information system at any time.
- 7 | M. ~~Immunization record – a paper or electronic document from the records of a licensed physician, a physician assistant, an advanced practice registered nurse, or a public~~
8 | ~~health official that includes the dates and types of immunizations administered to a student.~~
- 9 | N.I. Indigent child – any child whose parent cannot afford to have the child immunized or, if emancipated, who cannot themselves afford immunization, and who has not been
10 | exempted.
- 11 | O.J. Infant – any child up to twenty-four months of age or any child eligible for vaccination and enrolled under the Colorado Medical Assistance Act, Articles 4, 5, and 6 of
12 | Title 25.5, C.R.S.
- 13 | P.K. In-process student – a student may be considered in-process if:
- 14 | 1. Within ~~thirty fourteen~~ days after receiving direct personal notification that the Official Certificate of Immunization is not up-to-date according to the
15 | requirements of the State Board of Health, the parent, guardian or emancipated student submits documentation that the next required immunization(s)
16 | has/have been given and, if needed, a signed written plan for obtaining the remaining required immunizations. The scheduling of immunizations in the
17 | written plan shall follow medically recommended minimum intervals consistent with the immunization schedule as defined in Section II and Appendix A of
18 | these rules. If the parent, guardian, or emancipated student does not fulfill the plan, the school shall suspend or expel the student ~~shall be suspended or~~
19 | ~~expelled from school~~ for noncompliance per section 25-4-907, C.R.S. If the next dose is not medically indicated within thirty fourteen days, then the
20 | medically approved minimum intervals would apply.
- 21 | 2. Within thirty days after receiving direct personal notification that the Certificate of Medical or Nonmedical Exemption has expired, the parent, guardian or
22 | emancipated student is required to submit a new Certificate of Medical or Nonmedical Exemption, unless they provide an immunization record
23 | documenting that the student is up-to-date or provides a signed written plan for obtaining the remaining required immunizations, administered according to
24 | the medically recommended minimum intervals consistent with the immunization schedule as defined in Section II and Appendix A of these rules. If the
25 | parent, guardian, or emancipated student does not provide documentation to demonstrate compliance, the school shall suspend or expel the student for
26 | noncompliance per section 25-4-907, C.R.S.
- 27 | 3. College or university students, as defined in Section I (C), present to the appropriate school official ~~either (i) a signed written authorization requesting~~
28 | ~~local health officials to administer required immunizations or (ii) a signed, written plan~~ for receipt of the required immunization or the next required
29 | immunization in a series within either 30 days or the medically approved minimum interval. If this does not occur, the college or university student will not
30 | be allowed to enroll, remain enrolled, or audit for the current term or session. ~~Such written authorizations and plans must be signed by one parent or~~
31 | ~~guardian or the emancipated student or the student 18 years of age or older.~~
- 32 | Q. McKinney-Vento District Liaison – required in every school district by 42 USC § 11432(g)(1)(J)(ii): a person designated to be the primary point of contact to ensure
33 | students experiencing homelessness are identified and aware of their rights under the federal law.
- 34 | R. Medical exemption – an immunization exemption available when the physical condition of the student is such that one or more specified immunizations would endanger
35 | their life or health or are medically contraindicated due to other medical conditions.
- 36 | S.L. Nonmedical exemption – an immunization exemption based upon a religious belief whose teachings are opposed to immunizations or a personal belief that is opposed
37 | to immunizations.
- 38 | T. Official Certificate of Immunization – one of the following forms of documentation that includes the dates and types of immunizations administered to a student:
- 39 | 1. Information from an immunization record transferred by a licensed physician, a physician assistant, an advanced practice registered nurse, a public health
40 | official, or a school official onto a paper or electronic version of the Official Certificate of Immunization form created and maintained by the Department of
41 | Public Health and Environment; or
- 42 | 2. An electronic file or a hard copy of an electronic file provided to the school directly from the immunization information system, established pursuant to
43 | section 25-4-2403 C.R.S.

- 1 | U. Online Immunization Education Module – also known as the online education module, the module, or the online education module – is administered by the Department
2 | and offered to the public as one way for the parent, guardian, or emancipated student to obtain a Certificate of Nonmedical Exemption.
- 3 | V. M. Parent or guardian – the person or persons with parental or decision-making responsibilities for a child.
- 4 | W. Physician assistant – a licensed physician assistant (sometimes known as a physician associate) authorized under section 12-240-107 (6), C.R.S.
- 5 | X~~Y~~. Practitioner – a duly licensed physician, advanced practice nurse, or other person who is permitted and otherwise qualified to administer vaccines under Colorado law.
- 6 | Y~~Z~~. School – all child care facilities licensed by the Colorado Department of Early Childhood or the Colorado Department of Human Services including: Cchild care centers;
7 | school-age child care centers; preschools; day camps; resident camps; day treatment centers; family child care homes; foster care homes; and HHead SStart
8 | programs; unlicensed Head Start programs; public, private, or parochial kindergarten; elementary, or secondary schools through grade twelve; or a college or
9 | university. Schools include educational programs where courses are offered online (an online school or program as defined in 1 CCR 301-71) but where enrolled
10 | students are physically present at the institution for participation in enrichment, athletics, or other activities.
- 11 | 1. Schools do not include a public services short-term child care facility as defined in section 26.5-5-303(30), C.R.S., a guest child care facility as defined in
12 | section 26.5-5-303(16), C.R.S., a ski school as defined in section 26.5-5-307(6), C.R.S., a homeless youth shelter as defined in section 26-6-903(13),
13 | C.R.S., or college or university classes which are: Offered off-campus; offered to nontraditional adult students as defined by the governing board of the
14 | institution; offered at colleges or universities which do not have residence hall facilities within their systems; or; a school whose normal course of student
15 | instruction is delivered online only.
- 16 | Z, P. School health authority – an individual working for or on behalf of the child care facility or school who is knowledgeable about child care/school immunizations.
- 17 | AA, Q. School official – the school's chief executive officer or any person designated by them as their representative.
- 18 | BB, R. Student – any person enrolled in a Colorado school as defined in Section I (O), except:
- 19 | 1. A child who attends educational programs where courses are offered online (an online school or program as defined in 1 CCR 301-71) and the child is not
20 | physically present at the institution for participation in enrichment, athletics, or other activities;
- 21 | 2. A child who enrolls and attends a licensed child care center, as defined in section 26.5-5-303(5), C.R.S., which is located at a ski area, for up to fifteen
22 | days or less in a fifteen-consecutive-day period, no more than twice in a calendar year, with each fifteen-consecutive-day period separated by at least
23 | sixty days; and
- 24 | 3. College and university students as defined in Section I (GH).
- 25 | CC. Student identified as eligible for the McKinney-Vento Homeless Assistance Act – as described in 42 U.S.C. §11434a(2); a student attending public school (preK-12th
26 | grade) who lacks a fixed, regular, and adequate nighttime residence, including those who are living in transitional housing, living with others due to economic hardship,
27 | or are living in emergency or transitional shelters. This also includes students with a primary nighttime residence that is a public or private place not designed for or
28 | ordinarily used as a regular sleeping accommodation for people.
- 29 | 1. Unaccompanied students experiencing homelessness as described in 42 U.S.C. 11434a(6) are also eligible for if two conditions are met:
- 30 | a. The student's living arrangement meets the McKinney-Vento Act's definition of homeless; and,
- 31 | b. The student is not in the physical custody of a parent or guardian.
- 32 | DD, S. Titer – a laboratory test that measures the presence and amount of antibodies in blood. An antibody titers can be used to show that a person has a measurable level of
33 | immunity -is-immune-to some a specific diseases.
- 34 | EE, T. Up-to-date – all school-required vaccines have been administered to the student in accordance with Section I and Appendix A of these rules.
- 36 | II. Incorporation by reference
- 37 | A. Throughout these regulations, standards and requirements of an outside organization have been adopted and incorporated by reference. The material incorporated by
38 | reference cited herein includes only those versions that were in effect on August 19, 2025, and no later amendments to the incorporated materials. These regulations
39 | incorporate by reference;

1 | 1. 2025 Recommended Child and Adolescent Immunization Schedule for Ages 18 Years or Younger as approved by the American Academy of Pediatrics,
2 | as published on August 19, 2025. www.aap.org/immunizationSchedule

3 | 2. To align with the list of school-required vaccines in Colorado in Section III.A of these rules, these rules do not incorporate by reference recommendations
4 | for the following vaccines or immunizing agents:

5 | a. [COVID-19 vaccine](#)

6 | b. [Dengue vaccine](#)

7 | c. [Hepatitis A vaccine](#)

8 | d. [Human papillomavirus vaccine](#)

9 | e. [Influenza vaccine](#)

10 | f. [Meningococcal B vaccine](#)

11 | g. [Mpox vaccine](#)

12 | h. [Pneumococcal polysaccharide vaccine](#)

13 | i. [Respiratory syncytial virus monoclonal antibody](#)

14 | j. [Respiratory syncytial virus vaccine](#)

15 | k. [Rotavirus vaccine](#)

16 | 3. Meningococcal vaccine (MenACWY) is not required for school entry by these rules. However, the information requirements stipulated in Section IX(A)2 of
17 | these rules are guided by these referred materials.

18 | B. The Division of Disease Control and Public Health Response shall maintain certified copies of the complete text of the incorporated materials, which shall be available
19 | for public inspection during regular business hours, and shall provide certified copies of the materials at cost upon request. For information regarding how the
20 | incorporated materials may be obtained or examined, contact:

21 | [Division Director](#)
22 | [Division of Disease Control and Public Health Response](#)
23 | [Colorado Department of Public Health and Environment](#)
24 | [4300 Cherry Creek Drive South](#)
25 | [Denver, Colorado 80246-1530](#)

26 | C. The incorporated materials are available at:
27 | <https://cdphe.colorado.gov/immunization/general-information> and www.aap.org/immunizationSchedule

28 | **III. Minimum Immunization Requirements**

29 | A. To attend school, a student must have an up-to-date Official Certificate of Immunization with the dates and types of immunizations administered. Meeting the initial
30 | immunization requirements does not exempt a student from meeting subsequent requirements. This Official Certificate of Immunization must demonstrate
31 | immunization against the following diseases:

32 | 1. Hepatitis B

33 | 2. Pertussis

34 | 3. Tetanus

35 | 4. Diphtheria

- 1 | 5. *Haemophilus influenzae* Type bB (HibB)
- 2 | 6. Pneumococcal disease
- 3 | 7. Polio
- 4 | 8. Measles
- 5 | 9. Mumps
- 6 | 10. Rubella
- 7 | 11. Varicella

8 | B. Except as required in paragraphs (C) and (D) of this Section II, when healthcare providers administer the immunizations identified in Paragraph (A) of this Section II,
 9 | the immunizations will be administered according to the schedule incorporated by reference in Section II and the schedule in Appendix A of these rules, established by-
 10 | the ACIP as authorized in section 25-4-9042(1)(a), C.R.S.

11 | C. Students between the ages of 4 through 6 years are required to receive their final doses of Ddiphtheria, Ttetanus, and Pertussis (DTaP), Inactivated Polio Vaccine
 12 | (IPV), Mmeasles, Mmumps, and Rubella (MMR), and Varicella vaccines prior to kindergarten entry.

13 | D. Students are required to receive a dose of Ttetanus, Ddiphtheria, and Pertussis vaccine (Tdap) prior to 67th grade entry. One dose of Tdap is required for 67th through
 14 | 12th grades.

15 | E. Laboratory confirmation of positive titers is an acceptable alternative to the following vaccine components when submitted to the student's school:

- 16 | 1. For DTaP and Tdap, both the Ddiphtheria and Ttetanus titers must be positive. A titer is never acceptable to demonstrate immunity to Pertussis. The
 17 | Department will accept positive titers for Tetanus and Diphtheria. For Pertussis, the Department will require: (1) vaccination with an age-appropriate
 18 | Pertussis-containing vaccine series in alignment with the schedule incorporated in Section II of these rules and Appendix A ACIP schedule; or (2) a
 19 | eCertificate of mMedical or nNonmedical eExemption for the Pertussis component.
- 20 | 2. For MMR, titers for Mmeasles, Mmumps, and Rubella must all be positive. If any single titer is negative, the Department will require: (1) vaccination with
 21 | an age-appropriate MMR vaccine series in alignment with the schedule in Section II and Appendix A of these rules-ACIP, or (2) a eCertificate of mMedical
 22 | or nNonmedical eExemption for the component(s) for which the titer is negative.
- 23 | 3. For Varicella, the titer for Varicella must be positive. If the titer is negative, the Department will require: (1) vaccination with an age-appropriate
 24 | Varicella vaccine series in alignment with the schedule incorporated by reference in Section II and Appendix A of these rules-in-ACIP-schedule, or (2) a
 25 | eCertificate of mMedical or nNonmedical eExemption for the varicella vaccine.
- 26 | 4. A titer is not an acceptable alternative for Haemophilus influenzae Type bB, Hepatitis B, the Pertussis component of Tdap and DTaP vaccines,
 27 | Pneumococcal, Or Polio Vaccines, or the pertussis component of Tdap and DTaP vaccines.

28 | IV.HH. Exemptions from Immunization

29 | A parent or guardian shall have their student immunized, unless the student is exempted. An emancipated student shall have themselves immunized, unless the student is exempted.
 30 | A student is exempted from receiving the required immunizations when the requirements of either Paragraph A or B of this Section IVH are met.

31 | A. Medical exemption – A student obtains a medical exemption from one or more immunization requirements through submission of the Department's Certificate of
 32 | Medical eExemption completed and signed by an advanced practice nurse, a delegated physician assistant, or a physician licensed to practice medicine or
 33 | osteopathic medicine in any state or territory of the United States indicating that the physical condition of the student is such that one or more immunizations would
 34 | endanger their life or health or is medically contraindicated due to other medical conditions. This form is to be submitted to the school once for permanent conditions.
 35 | Medical exemptions for temporary conditions will expire after the "temporary until" date has elapsed, which is determined by the authorized immunizing provider who
 36 | signed the form. This expiration date shall be monitored by the school to determine when the student is eligible to receive the required immunization(s), unless the
 37 | student's information or school changes, and must be maintained on file at each new school the student attends.
 38 |

39 | B. Nonmedical exemption – A student obtains a nonmedical exemption from one or more immunization requirements through submission of the Department's Certificate of
 40 | nonmedical eExemption signed by one parent, or legal guardian, an or an emancipated student, or a student eighteen years of age or older.

41 | 1. A completed Certificate of nonmedical eExemption must also include either:

- 1 | a. The signature of a person who is authorized pursuant to Title 12 to administer immunizations within their scope of practice; or
- 2 | b. Confirmation of completion of the Department's eOnline Immunization eEducation mModule described in Section XII of this rule.
- 3 | 2. Frequency of submission by the parent, guardian, or emancipated student:
- 4 | a. Prior to kindergarten entry, the Department's Certificate of nNonmedical EExemption must be submitted each time an immunization is due
- 5 | according to at each interval in the schedule incorporated by reference in Section II, in the ACIP birth-18 years immunization schedule at
- 6 | which immunizations are due. This documentation is required only for those vaccines required to prevent the diseases listed in sSection III-
- 7 | (A). Exemptions will expire at the time the next immunizations are due according to the ACIP birth-18 years immunization schedule
- 8 | of incorporated by reference in Section II of these rules or when the student is enrolled to attend kindergarten.
- 9 | b. From kindergarten through twelfth grade, the Department's Certificate of Nonmedical Exemption must be submitted once per school year.
- 10 | Exemptions will expire annually on June 30th, the last official day of the school year. As long as the student is in compliance for the current
- 11 | school year, the Certificate of Nonmedical Exemption submitted as part of the school's designated early registration process is valid for the
- 12 | upcoming school year and will expire on June 30th of the following year.
- 13 | c. For school-aged children attending children's resident camps or day camps, a Certificate of Nonmedical Exemption must be submitted by
- 14 | the student's parent or guardian upon entry, or, if the student is emancipated, themselves. A Certificate of Nonmedical Exemption is an
- 15 | annual requirement in this age group and is valid if it is dated within the past 12 months.
- 16 | c. In the event of a disease outbreak for which immunization is required, no exemption or exception from immunization shall be recognized, and exempted persons may be
- 17 | subject to exclusion from school and quarantine.
- 18 | d. The following rules pertain to immunization records:
- 19 | 1. Immunization records of each student participating in a nonpublic home-based education program pursuant to sSection 22-33-104.5, C.R.S.; shall be
- 20 | maintained on a permanent basis by the parent in charge and in control of said program; and are required to be submitted:
- 21 | a. When a school district requires compliance with sSection 25-4-902, C.R.S. pursuant to sSection 22-33-104.5 (3)(G), C.R.S.; and
- 22 | b. When requested by a school district, institute charter school, or private school which the student attends for a portion of the school day.
- 23 | 2. A school district that is exercising its authority pursuant to Ssection 22-33-104.5(3)(G), C.R.S. or an independent school organized pursuant to Ssection
- 24 | 22-33-104 (2)(B), C.R.S. where students are enrolled but do not attend is entitled to only:
- 25 | a. A student's immunization records, as provided by the parent or legal guardian; or
- 26 | b. A statement signed by a parent or legal guardian that the student is exempt from immunization.
- 27 | e. All information distributed to parent(s) and guardians by school districts regarding immunizations shall inform them of their rights in Section IVH (A-D).

29 | **IV. Examination and audit of official school immunization records**

- 30 | The Department's representative shall have has the right to audit and verify records to determine compliance with the law. Discrepancies found through audits shall be corrected by
- 31 | school officials, and any student not in full compliance shall be suspended or expelled from school according to the following rules:
- 32 | A. If the parent(s), legal guardian, or emancipated student, or student 18 years of age or older was informed of the deficiencies in the student's official school immunization
- 33 | records pursuant to sSection I (PK) (1) of these rules, the student shall be suspended or expelled pursuant to section 25-4-907, C.R.S.
- 34 | B. If the parent(s), legal guardian or emancipated student, or student 18 years of age or older was not informed by a direct personal notification of the immunizations
- 35 | required and alternatives for compliance with the law, the school shall notify the parent(s), legal guardian or emancipated student within seven calendar days of the
- 36 | finding and the student shall: (a) provide proof of immunization within 30 days; (b) continue as an in-process student, (c) verify that the student is exempt, or (d) the
- 37 | student shall be suspended or expelled pursuant to section 25-4-907, C.R.S.
- 38 |
- 39 |

41 | **V. Denial of attendance**

- 42 | A. A student who is not in-process, not appropriately vaccinated for their age, or not exempt shall be denied attendance in accordance with the law.

1 | 1. No indigent child shall be excluded, suspended, or expelled from school unless the immunizations have been available and readily accessible to the
2 | indigent child at public expense.

3 | 2. No students identified as eligible for the McKinney-Vento Homeless Assistance Act may be denied enrollment due to a lack of immunization records.
4 | These students may participate in a documented interview with the McKinney-Vento District Liaison that may extend the in-process period beyond 30
5 | days.

6 | B. If the student is attending a school that is not subject to the School Attendance Law, section 22-33-101 et seq., C.R.S., school officials shall take appropriate action to
7 | deny attendance to the student in accordance with that school's procedures or contract with the student.

9 | **VI. Official school immunization records**

10 | A. Official school immunization records shall include:

11 | 1. The Department's Official Certificate of Immunization or an Alternate Certificate of Immunization approved by the Department, ~~which includes one of the~~
12 | ~~following forms of documentation:~~

13 | a. ~~A paper or electronic document that includes information transferred from the records of a licensed physician, registered nurse, a~~
14 | ~~delegated physician assistant, or public health official, or~~

15 | b. ~~An electronic file or hard copy of an electronic file provided to the school directly from the immunization information system established~~
16 | ~~pursuant to section 25-4-2403, C.R.S., or from a software program approved by the Department.~~

17 | 2. The Department's Certificate of ~~m~~Medical ~~e~~Exemption, and

18 | 3. The Department's Certificate of ~~n~~Nonmedical ~~E~~Exemption.

19 | B. Any immunization record (original or copy) ~~as defined by this rule provided by a physician licensed to practice medicine or osteopathic medicine in any state or territory~~
20 | ~~of the United States, registered nurse, delegated physician assistant, or public health official~~ may be accepted by a the school official as proof of immunization. ~~If not~~
21 | ~~already documented per paragraph (A)(1) of this Section the information must~~ is to be verified by the school official and transferred to an ~~e~~Official Certificate of
22 | Immunization ~~or Alternate Certificate of Immunization~~, except that the Department may waive transfer requirements for select states' Certificates of immunization the
23 | Department recognizes to be consistent with Colorado's Certificate of Immunization.

25 | 1. In lieu of an Official Certificate of Immunization, a licensed children's resident camp may maintain on file an out-of-state immunization record for an out-of-
26 | state camper attending the resident camp.

27 | C. Except as provided in subsection (B)(1) of this Section, Sschools shall have on file an official school immunization record for every student enrolled. The official school
28 | immunization record will be kept apart from other school records. When a student withdraws, transfers, ~~or~~ is promoted to a new school, or otherwise leaves a school, the
29 | school official shall return the Official Certificate of Immunization to the parent(s) guardian, or ~~or~~ emancipated student upon request, or transfer it with the student's
30 | school records to the new school. Upon a college or university student's request, the Official Certificate of Immunization shall be forwarded by the college or university
31 | as specified by the emancipated student.

32 | D. Schools must verify minimum immunization requirements are met on all submitted immunization records to ensure students are and remain in compliance with this rule.

33 | **VII. Reporting of ~~S~~statistical ~~I~~information**

34 | A. Annually, by January 15 of each year, any child care center, preschool or hHead sStart program that is licensed by the Colorado Department of Early Childhood or the
35 | Colorado Department of Human Services to provide care to ten or more children and are not exempt from reporting pursuant to sSection VII (B); unlicensed Head Start
36 | programs; and; public, private, or parochial schools with kindergarten, elementary or secondary schools through grade twelve, shall send aggregate immunization and
37 | exemption data, by antigen, to the Department.

38 | Required data shall include:

40 | 1. Total number of students and total number of kindergarten students enrolled in the school;

41 | 2. Total number of students and total number of kindergarten students who are up-to-date with immunizations, as required in Ssection II;

42 | 3. Total number of students and total number of kindergarten students who have a medical exemption for all immunizations, as required in sSection II;

- 1 4. Total number of students and total number of kindergarten students who have a medical exemption for one or more but not all immunizations, as required
2 in ~~s~~Section III;
- 3 5. Total number of students and total number of kindergarten students who have a nonmedical exemption for all immunizations, as required in ~~s~~Section III;
- 4 6. Total number of students and total number of kindergarten students who have a nonmedical exemption for one or more but not all immunizations, as
5 required in ~~s~~Section III;
- 6 7. Total number of in-process students and total number of in-process kindergarten students;
- 7 8. Total number of students and total number of kindergarten students not up-to-date for immunizations, as required in ~~s~~Section III, with no exemption on file,
8 and not in-process; and
- 9 9. Total number of students and total number of kindergarten students with no immunization records.
- 10 B. Schools not required to send aggregate immunization and exemption data to the Department include: K-12th grade schools whose normal course of schooling is online
11 only, school-age child care centers, family child care homes, drop-in centers, day treatment centers, foster care homes, day camps, and resident camps.

12 ~~C.~~ All schools required to report immunization data to the Department must make the immunization and exemption rates of their enrolled student population publicly
13 available upon request.

14 **Notification of noncompliance**

15 ~~A. ——— Section 25-4-907, C.R.S. requires that if a student is suspended or expelled from school for failure to comply with the immunization law, the school official shall notify the~~
16 ~~Department, or county, district, or municipal public health agency who shall then contact the parent(s) or emancipated student in an effort to secure compliance so that the student~~
17 ~~may be re-enrolled in school.~~

18 ~~B. ——— Upon receipt of an immunization referral from the school, the Department, or county, district, or municipal public health agency shall contact the parent(s) or legal~~
19 ~~guardian(s) of the referred student, the emancipated student or student 18 years of age and older to offer immunization and secure compliance with the school immunization law.~~

20 **IX. Requirements for college and university students, colleges, and universities:**

21 The provisions below apply only to colleges or universities, or college or university students~~students enrolled in a college or university.~~

22 A. Minimum immunization requirements

23 1. Two valid doses of the MMR vaccine are required for all college or university students, unless ~~they were~~the college or university student was born before
24 1957.
25

26 a. Laboratory confirmation of positive titers are an acceptable alternative to the ~~M~~measles, ~~M~~mumps, and ~~R~~rubella vaccine when submitted to
27 the student's school. Titers for ~~M~~measles, ~~M~~mumps, and ~~R~~rubella must all be positive. If any single titer is negative, the Department will
28 require: (1) vaccination with an age-appropriate MMR vaccine series ~~in alignment with ACIP or~~ (2) a ~~e~~Certificate of ~~m~~Medical or
29 ~~n~~Nonmedical ~~e~~Exemption for the component(s) for which the titer is negative.

30 b. To determine valid doses or age-appropriate MMR vaccine series for students who had doses of MMR or MMRV administered before the
31 age of 19, refer to the schedule incorporated by reference in Section II of these rules.

32 c. Students who are 19 years of age and older are required to have two doses of MMR vaccine, spaced at least 28 days apart.

33 2. Pursuant to section 25-4-901, C.R.S. et. seq., and section 23-5-128 (3), C.R.S., each college and university shall provide information concerning
34 meningococcal disease and meningococcal vaccine to each new college or university student residing in student housing, or if the college or university
35 student is under 18 years, to the college or university student's parent or legal guardian.

36 a. C~~N~~ew college and university students residing in student housing who have not received a meningococcal vaccine assessed from either (1)
37 the move-in date to student housing or (2) the first day of classes, as determined by college or university policy within (1) the last five years,
38 and (2) on or after the student's sixteenth birthday shall review the information concerning meningococcal disease and meningococcal
39 vaccine.

1 | b. If the college or university student does not obtain a vaccine, a signature must be obtained from the college or university student or if the
2 | student is not emancipated, the student's parent or guardian indicating that the information was reviewed and the student or their parent or
3 | guardian has declined the vaccine.

4 | B. Exemptions from immunization

5 | A college or university student is exempted from receiving required immunizations in the following manner:

6 | 1. Medical exemption – A student obtains a medical exemption through the submission of the Department's Certificate of ~~n~~Medical ~~e~~Exemption completed
7 | and signed by an advanced practice nurse, a ~~delegated~~-physician assistant, or physician licensed to practice medicine or osteopathic medicine in any
8 | state or territory of the United States indicating that the physical condition of the college or university student is such that one or more immunizations
9 | would endanger their life or health or are medically contraindicated due to other medical conditions. This form is to be submitted once to the college or
10 | university at enrollment for permanent conditions. Medical exemptions for temporary conditions will expire after the "temporary until" date has elapsed,
11 | which is determined by the authorized immunizing provider who signed the form. This expiration date shall be monitored by the school to determine when
12 | the student is eligible to receive the required immunization(s); unless the student's information or school changes; and must be maintained on file at each
13 | new school the student attends.

14 | 2. Nonmedical exemption – A student obtains a nonmedical exemption through the submission of the Department's Certificate of ~~n~~Nonmedical ~~e~~Exemption
15 | signed by the college or university student or if not emancipated, 18 years of age or older, emancipated the college or university student's, or the parent
16 | or legal guardian if the college or university student is under 18 years of age. TBeginning with college or university entry, the Department's Certificate of
17 | ~~n~~Nonmedical ~~e~~Exemption must be submitted at enrollment. A new Certificate of Nonmedical Exemption is required anytime a student enrolls in a new
18 | college or university. A Certificate of ~~n~~Nonmedical ~~e~~Exemption must also include either:

19 | a. The signature of a person who is authorized pursuant to Title 12 of the Colorado Revised Statutes to administer immunizations within their
20 | scope of practice, or

21 | b. Confirmation of completion of the Department's Online Immunization eEducation ~~n~~Module described in Section XII of this rule.

22 | c. In the event of a disease outbreak for which immunization is required, no exemption or exception from immunization shall be recognized and
23 | exempted persons may be subject to exclusion from school and quarantine.

24 | C. Examination and audit of official school immunization records

25 | 1. The Department's representative has~~shall~~ have the right to audit and verify records to determine compliance with the law. Discrepancies found through
26 | audits shall be corrected by school officials, and any college or university student not in full compliance shall be denied attendance from school according
27 | to the rules in this sSection IX (D).

28 | D. Denial of attendance

29 | 1. A school official shall deny attendance to a college or university student who is: not in-process, not appropriately vaccinated for their age, or not exempt
30 | shall be denied attendance in accordance with the law, section 25-4-903, C.R.S.

31 | 2. A school official shall deny attendance from school, pursuant to the provisions established by the school, any college or university student not in-process,
32 | not appropriately immunized for their age, or not exempt per section 25-4-903, C.R.S. No college or university student shall be denied attendance for
33 | failure to comply unless there has been a direct personal notification of noncompliance by the appropriate school authority. Notification must be made by
34 | the school within seven days of the finding of noncompliance to the college or university student's or if not emancipated, the student's parent or guardian,
35 | the emancipated college or university student or the college or university student 18 years of age or older.

36 | E. Official school immunization records

37 | 1. Official school immunization records shall include:

38 | aA. The Department's Official Certificate of Immunization or an Alternate Certificate of Immunization approved by the Department; which
39 | includes one of the following forms of documentation:

- 1 | a.- ~~A paper or electronic document that includes information transferred from the records of a licensed physician, registered-~~
- 2 | ~~nurse, a delegated physician assistant, or public health official, or~~
- 3 | b.- ~~An electronic file or hard copy of an electronic file provided to the school directly from the immunization information system-~~
- 4 | ~~that the Department is required to maintain pursuant to section 25-4-2403, C.R.S., or from a software program approved by-~~
- 5 | ~~the Department;~~
- 6 | b.B. The Department's Certificate of ~~m~~Medical ~~e~~Exemption, and
- 7 | c.C. The Department's Certificate of ~~n~~Nonmedical ~~e~~Exemption.

8 | 2. Schools shall have on file an official school immunization record for every college or university student enrolled.

9 | F. Reporting of statistical information – Annually, by January 15 of each year, any college or university that constitutes a school as defined by ~~s~~Section I (~~O~~~~Y~~) ~~of these rules~~

10 | shall send aggregate immunization and exemption data, by antigen, to the Department.

11 | Required data shall include:

- 12 | 1. Total number of college or university students enrolled in the school;
- 13 | 2. Total number of college or university students who are up-to-date with immunizations, as required in this ~~s~~Section (IX);
- 14 | 3. Total number of college or university students who have a medical exemption for the MMR vaccine;
- 15 | 4. Total number of college or university students who have a nonmedical exemption for the MMR vaccine;
- 16 | 5. Total number of in-process college or university students;
- 17 | 6. Total number of college or university students who have a signed waiver for the Meningococcal vaccine;
- 18 | 7. Total number of college or university students not up-to-date for the MMR vaccine, with no exemption on file, no ~~M~~eningococcal vaccine waiver on file,
- 19 | and not in-process; and
- 20 | 8. Total number of college or university students with no immunization records.

21 | ~~G.~~ ~~All colleges and universities required to report immunization data to the Department must make the immunization and exemption rates of their enrolled student~~

22 | ~~population publicly available upon request.~~

23 | **X. Contract ~~R~~requirements for ~~P~~roviders, ~~H~~ospitals, and ~~H~~health ~~C~~are ~~C~~linics to be an ~~A~~gent of the Department for the ~~P~~urposes of the ~~I~~mmunization ~~P~~rogram**

24 | A. To be an agent of the Department for the purposes of administering immunizations to infants, children, and students, a provider, hospital, or health care clinic must

25 | provide each patient receiving a vaccine, or the parent or ~~l~~egal-guardian, if the patient is an unemancipated minor, a copy of the currently approved Vaccine Information

26 | Statement, as required by federal law.

27 | B. The Department shall make such requirements as are necessary to assure the confidentiality and security of information in ~~t~~he immunization information system

28 | operated pursuant to section 25-4-2403(3), C.R.S.

29 | **XI. Fee for the ~~a~~Administration, ~~r~~eporting, and ~~T~~racking of ~~V~~vaccine**

30 | This ~~s~~Section applies to ~~v~~accines and ~~i~~mmunizing ~~a~~gents ~~i~~mmunizations provided by the Department ~~t~~hat are recommended by the ACIP and available to Colorado practitioners.

31 | A. Practitioners may charge up to the Centers for Medicare and Medicaid Services maximum regional fee for the administration of ~~a~~ vaccine. These fees apply to all

32 | vaccines provided by the Department.

33 | B. A vaccine recipient may not be denied ~~a~~ vaccine provided by the Department because of inability to pay the administration fee.

1 C. If a practitioner's vaccine administration costs are less than the Centers for Medicare and Medicaid Services maximum regional fee for the administration of vaccine,
2 then they may only charge up to that lesser amount.

4 XII. On-line Immunization eEducational mModule

5 A. Per section 25-4-903 (2.5 and 2.7), C.R.S., the Department shall provide immunization information to the public via an eOnline Immunization eEducation mModule ~~that~~
6 ~~fairly presents both the benefits and risks of immunizations~~. The immunization information and contents of this module shall include, but are not limited to:

7 1. ~~Medical and scientific data that is evidence-based and peer reviewed by credible scientific and public health organizations concerning both the benefits~~
8 ~~and risks of immunizations;~~

9 2. ~~A fair presentation of both the benefits and risks of immunizations; and~~

10 1- ~~Exemption rates in Colorado that are available to the public through the Department;~~

11 2- ~~Evidence-based research;~~

12 3- ~~Resources and information from credible scientific and public health organizations;~~

13 4- ~~Peer-reviewed studies; and~~

14 3.5- ~~Data concerning the risk of immunization injury.~~

15 B. The module shall be interactive such that the viewer of the module must engage with the content successfully to receive a certificate of completion.

16 C. Upon successful completion of the module, a Certificate of ~~n~~Nonmedical ~~e~~Exemption that includes confirmation of completion of the Department's eOnline Immunization
17 eEducation mModule will be electronically generated for downloading and printing.

18 D. The eOnline Immunization Education learning mModule shall not require a parent or legal guardian ~~or~~; emancipated student, ~~or student eighteen years, of age or older~~
19 to sign or indicate agreement with any language regarding immunizations that may be contrary to a religious belief or personal belief that is opposed to immunizations in
20 order to complete the eOnline Immunization Education learning mModule.

21 XIII. Vaccinated Cchildren Sstandard

22 A. Per ~~S~~Section 25-4-911 (1), C.R.S., the goal for every school is for 95% of the enrolled student population to be vaccinated with each vaccine required for school entry in
23 Section III in order to reduce the spread of vaccine-preventable disease and protect the health of all people in the school community, including students who cannot be
24 immunized for medical reasons.

25 XIV. Annual Pparent Lletter

26 A. Per Section 25-4-902 (4), C.R.S., annually, by January 15 of each year, the Department shall develop and provide to the Colorado Departments of Education, Early
27 Childhood, and the Department of Human Services a standardized document regarding immunizations. The standardized document ~~shall be updated annually and~~
28 must include, but not be limited to:

29 1. A list of the immunizations required for enrollment in a school and the age at which the immunization is required;

30 2. A list of immunizations currently recommended for children by ACIP, AAP, AAFP, ACOG, or ACP, as appropriate, ~~the ACIP of these rules~~ and the
31 recommended age at which each immunization should be given;

32 3. A place on the document where a school can include the school's specific immunization and exemption rates for the MMR vaccine and for every other
33 vaccine for the school's enrolled student population from the prior school year compared to the vaccinated children standard described in Section 25-4-
34 911, C.R.S.; and
35

36 4. A statement that the school is required to collect and report the information pursuant to Section 25-4-902 (4)(a), C.R.S., and that the school does not
37 control the school's specific immunization and exemption rates or establish the vaccinated children standard described in Section 25-4-911, C.R.S.

38 B. Annually, by January 31 of each year, the Colorado Departments of Education, Early Childhood, and the Department of Human Services shall post this standardized
39 document on their websites.

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- c. Annually, ~~on or before April by February~~ 15 of each year, a school shall directly distribute the document to the parent or ~~legal~~ guardian of each student enrolled in its school, ~~or emancipated students, or students eighteen years of age or older,~~ consistent with Section 25-4-903 (5), C.R.S.
1. The school shall include on the document the school's specific immunization and exemption rates for the measles, mumps, and rubella vaccine for the school's enrolled student population for the prior school year compared to the vaccinated children standard described in Section 25-4-911, C.R.S.
 2. The school may include on the document the school's specific immunization and exemption rates for any other vaccine for the school's enrolled student population for the prior school year.

Appendix A

The below table describes the required number of doses for students attending public, private, or parochial secondary schools through grade twelve who are aged 19 through 21 years.

- Column A specifies the vaccine.
- Column B describes the number of doses a student would have received had they been vaccinated on time, according to Table 1 in the document incorporated by reference in Section II of these rules.
 - To assess validity of vaccines administered behind schedule to a student before they turned 19 years of age, refer to Table 2 in the document incorporated by reference in Section II of these rules, including:
 - DTaP: Dose 5 is not required if Dose 4 was administered on or after the 4th birthday and at least six months after Dose 3.
 - Polio: Dose 4 is not required if Dose 3 was administered on or after the 4th birthday and at least six months after Dose 2.
- Column C describes the number of vaccine doses required for students aged 19 through 21 years who did not complete their vaccinations according to the schedule incorporated by reference in Section II of these rules, before the age of 19.

Students attending public, private, or parochial secondary schools through grade twelve who are aged 19 through 21 years.		
Column A	Column B	Column C
Hepatitis B (HepB)	3	2-, 3-, or 4-dose series: <ul style="list-style-type: none"> ● 2-dose series aged 18+ (2-dose formulation(s), spaced at least 4 weeks apart. ● 3-dose series at 0, 1-2 months, 6 months (minimum intervals of four weeks between Dose 1 and Dose 2, eight weeks between Dose 2 and Dose 3, and 16 weeks between Dose 1 and Dose 3). ● 3-dose series aged 18+ (HepA-HepB) at 0, 1, and 6 months. (Minimum interval of 4 weeks between Dose 1 and Dose 2, and 5 months between Dose 2 and Dose 3). ● 4-dose series aged 18+ (HepA-HepB) accelerated schedule of 3 doses at 0, 7, and 21-30 days, followed by a final dose at 12 months.
Diphtheria, tetanus, pertussis (DTaP)	5	Not applicable - DTaP products are only licensed through 6 years of age.
Tetanus, diphtheria, pertussis (Tdap)	1	1-, 2-, 3-, or 4- dose series: <ul style="list-style-type: none"> ● 1-dose: Completed primary series with either DTaP or Td and did not receive Tdap at age 10 years or older: 1-dose Tdap. ● 1-3 doses for those who are unvaccinated or who have an incomplete primary vaccination series require the remaining doses (1, 2, or 3) to complete a 3-dose primary series. 1-dose Tdap followed by 1-dose Td or Tdap at least 4 weeks later, and a third dose of Td or Tdap 6-12 months later (Tdap is preferred as first dose and can be substituted for any Td dose). ● A 4-dose series is needed if the first DTaP was given before one year of age.
Polio (IPV)	4	1-, 2-, 3-dose series: <ul style="list-style-type: none"> ● 1-3 doses to complete a three-dose series for unvaccinated or incompletely vaccinated individuals. Dose 1 is spaced 4 weeks from dose 2. Dose 3 is spaced 6 months from dose 2.

Measles, mumps, rubella (MMR)	2	<p>2 doses: Four weeks between Dose 1 and Dose 2.</p> <ul style="list-style-type: none"> ● If two live vaccines are not given on the same day, there must be at least a 28-day interval between the two doses.
Varicella (chickenpox)	2	<p>2 doses: Four weeks between Dose 1 and Dose 2.</p> <ul style="list-style-type: none"> ● If two live vaccines are not given on the same day, there must be at least a 28-day interval between the two doses.

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COLORADO

Board of Health

Department of Public Health & Environment

Notice of Public Rule-Making Hearing December 17, 2025

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., that the Colorado Board of Health will conduct a public rule-making hearing on December 17, 2025 at 10 a.m. in person at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, CO 80246, remotely via [Zoom](#), or via both mediums, to consider amendments to 6 CCR 1009-2: Infant Immunization Program and Immunization of Students Attending School. The amendments are proposed by the Disease Control and Public Health Response (DCPHR) Division of the Colorado Department of Public Health and Environment pursuant to House Bill (HB) 25-1027.

The agenda for the meeting and the proposed amendments will also be available on the Board's website, <https://cdphe.colorado.gov/board-of-health> at least seven (7) days prior to the meeting. The proposed rule, together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis will be available for inspection at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 at least five working days prior to the hearing. Copies of the proposed rules may be obtained by contacting the Colorado Department of Public Health and Environment, Division of Disease Control and Public Health Response, 4300 Cherry Creek Drive S., Denver, CO 80246, cdphe.dcdimmunization@state.co.us.

Public Participation

The Board encourages all interested persons to participate in the hearing by providing written data, views, or comments. Written testimony is encouraged; oral testimony will be received only to the extent the Board finds it necessary. Testimony is limited to the scope of the rulemaking hearing.

Oral testimony. Persons who are permitted to provide oral testimony may be limited to 3 minutes or less. Those wishing to give oral testimony remotely must sign up to do so no later than Tuesday, December 16, 2025 on the Board's website, <https://cdphe.colorado.gov/board-of-health>. Persons who wish to provide in person testimony may sign up to do so in the meeting room on the day of the hearing.

Written testimony. Pursuant to 6 CCR 1014-8, §3.02.1, written testimony must be submitted no later than five (5) calendar days prior to the rulemaking hearing. Written testimony must be received by 5:00 p.m., Thursday, December 11, 2025. Persons wishing to submit written comments should submit them by e-mail to cdphe.bohrequests@state.co.us or by mail to:

Colorado Board of Health
ATTN: Board of Health Program Assistant
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South EDO-A5
Denver, Colorado 80246-1530

Dated this 20th day of October, 2025.

A handwritten signature in cursive script that reads 'Alex Leach'.

Alex Leach
Board of Health Administrator

Notice of Proposed Rulemaking

Tracking number

2025-00542

Department

1505 - Department of State

Agency

1505 - Secretary of State

CCR number

8 CCR 1505-1

Rule title

ELECTIONS

Rulemaking Hearing

Date

12/05/2025

Time

09:00 AM

Location

Red Rocks Conference Room, 5th floor, 1700 Broadway, Denver, CO 80290; Zoom link:
https://us02web.zoom.us/webinar/register/WN_9nYD8iVNTKyiTz6BazmyBg

Subjects and issues involved

The Department proposes permanent rule revisions for instant runoff voting contests, including requirements for tabulation, reporting, canvassing of results, and risk-limiting audits for local jurisdictions located in more than one county, as required by sections 1-7-118(5) and 1-7-515(4)(b)(l), C.R.S. Additional proposed rule revisions may be necessary to: eliminate obsolete provisions, organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards. The Department may consider additional rule amendments. Please see the Notice of Proposed Rulemaking, including a Draft Statement of Basis and Preliminary Draft Rules for more details.

Statutory authority

Sections 1-1-107(2)(a), 1-1-110(1), 1-5-601.5, 1-5-601.5(2), 1-5-616, 1-5-616(1.5) & (4), 1-7-118(5), 1-7-509(6), 1-7-515, 1-7-1004, 1-7.5-104, 1-7.5-106, 1-13-708, 1-13.5-617(1), C.R.S.

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Preliminary Draft of Proposed Rules

Colorado Department of State

Election Rules

8 CCR 1505-1

October 31, 2025

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Department of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the rulemaking hearing on December 5, 2025. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State's website no later than November 30, 2025.²

The proposed amendments in this preliminary draft are shown with track changes. Associated publication instructions/notes are orange and italicized.

1 *Amendments to 8 CCR 1505-1 are as follows:*

2 *Amendments to Rule 1 are as follows:*

3 *New Rule 1.1.47 defines "runoff tabulation entity":*

4 1.1.47 "Runoff tabulation entity" means the election jurisdiction that will conduct
5 the elimination sequences for a ranked voting election. For an election that
6 is wholly within a single county, the county clerk and recorder or
7 designated election official appointed by the municipality holding the
8 ranked voting election is the runoff tabulation entity. For an election that is
9 shared by more than a single county, the controlling county, as defined by
10 Rule 4.2.2, is the runoff tabulation entity.

11 *[Not shown: Current Rules 1.1.47 through 1.1.67 are renumbered to Rules 1.1.48*
12 *through 1.1.68.]*

1 ¹ Sections 24-4-103(2.5) and (3)(a), C.R.S.

2 ² Section 24-4-103(4)(a), C.R.S. "[A]ny proposed rule or revised proposed rule by an agency which is to
3 be considered at the public hearing...shall be made available to any person at least five days prior to said
4 hearing."

1 *Amendments to Rule 7 are as follows:*

2 *Amendments to Rule 7.4.1 remove an internal rule reference:*

3 7.4 Receipt and processing of ballots

4 7.4.1 The county clerk must adequately light all drop box locations and use a
5 video security surveillance recording system ~~as defined in Rule 1.1.62~~ to
6 monitor each location.

7 *[Not shown: no changes to sections (a) through (g).]*

8 *Amendments to Rule 10 are as follows:*

9 *Amendments to Rule 10.6.1 add new sections (e) and (f) which now include the*
10 *requirements for official county abstracts for instant runoff voting contests that take*
11 *place in single counties and in more than one county, and necessary grammatical*
12 *changes:*

13 10.6 Official abstract and reporting to the Secretary of State

14 10.6.1 The official county abstract must include, by precinct or ballot style, where
15 applicable:

16 *[Not shown: no changes to sections (a) and (b).]*

17 (c) The statement of votes counted by race and ballot question or
18 issue; ~~and~~

19 (d) The total number of ballots cast in the election; ~~and~~

20 (e) For instant runoff voting contests conducted by a county clerk
21 which are within a single county, the round-by-round tabulation
22 results of each race; and

23 (f) For instant runoff voting contests conducted by a county clerk
24 which are contained in more than one county, a report detailing the
25 ranking each candidate received in the county.

26 *Amendments to Rule 10.6.2 include new section (c) which requires the Department, for*
27 *the state's portion of the abstract, to include the final, tabulated results of an instant*
28 *runoff voting contest that are contained in more than one county, and necessary*
29 *grammatical changes:*

1 10.6.2 A county must submit the state portion of the abstract and the ENR upload
2 required by Rule 11.9.6 to the Secretary of State in the format approved
3 by the Secretary of State. The state portion of the abstract must include:

4 (a) The summary of votes cast for each state race and each ballot
5 question or issue; ~~and~~

6 (b) The total number of ballots counted in the election; ~~and~~

7 (c) For instant runoff voting contests conducted by a county clerk
8 which are contained in more than one county, final, tabulated
9 results of that race to be used by the combined canvass board
10 appointed in Rule 10.9.

11 *New Rule 10.9 concerns the canvass of instant runoff voting contests that are contained*
12 *in more than one county:*

13 10.9 Canvass of instant runoff voting contests contained in more than one county

14 10.9.1 No later than 15 days before an election which will include an instant
15 runoff voting contest contained in more than one county, the runoff
16 tabulation entity will appoint a combined canvass board to canvass the
17 results of the instant runoff voting contest. The board must consist of:

18 (a) The county clerk, or the county clerk's designee, from each county
19 in which the instant runoff voting contest was conducted; and

20 (b) A representative from the local jurisdiction whose office is up for
21 election in the instant runoff voting contest.

22 10.9.2 The combined canvass board appointed in this Rule will meet on a date
23 noticed by the runoff tabulation entity following the canvassing of results in
24 each county as required by section 1-10-102, C.R.S.

25 10.9.3 The combined canvass board's only duty is to review the final, tabulated
26 results submitted by each county canvass board to certify a winner of the
27 instant runoff voting contest. To certify a winner, the combined canvass
28 board must also review the combined tabulated results generated in
29 accordance with Rule 26.8. The combined canvass board must make its
30 determinations by a majority vote, with the Secretary of State, or their
31 designee, casting a vote only in the event of a tie.

1 | 10.9.4 After meeting, the combined canvass board must submit the certified
2 | results to the local jurisdiction which certified the instant runoff voting
3 | contest to the ballot.

4 | *Amendments to Current Rule 10.9, renumbered to Rule 10.10, include New Rule*
5 | *10.10.6--which pertains to recounts for instant runoff voting contests, update to internal*
6 | *references, and necessary renumbering:*

7 | 10.910 Recount generally

8 | 10.910.1 The purpose of a recount is to re-tabulate the ballots.

9 | 10.910.2 A county that has successfully completed a comparison audit under
10 | Rule 25.2 and reported no discrepancies in the recount contest need not
11 | re-scan ballots during a requested recount, except as provided in Rule
12 | ~~10.9.3~~10.10.3. In all cases, the county must re-adjudicate ballot images for
13 | voter intent in accordance with Rule ~~10.13.3~~10.14.2.

14 | *[Not shown: Current Rules 10.9.3 through 10.9.5 are renumbered to Rules 10.10.3*
15 | *through 10.10.5.]*

16 | 10.10.6 Recounts for instant runoff voting contests. If the smallest margin
17 | between two candidates in an instant runoff voting contest is less than or
18 | equal to one-half of one percent of the votes cast in the contest, then a
19 | recount must be held in accordance with section 1-10.5-103, C.R.S. The
20 | smallest margin will be determined by calculating the minimum number of
21 | votes that would have to be different to change the elimination order such
22 | that the winner in the final round of tabulation would be different.

23 | (a) The county clerk or designated election official appointed by the
24 | municipality holding the ranked voting election must order a recount
25 | of an instant runoff voting contest within a single county, following
26 | the canvass of results by the county canvass board or designated
27 | election official, as applicable.

28 | (b) Each county clerk must order a recount of an instant runoff voting
29 | contest contained in more than one county following canvass of
30 | results by the combined canvass board under Rule 10.9, as
31 | applicable.

32 | *[Not shown: Current Rules 10.10 through 10.14 are renumbered to Rules 10.11 through*
33 | *10.15.]*

1 | *Amendments to Rule 11 are as follows:*

2 | *Amendments to Rule 11.3 include the addition of New Rule 11.3.3, which pertains to*
3 | *logic and accuracy tests for multi-jurisdictional ranked voting elections, and a technical*
4 | *cleanup to the title Rule:*

5 | 11.3 ~~The clerk must perform a h~~Hardware diagnostic test and a logic and accuracy
6 | test.

7 | *[Not shown: no changes to Rules 11.3.1 and 11.3.2.]*

8 | 11.3.3 Logic and accuracy test for multi-jurisdictional ranked voting elections

9 | (a) In addition to the logic and accuracy test conducted pursuant to
10 | Rule 11.3.2, an additional logic and accuracy test described by this
11 | Rule must be performed if two or more county clerks are
12 | conducting an instant runoff voting contest for a single, local
13 | jurisdiction.

14 | (b) In preparation for a logic and accuracy test under this Rule, the
15 | runoff tabulation entity must provide an additional test deck of 25
16 | ballots to each county clerk. The deck must conform to the
17 | requirements of Rule 11.3.2(c).

18 | (c) At each county clerk's logic and accuracy test, the county clerk
19 | must scan the additional test deck and provide the cast vote record
20 | of the test deck to the runoff tabulation entity in the manner
21 | prescribed by the runoff tabulation entity. The test deck must be
22 | preserved as an election record alongside any other logic and
23 | accuracy materials which are preserved as election records for that
24 | election.

25 | (d) At a public meeting which conforms as closely as practicable to the
26 | requirements of section 1-7-509(2)(b), C.R.S., the runoff tabulation
27 | entity must use the cast vote records received from each county
28 | clerk during their logic and accuracy test to tabulate the instant
29 | runoff voting contest or contests which are subject to this Rule. The
30 | contest or contests must be tabulated using the third-party software
31 | which has been certified for use under Rule 21.12. The runoff
32 | tabulation entity must confirm that the round-by-round tabulation
33 | corresponds to the known results of the test decks provided to each
34 | county clerk.

1 | (e) Following the tabulation, the runoff tabulation entity must maintain
2 | the round-by-round results report as an election record.

3 | *Amendments to Rule 20 are as follows:*

4 | *Amendments to Rule 20.4.2 remove internal rule references:*

5 | 20.4.2 Surveillance of secure areas

6 | (a) The county clerk must make video security surveillance recordings
7 | of secure equipment areas, ~~as defined by Rule 1.1.50~~, in
8 | accordance with the requirements of section 1-7-513.5, C.R.S.

9 | (b) The county clerk of a county with 50,000 or more registered voters
10 | must also make video security surveillance recordings of secure
11 | ballot areas, ~~as defined by Rule 1.1.49~~, if those areas do not
12 | contain any components of a voting system, beginning at least 35
13 | days before election day and continuing uninterrupted through at
14 | least 30 days after election day. If a recount or contest occurs, the
15 | recording must continue through the conclusion of all related
16 | activity.

17 | *[Not shown: no changes to sections (c) through (e).]*

18 | *Amendments to Rule 20.4.3 remove an internal rule reference:*

19 | 20.4.3 Access logs to secure areas

20 | *[Not shown: no changes to section (a).]*

21 | (b) The county clerk must otherwise maintain a log of each person who
22 | enters a secure ballot area, ~~as defined by Rule 1.1.49~~, if that area
23 | does not contain any components of a voting system. This does not
24 | include members of the public who access areas of a county clerk's
25 | office that are regularly available to the public outside of an
26 | election.

27 | *[Not shown: no changes to sections (c) and (d).]*

28 | *Amendments to Rule 20.4.4 remove internal rule references:*

29 | 20.4.4 Restrictions on physical access

30 | (a) General restrictions

1 (1) No person may be present in a secure ballot area, ~~as~~
2 defined by Rule 1.1.49, or secure equipment area, ~~as~~
3 defined by Rule 1.1.50, unless:

4 *[Not shown: no changes subsections (A) through (C).]*

5 *[Not shown: no changes to subsection (2).]*

6 *[Not shown: no changes to section (b).]*

7 20.6.3 Security at trusted build

8 *[Not shown: no changes to section (a).]*

9 (b) Video surveillance recording

10 (1) The county clerk must ensure that the trusted build is
11 conducted under video security surveillance recording ~~as~~
12 defined by Rule 1.1.62.

13 *[Not shown: no changes to subsections (2) through (4).]*

14 *Amendments to Rule 20.10.3 remove internal rule references:*

15 20.10.3 Retention of voted ballots

16 *[Not shown: no changes to (a) through (d).]*

17 (e) Any room in which a county clerk conducts the activities described
18 in this Rule is a secure ballot area, ~~as defined by Rule 1.1.49.~~

19 (f) The county clerk must operate video security surveillance
20 recordings ~~as defined by Rule 1.1.62~~ of the activities described in
21 this Rule. Those recordings must be maintained as an election
22 record for 25 months following the conclusion of the ballot removal
23 process.

24 *[Not shown: no changes to (g) and (h).]*

25 *Amendments to Rule 21 are as follows:*

26 *New Rule 21.12 addresses the certification of third-party software only for use with*
27 *instant runoff voting elections contained in more than one county:*

28 21.12 Amendments to certifications for instant runoff voting functionality

1 | 21.12.1 The Department of State may submit a third-party software
2 | component to a federally certified voting system test laboratory for
3 | certification for use with another previously certified voting system or as
4 | part of a system that is under consideration for certification.

5 | (a) Only software components whose purpose is to aggregate and
6 | resolve instant runoff voting elections that take place across more
7 | than a single jurisdiction may be submitted according to this Rule.

8 | (b) A voting system vendor may not prohibit an amendment to the
9 | certification according to this Rule.

10 | (c) A voting system vendor is not responsible for integrating software
11 | that is submitted as an amendment into their voting system.

12 | (d) A voting system vendor is not responsible for the costs associated
13 | with amending a certification.

14 | 21.12.2 Functional requirements of third-party amendment certifications

15 | (a) The software must be able to import results files from all voting
16 | systems that are certified for use for instant runoff voting capability
17 | under Rule 21.11.

18 | (b) The software must allow a user to standardize the names of
19 | contests and choices across jurisdictions.

20 | (c) The software must meet the requirements of Rule 21.11.4, with the
21 | exception of Rule 21.11.4(a).

22 | (d) The software must export data in the formats specified in Rule
23 | 21.11.2(a).

24 | 21.12.3 Upon submission of an amendment under this Rule, the
25 | Department of State will consult with the voting system test laboratory to
26 | determine which security requirements are applicable to the third-party
27 | software.

28 | 21.12.4 Testing

29 | (a) For amendments that are submitted with a voting system currently
30 | under consideration, the test plan must include an appendix
31 | addressing the third-party software amendment. Upon completion

1 of testing, the test report must include an appendix addressing the
2 third-party software amendment.

3 (b) For amendments that are submitted for a voting system that has
4 been previously certified, the Department of State will work with the
5 voting system test laboratory to develop a separate test plan for the
6 amendment. Upon conclusion of testing, the laboratory must
7 produce a test report.

8 (c) If the third-party software meets the requirements in Rule 21.12, the
9 Department of State will certify the third-party software as part of an
10 amendment to a voting system. If the requirements are not met
11 sufficiently for certification of the third-party software with the
12 amendment, it does not preclude the voting system from being
13 certified without the amendment.

14 (d) The Department of State will publish its determination of
15 certification for the amendment on its public website along with the
16 test report and any other appropriate certification artifacts.

17 21.12.5 Once software has been certified as a third-party amendment, the
18 Department of State must hold that software in escrow until such time that
19 it has been decertified.

20 21.12.6 Third-party software components that are certified as amendments
21 must only be installed on a computer workstation that has no wireless
22 connectivity enabled.

23 21.12.7 The Department of State may decertify software that has been
24 certified as an amendment to a certified voting system at any time.

25 (a) When software that is certified using this Rule is decertified, the
26 Department of State must publish the decertification on its public
27 website along with any reasons for decertification.

28 (b) In the event the Department of State decertifies software that has
29 been certified as an amendment to a fully certified voting system,
30 that decertification shall only apply to the amendment and shall not
31 apply to the otherwise fully certified voting system.

32 *Amendments to Rule 25 are as follows:*

1 *Amendments to Rule 25.2.2 include new section (d) which pertains to the sample size*
2 *estimates used for the risk-limiting audit of instant runoff voting contests and necessary*
3 *renumbering:*

4 25.2 Risk limiting audit. The designated election official must conduct a risk-limiting
5 audit in accordance with section 1-7-515, C.R.S., and this Rule.

6 *[Not shown: no changes to Rule 25.2.1.]*

7 25.2.2 Preparing for the audit

8 *[Not shown: no changes to sections (a) through (c).]*

9 (d) Sample size estimates. Upon completion of tabulation on election
10 night, counties are required to export an initial CVR export from
11 their voting system and hash and upload the export and hash value
12 to the RLA tool. Counties are not required to upload a ballot
13 manifest to the RLA tool for the purposes of creating sample size
14 estimates.

15 (1) The Department of State will use the election night CVRs to
16 create sample size estimates to facilitate the selection of
17 target contests.

18 (2) Counties are not required to upload a CVR export again
19 during the same election to the RLA tool unless requested to
20 do so by the Department to facilitate an updated sample size
21 estimate.

22 *[Not shown: sections (d) through (l) are recodified to sections (e) through (m).]*

23 *Amendments to Rule 26 are as follows:*

24 *Amendments to Rule 26.2 specify that if any county in which a local government is*
25 *located does not have a voting system that can conduct a ranked voting election, then*
26 *none of the counties in which that local government is located are required to coordinate*
27 *that election:*

28 26.2 A local government conducting a ranked voting election that is coordinating with
29 the county clerk must give notice to the county clerk no later than 100 days
30 before the election. If the-any county's voting system in which the local
31 government is located is not capable of conducting a ranked voting election, the
32 county clerk is not required to coordinate.

1 *Amendments to Rule 26.5 concern a grammatical update:*

2 | 26.5 Tabulation of instant-run-off elections

3 *Amendments to Rules 26.5.1 through 26.5.3 include the use of the new definition of*
4 *“runoff tabulation entity,” replacing “designated election official:”*

5 26.5.1 In any ranked voting election in which only one candidate will be elected to
6 | office, the ~~designated election official~~ runoff tabulation entity must follow
7 the tabulation procedures described in this rule.

8 26.5.2 During the first round of tabulation, the ~~designated election official~~ runoff
9 tabulation entity must tabulate the first-choice ranks on each ballot.

10 *[Not shown: no changes to section (a).]*

11 (b) If no candidate receives over 50 percent of the first-choice ranks for
12 | a contest across all ballots tabulated, the ~~designated election~~
13 ~~official~~ runoff tabulation entity must continue to the next round of
14 tabulation.

15 26.5.3 At the beginning of the next round of tabulation, the candidate with the
16 | fewest first-choice ranks in the prior round is eliminated and the eliminated
17 candidate’s votes are transferred to each ballot’s next-ranked continuing
18 candidate and tabulated.

19 *[Not shown: no changes to section (a).]*

20 (b) If no candidate has over 50 percent of the votes cast on active
21 | ballots after the second round, the ~~designated election official~~ runoff
22 tabulation entity must repeat additional rounds of tabulation as
23 described in this Rule, until there is a winning candidate.

24 *[Not shown: no changes to Rules 25.5.4.]*

25 *Repeal and replacement of Rule 26.5.5 with New Rule 26.5.5, which concerns the logic*
26 *and accuracy test for any ranked voting election:*

27 ~~26.5.5 At the end of Round one and in any subsequent rounds, if two or more~~
28 ~~candidates tie for the lowest number of votes, the eliminated candidate~~
29 ~~must be chosen by lot, unless the candidates may be eliminated~~
30 ~~simultaneously under Rule 26.5.4.~~

1 26.5.5 Before any logic and accuracy test for any ranked voting election, the
2 designated election official, or their designee, must randomly determine
3 the tie-breaker elimination order for all candidates.

4 (a) The tie-breaker elimination order must consist of a list of all
5 candidates with each candidate assigned a unique ranking.

6 (b) In any round of tabulation, if there is a tie that needs to be resolved
7 to determine which candidate or candidates will be eliminated,
8 including the round that determines the winner, the runoff tabulation
9 entity must eliminate the candidate or candidates according to the
10 tie-breaker elimination order.

11 *Repeal of Rules 26.5.6 and 26.5.7:*

12 ~~26.5.6 If only two continuing candidates remain after a round and they have the~~
13 ~~same number of votes, the winning candidate must be chosen by lot.~~

14 ~~26.5.7 The designated election official need not report election night results~~
15 ~~under Rule 11.9.4, unless directed by the Secretary of State.~~

16 *Amendments to Rule 26.6 use the new definition of “runoff tabulation entity,” replacing*
17 *“designated election official:”*

18 26.6 Tabulation of ranked voting elections using the single transferable vote method

19 *[Not shown: no changes Rule 26.6.1.]*

20 26.6.2 During the first round of tabulation, the ~~designated election official~~runoff
21 tabulation entity must tabulate the first-choice ranks on each ballot.

22 *[Not shown: no changes to sections (a) and (b).]*

23 26.6.3 During the second round of tabulation, the ~~designated election official~~
24 runoff tabulation entity must calculate each winning candidate’s surplus
25 votes, as described in Rule 26.6.4, and transfer those votes
26 proportionately to any continuing candidate.

27 *[Not shown: no changes to section (a).]*

28 (b) After the votes are transferred, if the number of winning candidates
29 is less than the number of seats to be filled, the ~~designated election~~
30 official-runoff tabulation entity must eliminate the continuing
31 candidate with the fewest first-choice votes, surplus votes from

1 winning candidates, and, when applicable, votes transferred from
2 eliminated candidates. The eliminated candidate's votes must then
3 be transferred to each active ballot's next-highest-ranked
4 continuing candidate.

5 *[Not shown: no changes to sections (c) and (d).]*

6 26.6.4 To calculate a winning candidate's surplus votes in any round, the
7 ~~designated election official~~ runoff tabulation entity must:

8 *[Not shown: no changes to sections (a) through (d).]*

9 26.6.5 In any round, if two or more candidates tie for the lowest number of votes,
10 the ~~designated election official~~ runoff tabulation entity must determine the
11 eliminated candidate by lot.

12 *[Not shown: no changes to Rule 26.6.6.]*

13 *Amendments to Rule 26.7 use the new definition of "runoff tabulation entity," replacing*
14 *"designated election official:"*

15 26.7 After determining voter intent in accordance with the Secretary of State's Voter
16 Intent Guide, the ~~designated election official~~ runoff tabulation entity must count
17 improperly marked ballots as follows:

18 *[Not shown: no changes to Rules 26.7.1 through 26.7.4.]*

19 *New Rule 26.8 concerns tabulating multi-jurisdictional ranked voting elections:*

20 26.8 Tabulating multi-jurisdictional ranked voting elections

21 26.8.1 For ranked voting elections contained in more than one county, at least
22 once on election night and once each day where ballots are being
23 tabulated thereafter, each county clerk must transmit results in an
24 approved format to the runoff tabulation entity using a secure data transfer
25 method provided by the Department of State.

26 26.8.2 As part of the data results transfer process, the county clerk must hash the
27 results file using a SHA-256 algorithm. The generated hash value must be
28 emailed to the runoff tabulation entity. The county clerk must not send the
29 hash value to the runoff tabulation entity using the same data transfer
30 method used to send the results file.

1 | 26.8.3 Upon receipt of the results file and associated hash value, the runoff
2 | tabulation entity must transfer the results file to a workstation that contains
3 | software for conducting the elimination stages of tabulation.

4 | (a) The media that the runoff tabulation entity uses to transfer the
5 | results file must conform with Rule 20.5.3(c).

6 | (b) The runoff tabulation entity must verify that the hash value of the
7 | received results file matches the hash value transmitted by the
8 | county clerk on the workstation that contains software for
9 | conducting the elimination stages of tabulation.

10 | (c) The runoff tabulation entity must only use results files that have
11 | been verified by the method in Rule 26.8.3(b) to conduct elimination
12 | stages of tabulation.

13 | *Amendments to Current Rule 26.8, renumbered to Rule 26.9, include using the new*
14 | *definition of “runoff tabulation entity” to replace “designated election official” and New*
15 | *Rules 26.9.1 and 26.9.4, which pertain to the reporting result requirements and*
16 | *exemptions for counties that have ranked voting elections which are contained in more*
17 | *than one county:*

18 | **26.89** Reporting results of a ranked voting election

19 | 26.9.1 For ranked voting elections contained in more than one county, the clerk
20 | and recorder of each participating county may only publicly report first
21 | rankings.

22 | ~~26.8.19.2~~ The ~~designated election official~~ runoff tabulation entity must ensure
23 | anonymity of a voter’s rankings in the ballot image report required by
24 | section 1-7-1003(7)(a)(II), C.R.S. In precincts with ten or fewer voters, the
25 | ballot image reports must be combined with another precinct.

26 | ~~26.8.29.3~~ For any ranked voting election, if the state election night reporting
27 | website in Rule 11.9 lacks functionality to report the results of a ranked
28 | voting election the runoff tabulation entity is responsible for posting results
29 | to a public website. If the website used to report results is not the election
30 | night reporting website in Rule 11.9, the runoff tabulation entity
31 | coordinated with a county clerk, the coordinated election official must
32 | publish preliminary and final result reports of a ranked voting election on a
33 | website. The reports must comply with section 1-7-1003(7)(a)(I) – (III),
34 | C.R.S. The coordinated election official must provide to the Secretary of

1 State the website where results will be posted no later than a week before
2 election day.

3 26.9.4 The schedule to post results on election night for a ranked voting election
4 are exempt from the requirements of Rule 11.9. Instead, the runoff
5 tabulation entity must report results at least once on election night and at
6 least once each day when ballots are tabulated thereafter.

7 *Amendments to Current Rule 26.9, renumbered to Rule 26.10, pertain to auditing a*
8 *ranked voting race:*

9 26.910 Auditing a ranked voting ~~election or race. The designated election-~~
10 ~~official must audit each ranked voting race before the canvass board certifies-~~
11 ~~official election results in a manner which will not interfere with the audit required-~~
12 ~~by section 1-7-515, C.R.S.~~

13 26.10.1 Instant runoff races tabulated according to Rule 26.5 are eligible to
14 be targeted according to Rule 25.2.2(j) in the state-administered risk-
15 limiting audit if the election is covered by section 1-7-515(2)(a), C.R.S.

16 26.10.2 Any jurisdiction that conducts a ranked voting election in a manner
17 other than the instant runoff method in Rule 26.5 must conduct an audit of
18 the race independent of the state-administered risk-limiting audit that does
19 not interfere with the state-administered audit before the canvass board
20 certifies official election results, if the election is covered by section 1-7-
21 515(2)(a), C.R.S.

STATE OF COLORADO
Department of State
1700 Broadway, Suite 550
Denver, CO 80290



Jena M. Griswold
Secretary of State
Andrew J. Kline
Deputy Secretary of State

Notice of Proposed Rulemaking

Colorado Department of State

Election Rules

8 CCR 1505-01

Date of notice: October 31, 2025

Date and time of public hearing: December 5, 2025 at 9:00AM

Location of public hearing: 5th Floor, 1700 Broadway Denver, CO 80290 and [online](#) (Zoom)

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Colorado Department of State gives notice of proposed rulemaking. The hearing is scheduled for December 5, 2025 at 9:00AM and will be conducted in person and online. The in-person location is the Red Rocks Conference Room on the fifth floor of 1700 Broadway, Denver, CO 80290. Details regarding how to attend online and testify during the hearing are outlined in section VI of this notice.

II. Subject

The Department is considering amendments to the Election rules to ensure uniform and proper administration, implementation, and enforcement of Colorado election laws.² Specifically, the Department proposes permanent rule revisions for instant runoff voting contests, including requirements for tabulation, reporting, canvassing of results, and risk-limiting audits for local jurisdictions located in more than one county, as required by

¹ Article 4 of Title 24, C.R.S.

² Article VII of the Colorado Constitution and Title 1, C.R.S.

Main Number	(303) 894-2200	TDD/TTY	(303) 869-4867
Administration	(303) 860-6900	Website	www.coloradosos.gov
Fax	(303) 869-4860	E-mail	administration@coloradosos.gov

sections 1-7-118(5) and 1-7-515(4)(b)(I), C.R.S. Additional proposed rule revisions may be necessary to: eliminate obsolete provisions, organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards. The Department may consider additional rule amendments.

A detailed Statement of Basis, Purpose and Statutory Authority follows this notice and is incorporated by reference.

III. Rulemaking Authority

The Department proposes rule revisions and amendments in accordance with the following statutory provisions:

- Section 1-1-107(2)(a), C.R.S., which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”
- Section 1-1-110(1), C.R.S., which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”
- Section 1-5-601.5, C.R.S., which authorizes the Secretary of State to develop "minimum standard and specifications... in accordance with section 1-5-616(1.5) [of the Colorado Revised Statutes]" for a voting system or voting equipment for sale or for lease of use in an instant runoff election contest.
- Section 1-5-601.5(2), C.R.S., which allows the Secretary of State to "...require by rule that a voting system or voting equipment used to conduct an election using instant runoff voting meet [] federal standards, so long as the federal standards meet or exceed those promulgated by the secretary of state."
- Section 1-5-616, C.R.S., which requires the Secretary of State to adopt rules “that establish minimum standards for electronic and electromechanical voting systems.”
- Section 1-5-616(1.5), C.R.S., which requires the Secretary of State to adopt rules establishing, “minimum system requirements and specifications for electronic and electromechanical voting systems used to conduct elections using instant runoff voting.”
- Section 1-5-616(4), C.R.S., which requires the Secretary of State to “adapt the standards for certification of electronic or electromechanical voting systems

established by rule... to ensure that new technologies that meet the requirements for such systems are certified in a timely manner..."

- Section 1-7-118(5), C.R.S., which requires the Secretary of State to promulgate rules, by January 1, 2026, which concern the tabulation, reporting, and canvassing of results for a coordinated election using instant runoff voting conducted by multiple counties.
- Section 1-7-509(6), C.R.S., which requires the Secretary of State to promulgate rules that "must include standards and procedures for conducting logic and accuracy testing on voting equipment to be used in an election using instant runoff voting."
- Section 1-7-515, C.R.S., which requires the Secretary of State to promulgate rules "to conduct risk limiting audits in an election using instant runoff voting."
- Section 1-7-1004, C.R.S., which requires the Secretary of State to adopt rules consistent with section 1-7-1003, C.R.S., "on the conduct of elections using ranked voting methods. The rules shall prescribe the methods and procedures for tabulating, auditing, and reporting results in an election using a ranked voting method."
- Section 1-7.5-104, C.R.S., which requires the county clerk to conduct a "coordinated" election by mail under the supervision of, and "subject to rules promulgated... by, the secretary of state."
- Section 1-7.5-106, C.R.S., which allows the Secretary of State to adopt rules governing procedures and forms necessary to implement mail ballot elections, and allowing the Secretary to appoint, "any county clerk and recorder as an agent of the secretary to carry out the duties prescribed..."
- Section 1-13-708, C.R.S., which gives the Secretary of State the authority to promulgate rules regarding authorization to access, "electronic or electromechanical voting equipment or an election-night reporting system before, during, or after any election provided by law."
- Section 1-13.5-617(1), C.R.S., which allows a local government to use a ranked voting method of election if they follow, "the rules adopted by the secretary of state pursuant to section 1-7-1004 [of the Colorado Revised Statute]."

IV. Copies of Draft Rules

A preliminary draft of the proposed rules is included at the end of this notice. Also, the notice is posted on the Department of State's [rules and notices of rulemaking webpage](#).

You may also contact our office to request an editable electronic copy of the draft of proposed rules.

As required by the State Administrative Procedure Act,³ if changes are made before the rulemaking hearing, a revised draft of the proposed rule amendments will be available to the public and posted on the website by November 30, 2025.

V. Opportunity to Testify and Submit Written Comments

The Department values your feedback in our rulemaking process, and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the proposed changes to Election rules. The preliminary draft is included at the bottom of this notice.

Everyone will have the opportunity to testify and provide written comments concerning the proposed rule amendments. You may submit written comments to SOS.Rulemaking@coloradosos.gov for the Department to consider prior to the conclusion of the written comment period, which is announced during the rulemaking hearing. Written comments will be posted online in the order in which they are received and as soon as possible after receipt. They will be available to view on the Department's [rules and notices of rulemaking webpage](#). The Department will redact apparent personal contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor. All written comments will be added to the official rulemaking record.

Written comments may also be submitted directly to the hearing panel on the day of the hearing if you attend the hearing in person. Information regarding how to testify during the hearing is provided in section VI of this notice.

VI. Registration and Hearing Recording

Online registration of the hearing

To join the hearing online, you must [register](#) (Zoom).

³ Section 24-4-103(4)(a), C.R.S.

When you register, you must provide your full name, email address, physical address, and telephone number. You may also provide your job title and organization, if desired. Lastly, please indicate how you plan to attend the hearing (in person or online) and whether you plan to testify regarding the proposed amendments. You should receive a confirmation email including details about how to join the hearing online once you submit your registration.

Hearing procedures

After the introduction and a brief summary of the rulemaking, the Department will open the hearing to public testimony. To ensure that the hearing is prompt and efficient, oral testimony is limited to three minutes.

Those who attend the hearing in person will be called upon first to provide their testimony, if desired and indicated on the sign-in sheet. Then, online attendees who indicated their intent to provide oral testimony during their registration will be given their opportunity to provide oral testimony in the order they registered.

Once we have exhausted the list of pre-registered speakers, we will ask whether additional attendees wish to provide testimony. In-person attendees may raise their hands to indicate their intention to testify, and online attendees may raise their virtual hand by clicking the icon in their control panel.

Before the hearing concludes, we will announce an additional opportunity to submit written comments and the associated deadline.

Webinar audio requirements

Please be advised: The Department strongly encourages all attendees to join the webinar through a computer or Zoom app, even if using a telephone to dial in for audio. To testify during the hearing, it is best to use your computer or the Zoom app to be unmuted and to utilize the “raise hand” feature. The raise hand feature is only available to attendees who access the webinar by computer or by the Zoom app. If you access the webinar only by telephone, you may not appear in our webinar attendee list, meaning we may not be able to unmute you to provide testimony. If you choose to testify, it is best to use your computer microphone and speakers, a headset, or headphones. As outlined above, we will receive testimony from online attendees whose registration indicates that they plan to provide testimony before we offer both in-person and online attendees the option to raise their hands.

Audio recording

After the conclusion of the hearing, a recording will be available on the Department's [upcoming events and audio broadcasts webpage](#).

VII. Office Contact Information and Accessibility Accommodations Requests

If you have any questions or would like to submit written comments, please contact the Rulemaking Policy Analyst at SOS.Rulemaking@coloradosos.gov or (303) 894-2200 ext. 6124.

If you require a reasonable accommodation, please email accessibility@coloradosos.gov or call (303) 894-2200. Accommodation requests should be submitted at least one week prior to the rulemaking hearing.

Dated this October 31, 2025



Andrew J. Kline

Deputy Secretary of State

For

Jena Griswold

Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Colorado Department of State

Election Rules

8 CCR 1505-01

I. Basis and Purpose

This statement explains proposed amendments to the Colorado Department of State Election rules.¹ The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado election laws.²

Specific changes include:

- Amendments to Rule 1.
 - New Rule 1.1.47 defines “runoff tabulation entity.” This is a new term used throughout the Election rules to clarify which county is responsible for conducting the elimination sequences of a ranked voting election.
 - Current Rules 1.1.47 through 1.1.67 are renumbered to Rules 1.1.48 through 1.1.68 to accommodate the inclusion of New Rule 1.1.47.
- Amendments to Rule 7.
 - Amendments to Rule 7.4.1 remove an internal rule reference to a defined term found in Rule 1. Internal rule references are not needed for defined terms.
- Amendments to Rule 10.

¹ 8 CCR 1505-1.

² Title 1, C.R.S.

- Amendments to Rule 10.6.1 include new sections (e) and (f). The requirements for official county abstracts provided by county canvass boards now include, if applicable: (1) the round-by-round tabulation results of each race of instant runoff voting contests that takes place in a single county and (2) a report detailing the ranking of each candidate received in the county of an instant runoff voting contest that takes place in more than one county.
- Amendments to Rule 10.6.2 include new section (c). The state portion of the abstract that a county provides to the Department of State must now include the final, tabulated results of instant runoff voting contests that take place in more than one county, which are to be used by the combined canvass board created by New Rule 10.9.
- New Rule 10.9, which includes New Rules 10.9.1 through 10.9.5, pertains to the creation of a canvass board for instant runoff voting contests that take place in more than one county and the certification of election results.
- New Rule 10.9.1 states that 15 days before an election that includes an instant runoff voting contest that takes place in more than one county, the runoff tabulation entity will appoint a combined canvass board to canvass the results of that contest. The combined canvass board will include the county clerk, or their designee, from each county in which the instant runoff contest was conducted and a representative from the local jurisdiction whose office is up for election in that contest.
 - New Rule 10.9.2 requires the combined canvass board to meet after the canvassing of results in each county on a date noticed by the runoff tabulation entity.
 - New Rule 10.9.3 states that the combined canvass board's only duty is to review the final, tabulated results submitted by each county canvass board and to certify the winner of the instant runoff contest by majority vote. The combined canvass board must also review the combined tabulated results to certify the winner of the instant runoff contest. The Secretary of State, or their designee, will be the tiebreaker, if necessary.
 - New Rule 10.9.4 requires the combined canvass board to submit the certified results to the local jurisdiction which certified the instant runoff voting contest on the ballot.
- Amendments to Current Rule 10.9 include renumbering to Rule 10.10. Additionally, Current Rule 10.9.1 through 10.9.5 are renumbered to

10.10.1 through 10.10.5. Internal rule references are updated in Current Rule 10.9.2.

- New Rule 10.10.6 clarifies how an instant runoff contest must be recounted. If the smallest margin between two candidates in an instant runoff contest is less than or equal to 0.5% of the votes cast in the contest and a different candidate being eliminated would change the ultimate winner, then a recount must be held. If the instant runoff voting contest takes place within one county, then the county clerk or designated official appointed by the municipality holding the ranked voting election must order a recount of the contest, as applicable, after receiving the canvass of results. If the instant runoff voting contest takes place within multiple counties, then each county clerk must order a recount after receiving the canvass of results from the combined canvass board, as applicable.
- Current Rules 10.10 through 10.14 are renumbered to Rules 10.11 through 10.15.
- Amendments to Rule 11.
 - Amendments to Rule 11.3 update the Rule for consistency with Department rulemaking standards.
 - New Rule 11.3.3 pertains to how to complete a logic and accuracy test for multi-jurisdictional ranked voting elections. If an instant runoff voting contest takes place in multiple counties, then the county clerks conducting that local jurisdiction's instant runoff voting contest must perform an additional logic and accuracy test. To prepare for that additional logic and accuracy test, the runoff tabulation entity must provide a test deck of 25 ballots to each county clerk involved. The county, in turn, must then scan the additional test deck and provide the cast vote record of the test deck to the runoff tabulation entity. Then, at a public meeting, the runoff tabulation entity must use the cast vote records received from each county clerk during their logic and accuracy test to tabulate the contest(s) using the certified third-party software that will be used in the election. The test deck, any other logic and accuracy materials, and the round-by-round results report are election records.
- Amendments to Rule 20.

- Amendments to Rules 20.4.2, 20.4.3, 20.4.4, 20.6.3, 20.10.3 remove internal rule references to defined terms found in Rule 1. Internal rule references are not needed for defined terms.
- Amendments to Rule 21.
 - New Rule 21.12 addresses the certification of third-party software for use in instant runoff voting elections conducted in more than one county.
 - New Rule 21.12.1 states that the Department may submit a third-party software component to a federally certified voting system test laboratory for certification for use along with another previously certified voting system, or as part of that voting system for its initial certification. The software must be able to aggregate and resolve instant runoff voting elections in multiple jurisdictions. Additionally, the voting system vendor is not responsible for integrating the software that is submitted for certification into their voting system, nor is it responsible for the associated costs with amending a certification. However, the voting system vendor may not prohibit an amendment to the certification of the software.
 - New Rule 21.12.2 lists the functional requirements of third-party amendment certifications, including that the software: (1) must be able to import results files from all voting systems that are certified for use for instant runoff voting capability; (2) allow a user to standardize names of contests and choices across jurisdictions; (3) meet the tabulation requirements for instant runoff races that exist in rule; and (4) export data in the formats required by rule.
 - New Rule 21.12.3 provides that the Department will determine the security requirements that must be tested for the third-party software, after consulting with the voting system test laboratories.
 - New Rule 21.12.4 details the general testing requirements that will be followed for this third-party software. This includes the creation of a test plan and test report that is separate from any previously certified equipment. This rule requires the Department to publish the test report and other appropriate certification artifacts after the software is certified for use.
 - New Rule 21.12.5 requires the Department to hold the certified third-party software in escrow until it has been decertified.
 - New Rule 21.12.6 requires that third-party software only be installed on computer workstations with no wireless connectivity enabled.

- New Rule 21.12.7 permits the Department to decertify software that has been certified as an amendment to a certified voting system at any time. Decertifying the software does not otherwise decertify the fully certified voting system. Additionally, the decertification and the reasons for decertification will be posted on the Department’s public website.
- Amendments to Rule 25.
 - Amendments to Rule 25.2 include changes to Rule 25.2.2, which includes a new section (d) and the necessary renumbering of current sections (d) through (l) to sections (e) through (m). The new section (d) provides information to counties for how to prepare for the risk-limiting audit following instant runoff voting contests. Specifically, section (d) pertains to sample size estimates for the audit.
- Amendments to Rule 26.
 - Amendments to Rule 26.2 specify that if any county in which a local government is located does not have a voting system that is capable of conducting a ranked voting election, none of the counties in which the local government is located are required to coordinate that election.
 - Amendments to Rule 26.5
 - Amendments to Rules 26.5.1, 26.5.2, and 26.5.3 replace “designated election official” with the new defined term “runoff tabulation entity” to specify who is responsible for the tabulation of instant runoff elections.
 - Repeal and replacement of Rule 26.5.5 pertains to the tie-breaker elimination order for all candidates in a ranked voting election. The tie-breaker elimination order must be completed before any logic and accuracy testing and randomly determined by the election official, or their designee. The runoff tabulation entity must eliminate candidate(s) according to the tie-breaker order.
 - Repeal of Rules 26.5.6 and 26.5.7 as they are no longer necessary with the proposed amendments to other rules.
 - Amendments to Rule 26.6
 - Amendments to Rules 26.6.2, 26.6.3, 26.6.4, and 26.6.5 replace “designated election official” with the new defined term “runoff tabulation entity” to specify who is responsible for the tabulation of ranked voting elections using the single transferable vote method.

- Amendments to Rule 26.7 replace “designated election official” with the new defined term “runoff tabulation entity” to specify who is responsible for counting improperly marked ballots in an instant runoff voting contest.
- New Rule 26.8 concerns the tabulation of multi-jurisdictional ranked voting elections.
 - New Rule 26.8.1 requires the county clerk to transmit to the runoff tabulation entity the results of a ranked voting election that is in multiple counties at least once on election night and once each day afterward while ballots are being tabulated.
 - New Rule 26.8.2 requires the county clerk to hash the results file by using SHA-256 algorithm. The generated hash value must be emailed to the runoff tabulation entity.
 - New Rule 26.8.3 requires the runoff tabulation entity to transfer the received results file and associated hash value to a workstation that contains certified third-party software for conducting the elimination stages of tabulation.
- Amendments to Current Rule 26.8, renumbered Rule 26.9.
 - New Rule 26.9.1 permits the county clerk to publicly report only the first rankings if their county is conducting a ranked voting election that is shared amongst multiple counties.
 - Amendments to Current Rule 26.8.1, renumbered to Rule 26.9.2, replace “designated election official” with the new defined term “runoff tabulation entity” to specify who is responsible for ensuring anonymity of a voter’s ranking in the ballot image report.
 - Amendments to Current Rule 26.8.2, renumbered to Rule 26.9.3, provides a reporting alternative for the runoff tabulation entity if the state election night reporting website lacks the functionality to report the results of a ranked voting election. It is the responsibility of the runoff tabulation entity to post the results on a public website and to provide the Department with the URL of that website no later than a week before election day.
 - New Rule 26.9.4 exempts ranked voting elections from the election night reporting requirements of Rule 11.9. Alternatively, the runoff tabulation entity must report the results at least once on election night and once each day when ballots are being tabulated.

- Amendments to Current Rule 26.9, renumbered to Rule 26.10, remove language that is no longer needed with the addition of new Rules 26.10.1 and 26.10.2.
 - New Rule 26.10.1 states that instant runoff voting contests are eligible to be selected for additional auditing by the Department, as outlined in Rule 25.2.2(j).
 - New Rule 26.10.2 requires any jurisdiction to conduct an audit of a ranked voting election independent of the state-administered risk-limiting audit if the jurisdiction does not conduct a ranked voting election as prescribed in Rule 26.5. This audit must not interfere with the state-administered audit that is conducted before the canvass board certifies official election results.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with the Department’s rulemaking format and style. Cross-references in rules are also corrected or updated.

II. Rulemaking Authority

The statutory authority is as follows:

- Section 1-1-107(2)(a), C.R.S., which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”
- Section 1-1-110(1), C.R.S., which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”
- Section 1-5-601.5, C.R.S., which authorizes the Secretary of State to develop "minimum standard and specifications... in accordance with section 1-5-616(1.5)" for a voting system or voting equipment for sale or for lease of use in an instant runoff election contest.
- Section 1-5-601.5(2), C.R.S., which allows the Secretary of State to " . . . require by rule that a voting system or voting equipment used to conduct an election using instant runoff voting meet [] federal standards, so long as the federal standards meet or exceed those promulgated by the secretary of state."
- Section 1-5-616, C.R.S., which requires the Secretary of State to adopt rules “that establish minimum standards for electronic and electromechanical voting systems.”
- Section 1-5-616(1.5), C.R.S., which requires the Secretary of State to adopt rules establishing, “minimum system requirements and specifications for electronic and

electromechanical voting systems used to conduct elections using instant runoff voting.”

- Section 1-5-616(4), C.R.S., which requires the Secretary of State to “adapt the standards for certification of electronic or electromechanical voting systems established by rule... to ensure that new technologies that meet the requirements for such systems are certified in a timely manner...”
- Section 1-7-118(5), C.R.S., which requires the Secretary of State to promulgate rules, by January 1, 2026, which concern the tabulation, reporting, and canvassing of results for a coordinated election using instant runoff voting conducted by multiple counties.
- Section 1-7-509(6), C.R.S., which requires the Secretary of State to promulgate rules that "must include standards and procedures for conducting logic and accuracy testing on voting equipment to be used in an election using instant runoff voting."
- Section 1-7-515, C.R.S., which requires the Secretary of State to promulgate rules “to conduct risk limiting audits in an election using instant runoff voting.”
- Section 1-7-1004, C.R.S., which requires the Secretary of State to adopt rules consistent with section 1-7-1003, C.R.S., “on the conduct of elections using ranked voting methods. The rules shall prescribe the methods and procedures for tabulating, auditing, and reporting results in an election using a ranked voting method.”
- Section 1-7.5-104, C.R.S., which requires the county clerk to conduct a “coordinated” election by mail under the supervision of, and “subject to rules promulgated... by, the secretary of state.”
- Section 1-7.5-106, C.R.S., which allows the Secretary of State to adopt rules governing procedures and forms necessary to implement mail ballot elections, and allowing the Secretary to appoint, “any county clerk and recorder as an agent of the secretary to carry out the duties prescribed . . .”
- Section 1-13-708, C.R.S., which gives the Secretary of State the authority to promulgate rules regarding authorization to access, “electronic or electromechanical voting equipment or an election-night reporting system before, during, or after any election provided by law.”
- Section 1-13.5-617(1), C.R.S., which allows a local government to use a ranked voting method of election if they follow, "the rules adopted by the secretary of state pursuant to section 1-7-1004."

Preliminary Draft of Proposed Rules

Colorado Department of State

Election Rules

8 CCR 1505-1

October 31, 2025

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Department of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the rulemaking hearing on December 5, 2025. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State's website no later than November 30, 2025.²

The proposed amendments in this preliminary draft are shown with track changes. Associated publication instructions/notes are orange and italicized.

1 *Amendments to 8 CCR 1505-1 are as follows:*

2 *Amendments to Rule 1 are as follows:*

3 *New Rule 1.1.47 defines "runoff tabulation entity":*

4 1.1.47 "Runoff tabulation entity" means the election jurisdiction that will conduct
5 the elimination sequences for a ranked voting election. For an election that
6 is wholly within a single county, the county clerk and recorder or
7 designated election official appointed by the municipality holding the
8 ranked voting election is the runoff tabulation entity. For an election that is
9 shared by more than a single county, the controlling county, as defined by
10 Rule 4.2.2, is the runoff tabulation entity.

11 *[Not shown: Current Rules 1.1.47 through 1.1.67 are renumbered to Rules 1.1.48*
12 *through 1.1.68.]*

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S.

² Section 24-4-103(4)(a), C.R.S. "[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."

1 *Amendments to Rule 7 are as follows:*

2 *Amendments to Rule 7.4.1 remove an internal rule reference:*

3 7.4 Receipt and processing of ballots

4 7.4.1 The county clerk must adequately light all drop box locations and use a
5 video security surveillance recording system ~~as defined in Rule 1.1.62~~ to
6 monitor each location.

7 *[Not shown: no changes to sections (a) through (g).]*

8 *Amendments to Rule 10 are as follows:*

9 *Amendments to Rule 10.6.1 add new sections (e) and (f) which now include the*
10 *requirements for official county abstracts for instant runoff voting contests that take*
11 *place in single counties and in more than one county, and necessary grammatical*
12 *changes:*

13 10.6 Official abstract and reporting to the Secretary of State

14 10.6.1 The official county abstract must include, by precinct or ballot style, where
15 applicable:

16 *[Not shown: no changes to sections (a) and (b).]*

17 (c) The statement of votes counted by race and ballot question or
18 issue; ~~and~~

19 (d) The total number of ballots cast in the election; ~~and~~

20 (e) For instant runoff voting contests conducted by a county clerk which
21 are within a single county, the round-by-round tabulation results of
22 each race; and

23 (f) For instant runoff voting contests conducted by a county clerk which
24 are contained in more than one county, a report detailing the
25 ranking each candidate received in the county.

26 *Amendments to Rule 10.6.2 include new section (c) which requires the Department, for*
27 *the state's portion of the abstract, to include the final, tabulated results of an instant*
28 *runoff voting contest that are contained in more than one county, and necessary*
29 *grammatical changes:*

1 10.6.2 A county must submit the state portion of the abstract and the ENR upload
2 required by Rule 11.9.6 to the Secretary of State in the format approved
3 by the Secretary of State. The state portion of the abstract must include:

4 (a) The summary of votes cast for each state race and each ballot
5 question or issue; ~~and~~

6 (b) The total number of ballots counted in the election; and

7 (c) For instant runoff voting contests conducted by a county clerk which
8 are contained in more than one county, final, tabulated results of
9 that race to be used by the combined canvass board appointed in
10 Rule 10.9.

11 *New Rule 10.9 concerns the canvass of instant runoff voting contests that are contained*
12 *in more than one county:*

13 10.9 Canvass of instant runoff voting contests contained in more than one county

14 10.9.1 No later than 15 days before an election which will include an instant
15 runoff voting contest contained in more than one county, the runoff
16 tabulation entity will appoint a combined canvass board to canvass the
17 results of the instant runoff voting contest. The board must consist of:

18 (a) The county clerk, or the county clerk's designee, from each county
19 in which the instant runoff voting contest was conducted; and

20 (b) A representative from the local jurisdiction whose office is up for
21 election in the instant runoff voting contest.

22 10.9.2 The combined canvass board appointed in this Rule will meet on a date
23 noticed by the runoff tabulation entity following the canvassing of results in
24 each county as required by section 1-10-102, C.R.S.

25 10.9.3 The combined canvass board's only duty is to review the final, tabulated
26 results submitted by each county canvass board to certify a winner of the
27 instant runoff voting contest. To certify a winner, the combined canvass
28 board must also review the combined tabulated results generated in
29 accordance with Rule 26.8. The combined canvass board must make its
30 determinations by a majority vote, with the Secretary of State, or their
31 designee, casting a vote only in the event of a tie.

1 10.9.4 After meeting, the combined canvass board must submit the certified
2 results to the local jurisdiction which certified the instant runoff voting
3 contest to the ballot.

4 *Amendments to Current Rule 10.9, renumbered to Rule 10.10, include New Rule*
5 *10.10.6--which pertains to recounts for instant runoff voting contests, update to internal*
6 *references, and necessary renumbering:*

7 10.910 Recount generally

8 10.910.1 The purpose of a recount is to re-tabulate the ballots.

9 10.910.2 A county that has successfully completed a comparison audit under
10 Rule 25.2 and reported no discrepancies in the recount contest need not
11 re-scan ballots during a requested recount, except as provided in Rule
12 ~~10.9.3~~10.10.3. In all cases, the county must re-adjudicate ballot images for
13 voter intent in accordance with Rule ~~10.13.3~~10.14.2.

14 *[Not shown: Current Rules 10.9.3 through 10.9.5 are renumbered to Rules 10.10.3*
15 *through 10.10.5.]*

16 10.10.6 Recounts for instant runoff voting contests. If the smallest margin
17 between two candidates in an instant runoff voting contest is less than or
18 equal to one-half of one percent of the votes cast in the contest, then a
19 recount must be held in accordance with section 1-10.5-103, C.R.S. The
20 smallest margin will be determined by calculating the minimum number of
21 votes that would have to be different to change the elimination order such
22 that the winner in the final round of tabulation would be different.

23 (a) The county clerk or designated election official appointed by the
24 municipality holding the ranked voting election must order a recount
25 of an instant runoff voting contest within a single county, following
26 the canvass of results by the county canvass board or designated
27 election official, as applicable.

28 (b) Each county clerk must order a recount of an instant runoff voting
29 contest contained in more than one county following canvass of
30 results by the combined canvass board under Rule 10.9, as
31 applicable.

32 *[Not shown: Current Rules 10.10 through 10.14 are renumbered to Rules 10.11 through*
33 *10.15.]*

1 *Amendments to Rule 11 are as follows:*

2 *Amendments to Rule 11.3 include the addition of New Rule 11.3.3, which pertains to*
3 *logic and accuracy tests for multi-jurisdictional ranked voting elections, and a technical*
4 *cleanup to the title Rule:*

5 11.3 ~~The clerk must perform a h~~Hardware diagnostic ~~test~~ and a logic and accuracy
6 test.

7 *[Not shown: no changes to Rules 11.3.1 and 11.3.2.]*

8 11.3.3 Logic and accuracy test for multi-jurisdictional ranked voting elections

- 9 (a) In addition to the logic and accuracy test conducted pursuant to
10 Rule 11.3.2, an additional logic and accuracy test described by this
11 Rule must be performed if two or more county clerks are
12 conducting an instant runoff voting contest for a single, local
13 jurisdiction.
- 14 (b) In preparation for a logic and accuracy test under this Rule, the
15 runoff tabulation entity must provide an additional test deck of 25
16 ballots to each county clerk. The deck must conform to the
17 requirements of Rule 11.3.2(c).
- 18 (c) At each county clerk's logic and accuracy test, the county clerk
19 must scan the additional test deck and provide the cast vote record
20 of the test deck to the runoff tabulation entity in the manner
21 prescribed by the runoff tabulation entity. The test deck must be
22 preserved as an election record alongside any other logic and
23 accuracy materials which are preserved as election records for that
24 election.
- 25 (d) At a public meeting which conforms as closely as practicable to the
26 requirements of section 1-7-509(2)(b), C.R.S., the runoff tabulation
27 entity must use the cast vote records received from each county
28 clerk during their logic and accuracy test to tabulate the instant
29 runoff voting contest or contests which are subject to this Rule. The
30 contest or contests must be tabulated using the third-party software
31 which has been certified for use under Rule 21.12. The runoff
32 tabulation entity must confirm that the round-by-round tabulation
33 corresponds to the known results of the test decks provided to each
34 county clerk.

1 (e) Following the tabulation, the runoff tabulation entity must maintain
2 the round-by-round results report as an election record.

3 *Amendments to Rule 20 are as follows:*

4 *Amendments to Rule 20.4.2 remove internal rule references:*

5 20.4.2 Surveillance of secure areas

6 (a) The county clerk must make video security surveillance recordings
7 of secure equipment areas, ~~as defined by Rule 1.1.50~~, in
8 accordance with the requirements of section 1-7-513.5, C.R.S.

9 (b) The county clerk of a county with 50,000 or more registered voters
10 must also make video security surveillance recordings of secure
11 ballot areas, ~~as defined by Rule 1.1.49~~, if those areas do not
12 contain any components of a voting system, beginning at least 35
13 days before election day and continuing uninterrupted through at
14 least 30 days after election day. If a recount or contest occurs, the
15 recording must continue through the conclusion of all related
16 activity.

17 *[Not shown: no changes to sections (c) through (e).]*

18 *Amendments to Rule 20.4.3 remove an internal rule reference:*

19 20.4.3 Access logs to secure areas

20 *[Not shown: no changes to section (a).]*

21 (b) The county clerk must otherwise maintain a log of each person who
22 enters a secure ballot area, ~~as defined by Rule 1.1.49~~, if that area
23 does not contain any components of a voting system. This does not
24 include members of the public who access areas of a county clerk's
25 office that are regularly available to the public outside of an
26 election.

27 *[Not shown: no changes to sections (c) and (d).]*

28 *Amendments to Rule 20.4.4 remove internal rule references:*

29 20.4.4 Restrictions on physical access

30 (a) General restrictions

1 (1) No person may be present in a secure ballot area, ~~as~~
2 ~~defined by Rule 1.1.49~~, or secure equipment area, ~~as~~
3 ~~defined by Rule 1.1.50~~, unless:

4 *[Not shown: no changes subsections (A) through (C).]*

5 *[Not shown: no changes to subsection (2).]*

6 *[Not shown: no changes to section (b).]*

7 20.6.3 Security at trusted build

8 *[Not shown: no changes to section (a).]*

9 (b) Video surveillance recording

10 (1) The county clerk must ensure that the trusted build is
11 conducted under video security surveillance recording ~~as~~
12 ~~defined by Rule 1.1.62~~.

13 *[Not shown: no changes to subsections (2) through (4).]*

14 *Amendments to Rule 20.10.3 remove internal rule references:*

15 20.10.3 Retention of voted ballots

16 *[Not shown: no changes to (a) through (d).]*

17 (e) Any room in which a county clerk conducts the activities described
18 in this Rule is a secure ballot area, ~~as defined by Rule 1.1.49~~.

19 (f) The county clerk must operate video security surveillance
20 recordings ~~as defined by Rule 1.1.62~~ of the activities described in
21 this Rule. Those recordings must be maintained as an election
22 record for 25 months following the conclusion of the ballot removal
23 process.

24 *[Not shown: no changes to (g) and (h).]*

25 *Amendments to Rule 21 are as follows:*

26 *New Rule 21.12 addresses the certification of third-party software only for use with*
27 *instant runoff voting elections contained in more than one county:*

28 [21.12 Amendments to certifications for instant runoff voting functionality](#)

1 21.12.1 The Department of State may submit a third-party software
2 component to a federally certified voting system test laboratory for
3 certification for use with another previously certified voting system or as
4 part of a system that is under consideration for certification.

5 (a) Only software components whose purpose is to aggregate and
6 resolve instant runoff voting elections that take place across more
7 than a single jurisdiction may be submitted according to this Rule.

8 (b) A voting system vendor may not prohibit an amendment to the
9 certification according to this Rule.

10 (c) A voting system vendor is not responsible for integrating software
11 that is submitted as an amendment into their voting system.

12 (d) A voting system vendor is not responsible for the costs associated
13 with amending a certification.

14 21.12.2 Functional requirements of third-party amendment certifications

15 (a) The software must be able to import results files from all voting
16 systems that are certified for use for instant runoff voting capability
17 under Rule 21.11.

18 (b) The software must allow a user to standardize the names of
19 contests and choices across jurisdictions.

20 (c) The software must meet the requirements of Rule 21.11.4, with the
21 exception of Rule 21.11.4(a).

22 (d) The software must export data in the formats specified in Rule
23 21.11.2(a).

24 21.12.3 Upon submission of an amendment under this Rule, the
25 Department of State will consult with the voting system test laboratory to
26 determine which security requirements are applicable to the third-party
27 software.

28 21.12.4 Testing

29 (a) For amendments that are submitted with a voting system currently
30 under consideration, the test plan must include an appendix
31 addressing the third-party software amendment. Upon completion

1 of testing, the test report must include an appendix addressing the
2 third-party software amendment.

3 (b) For amendments that are submitted for a voting system that has
4 been previously certified, the Department of State will work with the
5 voting system test laboratory to develop a separate test plan for the
6 amendment. Upon conclusion of testing, the laboratory must
7 produce a test report.

8 (c) If the third-party software meets the requirements in Rule 21.12, the
9 Department of State will certify the third-party software as part of an
10 amendment to a voting system. If the requirements are not met
11 sufficiently for certification of the third-party software with the
12 amendment, it does not preclude the voting system from being
13 certified without the amendment.

14 (d) The Department of State will publish its determination of
15 certification for the amendment on its public website along with the
16 test report and any other appropriate certification artifacts.

17 21.12.5 Once software has been certified as a third-party amendment, the
18 Department of State must hold that software in escrow until such time that
19 it has been decertified.

20 21.12.6 Third-party software components that are certified as amendments
21 must only be installed on a computer workstation that has no wireless
22 connectivity enabled.

23 21.12.7 The Department of State may decertify software that has been
24 certified as an amendment to a certified voting system at any time.

25 (a) When software that is certified using this Rule is decertified, the
26 Department of State must publish the decertification on its public
27 website along with any reasons for decertification.

28 (b) In the event the Department of State decertifies software that has
29 been certified as an amendment to a fully certified voting system,
30 that decertification shall only apply to the amendment and shall not
31 apply to the otherwise fully certified voting system.

32 *Amendments to Rule 25 are as follows:*

1 *Amendments to Rule 25.2.2 include new section (d) which pertains to the sample size*
2 *estimates used for the risk-limiting audit of instant runoff voting contests and necessary*
3 *renumbering:*

4 25.2 Risk limiting audit. The designated election official must conduct a risk-limiting
5 audit in accordance with section 1-7-515, C.R.S., and this Rule.

6 *[Not shown: no changes to Rule 25.2.1.]*

7 25.2.2 Preparing for the audit

8 *[Not shown: no changes to sections (a) through (c).]*

9 (d) Sample size estimates. Upon completion of tabulation on election
10 night, counties are required to export an initial CVR export from
11 their voting system and hash and upload the export and hash value
12 to the RLA tool. Counties are not required to upload a ballot
13 manifest to the RLA tool for the purposes of creating sample size
14 estimates.

15 (1) The Department of State will use the election night CVRs to
16 create sample size estimates to facilitate the selection of
17 target contests.

18 (2) Counties are not required to upload a CVR export again
19 during the same election to the RLA tool unless requested to
20 do so by the Department to facilitate an updated sample size
21 estimate.

22 *[Not shown: sections (d) through (l) are recodified to sections (e) through (m).]*

23 *Amendments to Rule 26 are as follows:*

24 *Amendments to Rule 26.2 specify that if any county in which a local government is*
25 *located does not have a voting system that can conduct a ranked voting election, then*
26 *none of the counties in which that local government is located are required to coordinate*
27 *that election:*

28 26.2 A local government conducting a ranked voting election that is coordinating with
29 the county clerk must give notice to the county clerk no later than 100 days
30 before the election. If ~~the~~ any county's voting system in which the local
31 government is located is not capable of conducting a ranked voting election, the
32 county clerk is not required to coordinate.

1 *Amendments to Rule 26.5 concern a grammatical update:*

2 26.5 Tabulation of instant-run-off elections

3 *Amendments to Rules 26.5.1 through 26.5.3 include the use of the new definition of*
4 *“runoff tabulation entity,” replacing “designated election official.”*

5 26.5.1 In any ranked voting election in which only one candidate will be elected to
6 office, the ~~designated election official~~ runoff tabulation entity must follow
7 the tabulation procedures described in this rule.

8 26.5.2 During the first round of tabulation, the ~~designated election official~~ runoff
9 tabulation entity must tabulate the first-choice ranks on each ballot.

10 *[Not shown: no changes to section (a).]*

11 (b) If no candidate receives over 50 percent of the first-choice ranks for
12 a contest across all ballots tabulated, the ~~designated election~~
13 ~~official~~ runoff tabulation entity must continue to the next round of
14 tabulation.

15 26.5.3 At the beginning of the next round of tabulation, the candidate with the
16 fewest first-choice ranks in the prior round is eliminated and the eliminated
17 candidate’s votes are transferred to each ballot’s next-ranked continuing
18 candidate and tabulated.

19 *[Not shown: no changes to section (a).]*

20 (b) If no candidate has over 50 percent of the votes cast on active
21 ballots after the second round, the ~~designated election official~~ runoff
22 tabulation entity must repeat additional rounds of tabulation as
23 described in this Rule, until there is a winning candidate.

24 *[Not shown: no changes to Rules 25.5.4.]*

25 *Repeal and replacement of Rule 26.5.5 with New Rule 26.5.5, which concerns the logic*
26 *and accuracy test for any ranked voting election:*

27 ~~26.5.5 At the end of Round one and in any subsequent rounds, if two or more~~
28 ~~candidates tie for the lowest number of votes, the eliminated candidate~~
29 ~~must be chosen by lot, unless the candidates may be eliminated~~
30 ~~simultaneously under Rule 26.5.4.~~

1 26.5.5 Before any logic and accuracy test for any ranked voting election, the
2 designated election official, or their designee, must randomly determine
3 the tie-breaker elimination order for all candidates.

4 (a) The tie-breaker elimination order must consist of a list of all
5 candidates with each candidate assigned a unique ranking.

6 (b) In any round of tabulation, if there is a tie that needs to be resolved
7 to determine which candidate or candidates will be eliminated,
8 including the round that determines the winner, the runoff tabulation
9 entity must eliminate the candidate or candidates according to the
10 tie-breaker elimination order.

11 *Repeal of Rules 26.5.6 and 26.5.7:*

12 ~~26.5.6 If only two continuing candidates remain after a round and they have the~~
13 ~~same number of votes, the winning candidate must be chosen by lot.~~

14 ~~26.5.7 The designated election official need not report election night results~~
15 ~~under Rule 11.9.4, unless directed by the Secretary of State.~~

16 *Amendments to Rule 26.6 use the new definition of “runoff tabulation entity,” replacing*
17 *“designated election official.”*

18 26.6 Tabulation of ranked voting elections using the single transferable vote method

19 *[Not shown: no changes Rule 26.6.1.]*

20 26.6.2 During the first round of tabulation, the ~~designated election official~~runoff
21 tabulation entity must tabulate the first-choice ranks on each ballot.

22 *[Not shown: no changes to sections (a) and (b).]*

23 26.6.3 During the second round of tabulation, the ~~designated election official~~
24 runoff tabulation entity must calculate each winning candidate’s surplus
25 votes, as described in Rule 26.6.4, and transfer those votes
26 proportionately to any continuing candidate.

27 *[Not shown: no changes to section (a).]*

28 (b) After the votes are transferred, if the number of winning candidates
29 is less than the number of seats to be filled, the ~~designated election~~
30 ~~official~~runoff tabulation entity must eliminate the continuing
31 candidate with the fewest first-choice votes, surplus votes from

1 winning candidates, and, when applicable, votes transferred from
2 eliminated candidates. The eliminated candidate's votes must then
3 be transferred to each active ballot's next-highest-ranked continuing
4 candidate.

5 *[Not shown: no changes to sections (c) and (d).]*

6 26.6.4 To calculate a winning candidate's surplus votes in any round, the
7 ~~designated election official~~ runoff tabulation entity must:

8 *[Not shown: no changes to sections (a) through (d).]*

9 26.6.5 In any round, if two or more candidates tie for the lowest number of votes,
10 the ~~designated election official~~ runoff tabulation entity must determine the
11 eliminated candidate by lot.

12 *[Not shown: no changes to Rule 26.6.6.]*

13 *Amendments to Rule 26.7 use the new definition of "runoff tabulation entity," replacing*
14 *"designated election official:"*

15 26.7 After determining voter intent in accordance with the Secretary of State's Voter
16 Intent Guide, the ~~designated election official~~ runoff tabulation entity must count
17 improperly marked ballots as follows:

18 *[Not shown: no changes to Rules 26.7.1 through 26.7.4.]*

19 *New Rule 26.8 concerns tabulating multi-jurisdictional ranked voting elections:*

20 26.8 Tabulating multi-jurisdictional ranked voting elections

21 26.8.1 For ranked voting elections contained in more than one county, at least
22 once on election night and once each day where ballots are being
23 tabulated thereafter, each county clerk must transmit results in an
24 approved format to the runoff tabulation entity using a secure data transfer
25 method provided by the Department of State.

26 26.8.2 As part of the data results transfer process, the county clerk must hash the
27 results file using a SHA-256 algorithm. The generated hash value must be
28 emailed to the runoff tabulation entity. The county clerk must not send the
29 hash value to the runoff tabulation entity using the same data transfer
30 method used to send the results file.

1 26.8.3 Upon receipt of the results file and associated hash value, the runoff
2 tabulation entity must transfer the results file to a workstation that contains
3 software for conducting the elimination stages of tabulation.

4 (a) The media that the runoff tabulation entity uses to transfer the
5 results file must conform with Rule 20.5.3(c).

6 (b) The runoff tabulation entity must verify that the hash value of the
7 received results file matches the hash value transmitted by the
8 county clerk on the workstation that contains software for
9 conducting the elimination stages of tabulation.

10 (c) The runoff tabulation entity must only use results files that have
11 been verified by the method in Rule 26.8.3(b) to conduct elimination
12 stages of tabulation.

13 *Amendments to Current Rule 26.8, renumbered to Rule 26.9, include using the new*
14 *definition of “runoff tabulation entity” to replace “designated election official” and New*
15 *Rules 26.9.1 and 26.9.4, which pertain to the reporting result requirements and*
16 *exemptions for counties that have ranked voting elections which are contained in more*
17 *than one county:*

18 26.89 Reporting results of a ranked voting election

19 26.9.1 For ranked voting elections contained in more than one county, the clerk
20 and recorder of each participating county may only publicly report first
21 rankings.

22 ~~26.8.19.2~~ The ~~designated election official~~ runoff tabulation entity must ensure
23 anonymity of a voter’s rankings in the ballot image report required by
24 section 1-7-1003(7)(a)(II), C.R.S. In precincts with ten or fewer voters, the
25 ballot image reports must be combined with another precinct.

26 ~~26.8.29.3~~ For any ranked voting election, if the state election night reporting
27 website in Rule 11.9 lacks functionality to report the results of a ranked
28 voting election the runoff tabulation entity is responsible for posting results
29 to a public website. If the website used to report results is not the election
30 night reporting website in Rule 11.9, the runoff tabulation entity
31 ~~coordinated with a county clerk, the coordinated election official must~~
32 ~~publish preliminary and final result reports of a ranked voting election on a~~
33 ~~website. The reports must comply with section 1-7-1003(7)(a)(I) – (III),~~
34 ~~C.R.S. The coordinated election official~~ must provide to the Secretary of

1 State the website where results will be posted no later than a week before
2 election day.

3 26.9.4 The schedule to post results on election night for a ranked voting election
4 are exempt from the requirements of Rule 11.9. Instead, the runoff
5 tabulation entity must report results at least once on election night and at
6 least once each day when ballots are tabulated thereafter.

7 *Amendments to Current Rule 26.9, renumbered to Rule 26.10, pertain to auditing a*
8 *ranked voting race:*

9 ~~26.9.10 Auditing a ranked voting election or race. The designated election~~
10 ~~official must audit each ranked voting race before the canvass board certifies~~
11 ~~official election results in a manner which will not interfere with the audit required~~
12 ~~by section 1-7-515, C.R.S.~~

13 26.10.1 Instant runoff races tabulated according to Rule 26.5 are eligible to
14 be targeted according to Rule 25.2.2(j) in the state-administered risk-
15 limiting audit if the election is covered by section 1-7-515(2)(a), C.R.S.

16 26.10.2 Any jurisdiction that conducts a ranked voting election in a manner
17 other than the instant runoff method in Rule 26.5 must conduct an audit of
18 the race independent of the state-administered risk-limiting audit that does
19 not interfere with the state-administered audit before the canvass board
20 certifies official election results, if the election is covered by section 1-7-
21 515(2)(a), C.R.S.

Notice of Proposed Rulemaking

Tracking number

2025-00537

Department

2505,1305 - Department of Health Care Policy and Financing

Agency

2505 - Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY

Rulemaking Hearing**Date**

12/12/2025

Time

09:00 AM

Location

303 East 17th Avenue, 11th Floor, Denver, CO 80203

Subjects and issues involved

see attachment

Statutory authority

Sections 25.5-1-301 through 25.5-1-303, C.R.S.

Contact information**Name**

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COLORADO

Department of Health Care Policy & Financing

Medical Services Board

NOTICE OF PROPOSED RULES

The Medical Services Board of the Colorado Department of Health Care Policy and Financing will hold a public meeting on Friday, December 12, 2025, beginning at 9:00 a.m., at 303 E. 17th Ave, Suite 1100. Denver, CO 80203. Reasonable accommodations will be provided upon request for persons with disabilities. Please notify the Board Coordinator at 303- 866-4416 or chris.sykes@state.co.us or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week before the meeting.

A copy of the full text of these proposed rule changes is available for review from the Medical Services Board Office, 303 E. 17th Ave, Ste 1100, Denver, Colorado 80203, (303) 866-2993, fax (303) 866-4411. Written comments may be submitted to the Medical Services Board Office on or before the close of business on Wednesday before the meeting. Additionally, the full text of all proposed changes will be available approximately one week prior to the meeting on the Department's website at www.colorado.gov/hcpf/medical-services-board.

This notice is submitted pursuant to § 24-4-103(3)(a) and (11)(a), C.R.S.

MSB 25-10-13-B, Creation Medical Assistance Act Rule concerning the Provider Stabilization Fund Program, Section 8.970

Medical Assistance. Create the Provider Stabilization Fund Program as mandated by SB 25-290. The Provider Stabilization Fund program was established to make payments to safety net providers throughout the state that are providing care to low-income uninsured individuals.

The authority for this rule is contained in Sections 25.5-3-601 through 25.5-3-606, 2-3-1203, and 38-13-801 C.R.S. (2025) and Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2025).

MSB 25-10-13-A, Revision to the Medical Assistance Act Rule concerning Definitive Drug Testing, Section 8.660

Medical Assistance. This proposed rule revision affects Section 8.660 Laboratory and X-Ray. Specifically, this revision will add a limit of 16 units of services per state fiscal year for definitive drug testing for adult Health First Colorado members. Definitive drug tests use highly specific, quantitative laboratory methods, including but not limited to liquid chromatography–tandem mass spectrometry (LC-MS/MS) and gas chromatography–mass spectrometry (GC-MS), to identify and measure the concentration of individual drugs and drug metabolites in a patient specimen. Definitive testing is distinguished from presumptive drug testing in that definitive testing confirms the presence or absence of a substance, provides specific analyte identification, and reports exact concentrations, whereas presumptive testing only confirms the presence or absence of a substance. This proposed limit is a result of uncontrolled, inappropriate utilization of this specific service.

The authority for this rule is contained in 42 C.F.R. § 440.30 & C.R.S. §§ 25.5-1-301 to -303 (2025).

MSB 25-08-14-A, Revision to the Medical Assistance Act Rule Concerning Adult and Child Respite, Sections 8.7545 & 8.7546

Medical Assistance. The Department of Health Care Policy & Financing (HCPF) is proposing updates to existing Child and Adult respite rules. These changes are intended to clarify policy, improve service access, and ensure alignment with waiver requirements effective January 1, 2026.

The authority for this rule is contained in C.R.S. §§ 25.5-1-301 to -303 (2025).

Notice of Proposed Rulemaking

Tracking number

2025-00536

Department

500,1008,2500 - Department of Human Services

Agency

2509 - Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)

CCR number

12 CCR 2509-8

Rule title

CHILD CARE FACILITY LICENSING

Rulemaking Hearing**Date**

12/05/2025

Time

08:30 AM

Location

1575 Sherman Street Denver, CO 80203

Subjects and issues involved

HB22-1295 Department Early Childhood and Universal Preschool Program was signed into law on April 25, 2022, which created the Colorado Department of Early Childhood (CDEC). Pursuant to HB 22-1295, the child care licensing functions for less-than 24 hours care facilities under the Departments former Office of Early Childhood (OEC) transferred to CDEC. When CDEC separated from the Colorado Department of Human Services (CDHS) on July 1, 2022, CDEC worked to migrate the CDEC facility-specific regulations to their own CCR series. Prior to the separation of Departments, CDEC regulations lived in 12 CCR 2509-8. CDEC has since promulgated their new regulations into 8 CCR 1402-1 Child Care Facility Licensing Rules and Regulations, and the 24-hour child care regulations stayed in 12 CCR 2509-8. CDEC regulations in 8 CCR 1402-1 were effective 12/15/23 but duplicative regulations were not removed from 12 CCR 2509-8 when their CCR series was created. This rule packet seeks to remove relevant rules from CDHS's rule sets.

Statutory authority

26-1-107(5)(b), (6)(a); 26-6-909(1), (2), C.R.S.

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Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft
CDHS Tracking #: 25-06-17-01
Office, Division, & Program: Rule Author: Logan Ellett Phone: 720.245.1195
E-Mail: logan.ellett@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

- a. Board Executive Director
b. Regular Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

- AG Initial Review Initial Board Reading AG 2nd Review Second Board Reading / Adoption

This package contains the following types of rules: *(check all that apply)*

- Number
0 Amended Rules
0 New Rules
205 Repealed Rules
0 Reviewed Rules

What month is being requested for this rule to first go before the State Board?	December 2025
What date is being requested for this rule to be effective?	March 2026
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director’s Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates: 1st Board December 2025 2nd Board January 2026 Effective Date March 2026

Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft

CDHS Tracking #: 25-06-17-01

Office, Division, & Program: Rule Author: Logan Ellett

Phone: 720.245.1195

E-Mail: logan.ellett@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

HB22-1295 "Department Early Childhood and Universal Preschool Program" was signed into law on April 25, 2022, which created the Colorado Department of Early Childhood (CDEC). Pursuant to HB 22-1295, the child care licensing functions for less-than 24 hours care facilities under the Department's former "Office of Early Childhood" (OEC) transferred to CDEC. When CDEC separated from the Colorado Department of Human Services (CDHS) on July 1, 2022, CDEC worked to migrate the CDEC facility-specific regulations to their own CCR series. Prior to the separation of Departments, CDEC regulations lived in 12 CCR 2509-8. CDEC has since promulgated their new regulations into 8 CCR 1402-1 "Child Care Facility Licensing Rules and Regulations", and the 24-hour child care regulations stayed in 12 CCR 2509-8. CDEC regulations in 8 CCR 1402-1 were effective 12/15/23 but duplicative regulations were not removed from 12 CCR 2509-8 when their CCR series was created.

Because of this, there are 178 pages of 12 CCR 2509-8 that are currently CDEC-specific, duplicative of their current regulations in 8 CCR 1402-1, and do not need to live in their old CCR series any longer. Having old regulations in 12 CCR 2509-8 causes confusion among applicants and licensees as well as for the licensed providers who are seeing appeals as to which regulations apply to their license. The repeal is necessary to ensure consistency of regulation application, clarity for providers, and reduce administrative burden. The sections in 12 CCR 2509-8 that are proposed for repeal are CDEC-specific sections only and include: Section 7.702, 7.707, 7.711, 7.712, 7.716, 7.717, 7.720, and 7.730.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- to comply with state/federal law and/or
- to preserve public health, safety and welfare

Justification for emergency:

N/A

State Board Authority for Rule:

Code	Description
26-1-107(5)(b), (6)(a), C.R.S. (2025)	Authorizes the State Board to promulgate rules for programs administered under Title 26 and Title 27 and states the State Board shall adopt board rules.

Program Authority for Rule: Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.

Code	Description
26-6-909(1), (2), C.R.S. (2025)	The Department shall promulgate licensing standards for all facility types described in Part 9 or Article 6 of Title 26. The standards are enumerated in subsection 2.

Does the rule incorporate material by reference? Yes

No

Does this rule repeat language found in statute? Yes

No

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If yes, please explain.

N/A

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Groups impacted by this rule primarily include the Colorado Department of Early Childhood (CDEC), the Colorado Department of Human Services (CDHS), and the applicants and licensees through both CDEC and CDHS.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

CDEC will be impacted as it will reduce duplication of their regulations in 8 CCR 1402-1, thus providing more clarity to CDEC applicants and licensees as to which regulations apply to less-than 24-hour child care under CDEC. CDHS will be impacted as it will reduce administrative burden with a CCR series that is 525 pages long and 178 of those pages not pertaining to CDHS-licensed providers, as CDHS also receives inquiries and confusion around which regulations apply to 24-hour providers. Applicants and licensees will be impacted in a positive way because once these are repealed, it will provide more clarity as to which regulations pertain to each specific license type across both Departments and not cause confusion for licensing or appeal purposes. The appeal panels in each respective Department often see appeal submissions with incorrect regulations cited as well due to the confusion. The Department does not see any adverse impact as a result of this repeal.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

The Department identifies indirect cost savings as a result of this repeal, as it will free up CDEC and CDHS Department staff time when administrative burden is reduced due to regulations not being duplicative across CCR series, cutting down on time spent clarifying for applicants and licensees which regulations apply to them.

County Fiscal Impact

There will be no fiscal impact to counties, as these regulations do not pertain to county departments of human/social services at all. They are only CDEC and CDHS-licensed facility regulations.

Federal Fiscal Impact

There will be no federal fiscal impact as a result of these regulations being repealed.

Other Fiscal Impact (such as providers, local governments, etc.)

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The Department has not identified any other fiscal impact outside of some indirect cost savings due to reduced administrative burden on State Department staff, as this repeal will remove duplicate regulations that already exist in another CCR series and does not create any requirement or fiscal responsibility for anyone.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

The only data that was relied on when developing this proposed rule packet was the knowledge that CDEC promulgated their regulations into a new CCR series when their Department was created, CDEC's confirmation that the regulations need to be removed, and Provider Services Unit (PSU) staff within the Division of Child Welfare (DCW) confirming that these regulation sections are only pertaining to CDEC and must be removed.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."

There are no other alternatives to this rule making aside from not passing the repeal of the regulations. That would result in continued administrative burden and confusion for applicants and licensees due to having duplicative regulations for the same Department listed in two separate CCR series.

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.000	<i>Incorrect Statutory Reference</i>	<i>Section 26.5.103 C.R.S.</i>	<i>Section 26.5-101(3) C.R.S.</i>		
7.702 - Rules Regulating Child Care Centers That Provide Less Than 24-Hour Care	REPEAL	<p>7.702 RULES REGULATING CHILD CARE CENTERS THAT PROVIDE LESS THAN 24-HOUR CARE</p> <p>All childcare centers must comply with the current “General Rules for Child Care Facilities” 7.701; “Rules Regulating Child Care Centers that provide less than 24-hour care” 7.702; “Rules Regulating Special Activities” 7.719;” 6 CCR 1010-7, “The Health and Sanitation Rules and Regulations Governing the Sanitation of Child Care Facilities in the State of Colorado C.R.S.; and the USDA CACFP Part 266.20(1.5).</p> <p>Drop-in, part day, mobile preschool, teen parent, and other programs operated by public school districts must be in compliance with all rules found in this section. Additional rules or substitution to rules can be found under section 7.702.100.</p> <p>Hardship waivers</p> <p>Any applicant or licensee who has applied for or been issued a license to operate a childcare facility has a right to appeal, pursuant to § 26-6-106(3), C.R.S., any rule or standard which, in his or her opinion, poses an undue hardship on the person, facility, or community. An “undue hardship” is defined as a situation where compliance with the rule creates a substantial, unnecessary burden on the applicant or licensee’s business operation or the families or community it serves, which reasonable means cannot remedy. An undue hardship does not include the normal cost of operating the business.</p>	<p>7.702 RULES REGULATING CHILD CARE CENTERS THAT PROVIDE LESS THAN 24-HOUR CARE</p> <p>All childcare centers must comply with the current “General Rules for Child Care Facilities” 7.701; “Rules Regulating Child Care Centers that provide less than 24-hour care” 7.702; “Rules Regulating Special Activities” 7.719;” 6 CCR 1010-7, “The Health and Sanitation Rules and Regulations Governing the Sanitation of Child Care Facilities in the State of Colorado C.R.S.; and the USDA CACFP Part 266.20(1.5).</p> <p>Drop-in, part day, mobile preschool, teen parent, and other programs operated by public school districts must be in compliance with all rules found in this section. Additional rules or substitution to rules can be found under section 7.702.100.</p> <p>Hardship waivers</p> <p>Any applicant or licensee who has applied for or been issued a license to operate a childcare facility has a right to appeal, pursuant to § 26-6-106(3), C.R.S., any rule or standard which, in his or her opinion, poses an undue hardship on the person, facility, or community. An “undue hardship” is defined as a situation where compliance with the rule creates a substantial, unnecessary burden on the applicant or licensee’s business operation or the families or community it serves, which reasonable means cannot remedy. An undue hardship does not include the normal cost of operating the business.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	<p>Public Comments are Linked Here</p>

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<p>7.702.1 - Definitions</p>	<p>REPEAL</p>	<p>7.702.1 DEFINITIONS A. Childcare centers that provide less than 24-hour care (referred to as “centers”) provide comprehensive care for children when the parents or guardians are employed or otherwise unavailable to care for the children. Childcare centers may operate twenty-four (24) hours a day, but the children are cared for at the center fewer than twenty-four (24) hours a day. B. Childcare centers that provide less than 24-hour programs of care include the following types of facilities: 1. A “large childcare center” provides care for 16 or more children between the ages six (6) weeks and eighteen (18) years. 2. A “small childcare center” provides care for up to fifteen (15) children between the ages of two (2) and eighteen (18) years. 3. An “infant program” provides care for children between the ages of six (6) weeks and eighteen (18) months. 4. A “toddler program” provides care for children between the ages of twelve (12) months (when walking independently or with a health care provider’s statement indicating developmental appropriateness of placement in a toddler program) and thirty-six (36) months. 5. A “preschool” is a childcare program for five (5) or more children between the ages of two and one-half (2 1/2) and seven (7) years. 6. A “mobile part-day preschool program” is a program with a mobile classroom that uses no permanent building on a regular basis, for children three (3) to seven (7) years of age, with no more than (8) eight children at any given time. Each class session must not exceed five (5) hours. 7. A “kindergarten program” provides a program for children the year before they enter the first grade. Only private kindergarten programs not regulated by the Colorado Department of Education are required to be licensed.</p>	<p>7.702.1 DEFINITIONS A. Childcare centers that provide less than 24-hour care (referred to as “centers”) provide comprehensive care for children when the parents or guardians are employed or otherwise unavailable to care for the children. Childcare centers may operate twenty-four (24) hours a day, but the children are cared for at the center fewer than twenty-four (24) hours a day. B. Childcare centers that provide less than 24-hour programs of care include the following types of facilities: 1. A “large childcare center” provides care for 16 or more children between the ages six (6) weeks and eighteen (18) years. 2. A “small childcare center” provides care for up to fifteen (15) children between the ages of two (2) and eighteen (18) years. 3. An “infant program” provides care for children between the ages of six (6) weeks and eighteen (18) months. 4. A “toddler program” provides care for children between the ages of twelve (12) months (when walking independently or with a health care provider’s statement indicating developmental appropriateness of placement in a toddler program) and thirty-six (36) months. 5. A “preschool” is a childcare program for five (5) or more children between the ages of two and one-half (2 1/2) and seven (7) years. 6. A “mobile part-day preschool program” is a program with a mobile classroom that uses no permanent building on a regular basis, for children three (3) to seven (7) years of age, with no more than (8) eight children at any given time. Each class session must not exceed five (5) hours. 7. A “kindergarten program” provides a program for children the year before they enter the first grade. Only private kindergarten programs not regulated by the Colorado Department of Education are required to be licensed.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
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		<p>8. A "full day program" enrolls children for five (5) or more hours per day.</p> <p>9. A "part-day program" enrolls children for a maximum of up to five (5) hours per day. Individual children shall not attend more than one (1) five (5) hour session per day.</p> <p>10. A "drop-in childcare center" provides occasional care for 40 or fewer children between the ages of twelve (12) months and thirteen (13) years of age for short periods of time not to exceed six (6) hours in any 24-hour period of time or fifteen (15) hours in any seven (7) day period of time.</p> <p>11. A "teen parent program" provides care for children fourteen (14) days old to thirty-six (36) months and is operated by an accredited public school system on school premises. Infants between seven (7) and thirteen (13) days old may be accepted for care with written approval from a health care provider.</p> <p>12. "Staff" all references to staff or staff positions include paid staff, equally qualified volunteers, and substitutes under Section 7.702.45.</p> <p>C. Licensed childcare centers enrolling children five (5) years of age or younger are required to participate in Colorado Shines, the state quality rating and improvement system.</p>	<p>8. A "full day program" enrolls children for five (5) or more hours per day.</p> <p>9. A "part-day program" enrolls children for a maximum of up to five (5) hours per day. Individual children shall not attend more than one (1) five (5) hour session per day.</p> <p>10. A "drop-in childcare center" provides occasional care for 40 or fewer children between the ages of twelve (12) months and thirteen (13) years of age for short periods of time not to exceed six (6) hours in any 24-hour period of time or fifteen (15) hours in any seven (7) day period of time.</p> <p>11. A "teen parent program" provides care for children fourteen (14) days old to thirty-six (36) months and is operated by an accredited public school system on school premises. Infants between seven (7) and thirteen (13) days old may be accepted for care with written approval from a health care provider.</p> <p>12. "Staff" all references to staff or staff positions include paid staff, equally qualified volunteers, and substitutes under Section 7.702.45.</p> <p>C. Licensed childcare centers enrolling children five (5) years of age or younger are required to participate in Colorado Shines, the state quality rating and improvement system.</p>		
7.702.2 - ADMINISTRATION	REPEAL	<p>7.702.2 ADMINISTRATION (See also "Administration" at section 7.701.5 of the General Rules for Child Care Facilities)</p> <p>A. The governing body must appoint a Director who will be responsible to the governing body and who will be delegated the authority and responsibility for the operation of the center according to its defined purpose and policies.</p> <p>B. The governing body must formulate the purpose and policies to be followed by the center. It must have a regular planned review of such purpose and policies to determine that the center is in compliance with licensing rules.</p> <p>C. The governing body is responsible for providing necessary facilities, adequate financing, qualified personnel, services, and program functions for the</p>	<p>7.702.2 ADMINISTRATION (See also "Administration" at section 7.701.5 of the General Rules for Child Care Facilities)</p> <p>A. The governing body must appoint a Director who will be responsible to the governing body and who will be delegated the authority and responsibility for the operation of the center according to its defined purpose and policies.</p> <p>B. The governing body must formulate the purpose and policies to be followed by the center. It must have a regular planned review of such purpose and policies to determine that the center is in compliance with licensing rules.</p> <p>C. The governing body is responsible for providing necessary facilities, adequate financing, qualified personnel, services, and program functions for the</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>safety and well-being of children in accordance with these rules.</p> <p>D. Any center having a Director assigned to a classroom must have qualified and adequate staff, allowing the Director or qualified staff the ability to attend to the duties of a director as they arise.</p> <p>E. The Director of the center is responsible for administering the center in accordance with licensing rules. The Director must plan and supervise the child development program, plan for or participate in selection of staff, plan for orientation and staff development, supervise and coordinate staff activities, evaluate staff performance, and participate in the program activities.</p>	<p>safety and well-being of children in accordance with these rules.</p> <p>D. Any center having a Director assigned to a classroom must have qualified and adequate staff, allowing the Director or qualified staff the ability to attend to the duties of a director as they arise.</p> <p>E. The Director of the center is responsible for administering the center in accordance with licensing rules. The Director must plan and supervise the child development program, plan for or participate in selection of staff, plan for orientation and staff development, supervise and coordinate staff activities, evaluate staff performance, and participate in the program activities.</p>		
7.702.3 POLICIES AND PROCEDURES	REPEAL	7.702.3 POLICIES AND PROCEDURES	7.702.3 POLICIES AND PROCEDURES	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.702.31 Statement of Policies and Procedures	REPEAL	<p>7.702.31 Statement of Policies and Procedures</p> <p>A. At the time of enrollment, and upon amendments to policies and procedures, the center must give the parent(s)/guardian(s) the center's policies and procedures and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The center must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures, and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures.</p> <p>B. The written policies and procedures must be developed, implemented, and followed, and must include at a minimum the following information:</p> <p>1. The center's purpose and its philosophy on childcare;</p>	<p>7.702.31 Statement of Policies and Procedures</p> <p>A. At the time of enrollment, and upon amendments to policies and procedures, the center must give the parent(s)/guardian(s) the center's policies and procedures and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The center must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures, and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures.</p> <p>B. The written policies and procedures must be developed, implemented, and followed, and must include at a minimum the following information:</p> <p>1. The center's purpose and its philosophy on childcare;</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>2. The ages of children accepted;</p> <p>3. The hours the center is open, specific hours during which special programs are offered, and holidays when the center is closed;</p> <p>4. The procedure regarding inclement and excessively hot weather;</p> <p>5. The procedure concerning admission and registration of children including whether non-immunized or under immunized children are enrolled in the program;</p> <p>6. An itemized fee schedule;</p> <p>7. The procedure for identifying where children are at all times including times of transition;</p> <p>8. The center's procedure on positive guidance, behavior expectations, positive instruction, supporting positive behaviors, as well as strategies and techniques for supporting children with challenging behaviors, including how the center will:</p> <p>a. Promote responsive and positive child, staff, and family relationships and interactions;</p> <p>B. Create and maintain a program-wide culture that promotes children's mental health, social, and emotional well-being;</p> <p>c. Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children; and,</p> <p>d. Provide individualized social and emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting, and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions.</p> <p>9. How decisions are made and what steps are taken prior to the suspension, expulsion, or request to parents or guardians to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the center's policy on guidance and positive instruction, and include documentation of the steps taken to understand and respond to challenging behavior</p>	<p>2. The ages of children accepted;</p> <p>3. The hours the center is open, specific hours during which special programs are offered, and holidays when the center is closed;</p> <p>4. The procedure regarding inclement and excessively hot weather;</p> <p>5. The procedure concerning admission and registration of children including whether non-immunized or under immunized children are enrolled in the program;</p> <p>6. An itemized fee schedule;</p> <p>7. The procedure for identifying where children are at all times including times of transition;</p> <p>8. The center's procedure on positive guidance, behavior expectations, positive instruction, supporting positive behaviors, as well as strategies and techniques for supporting children with challenging behaviors, including how the center will:</p> <p>a. Promote responsive and positive child, staff, and family relationships and interactions;</p> <p>B. Create and maintain a program-wide culture that promotes children's mental health, social, and emotional well-being;</p> <p>c. Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children; and,</p> <p>d. Provide individualized social and emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting, and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions.</p> <p>9. How decisions are made and what steps are taken prior to the suspension, expulsion, or request to parents or guardians to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the center's policy on guidance and positive instruction, and include documentation of the steps taken to understand and respond to challenging behavior</p>		
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	<p>including: a. Identify and consult with an early childhood mental health consultant or other specialist as needed. 10. The procedure, including notification of parent(s)/guardian(s), for handling children's illnesses, accidents, and injuries; 11. The procedures for emergencies and disaster preparedness such as but not limited to lost children, tornadoes, fires, shelter in place, lockdown, active shooter on premises, reunification with families after emergency or disaster, and evacuating children with disabilities as specified in section 7.701.100 of the general rules for child care facilities; 12. The procedure for transporting children, if applicable, including transportation arrangements and parental permission for excursions and related activities; 13. The procedure for governing field trips, television and video viewing, and special activities, including staff responsibility for the supervision of children; 14. Media and internet usage policy outlining screen and media use related to their curriculum. The media plan must have information on ongoing communication with children about online safe practices for children over the age of five (5); 15. The procedure on children's safety related to riding in a vehicle, seating, supervision, and emergency procedures on the road; 16. The procedure for releasing children from the center only to persons for whom the center has written authorization and the procedure for picking-up the child during an emergency; 17. The procedures followed when a child is picked up from the center after the center is closed or not picked up at all, and to ensure that all children are picked up before the staff leave for the day; 18. The procedure for caring for children who arrive late to the center and their class/group is away from the center on a field trip or excursion; 19. The procedure for storing and administering</p>	<p>including: a. Identify and consult with an early childhood mental health consultant or other specialist as needed. 10. The procedure, including notification of parent(s)/guardian(s), for handling children's illnesses, accidents, and injuries; 11. The procedures for emergencies and disaster preparedness such as but not limited to lost children, tornadoes, fires, shelter in place, lockdown, active shooter on premises, reunification with families after emergency or disaster, and evacuating children with disabilities as specified in section 7.701.100 of the general rules for child care facilities; 12. The procedure for transporting children, if applicable, including transportation arrangements and parental permission for excursions and related activities; 13. The procedure for governing field trips, television and video viewing, and special activities, including staff responsibility for the supervision of children; 14. Media and internet usage policy outlining screen and media use related to their curriculum. The media plan must have information on ongoing communication with children about online safe practices for children over the age of five (5); 15. The procedure on children's safety related to riding in a vehicle, seating, supervision, and emergency procedures on the road; 16. The procedure for releasing children from the center only to persons for whom the center has written authorization and the procedure for picking-up the child during an emergency; 17. The procedures followed when a child is picked up from the center after the center is closed or not picked up at all, and to ensure that all children are picked up before the staff leave for the day; 18. The procedure for caring for children who arrive late to the center and their class/group is away from the center on a field trip or excursion; 19. The procedure for storing and administering</p>		
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		<p>children's medication and delegation of medication administration in compliance with Section §12-38-132, C.R.S., of the "Nurse Practice Act";</p> <p>20. The procedure concerning children's personal belongings and money;</p> <p>21. The provision of meals and snacks;</p> <p>22. The procedure for diapering, toilet training, and toileting;</p> <p>23. The procedure for allowing visitors to the center;</p> <p>24. The procedure for conducting parent and staff conferences to partner with the parents(s)/guardian(s) to discuss the child's progress, social, emotional, and physical needs;</p> <p>25. The procedure for filing a complaint about childcare (see section 7.701.55 of the General Rules for Child Care Facilities);</p> <p>26. The procedure for reporting of child abuse (see section 7.701.53, of the General Rules for Child Care Facilities);</p> <p>27. The procedure of the protection of infants from secondhand and thirdhand smoke;</p> <p>28. The procedure for establishing safe sleep environments for infants including how staff will supervise and physically check on infants who are sleeping;</p> <p>29. The procedure for dressing children appropriately for the weather; and,</p> <p>30. Notification when childcare service is withdrawn and when parent(s)/guardian(s) withdraw their children from the center.</p> <p>C. Policies and procedures must be reviewed annually. Any changes must be incorporated and must be communicated to the parent(s)/guardian(s).</p>	<p>children's medication and delegation of medication administration in compliance with Section §12-38-132, C.R.S., of the "Nurse Practice Act";</p> <p>20. The procedure concerning children's personal belongings and money;</p> <p>21. The provision of meals and snacks;</p> <p>22. The procedure for diapering, toilet training, and toileting;</p> <p>23. The procedure for allowing visitors to the center;</p> <p>24. The procedure for conducting parent and staff conferences to partner with the parents(s)/guardian(s) to discuss the child's progress, social, emotional, and physical needs;</p> <p>25. The procedure for filing a complaint about childcare (see section 7.701.55 of the General Rules for Child Care Facilities);</p> <p>26. The procedure for reporting of child abuse (see section 7.701.53, of the General Rules for Child Care Facilities);</p> <p>27. The procedure of the protection of infants from secondhand and thirdhand smoke;</p> <p>28. The procedure for establishing safe sleep environments for infants including how staff will supervise and physically check on infants who are sleeping;</p> <p>29. The procedure for dressing children appropriately for the weather; and,</p> <p>30. Notification when childcare service is withdrawn and when parent(s)/guardian(s) withdraw their children from the center.</p> <p>C. Policies and procedures must be reviewed annually. Any changes must be incorporated and must be communicated to the parent(s)/guardian(s).</p>		
<p>7.702.32 Communication, Emergency, and Security Procedures</p>	<p>REPEAL</p>	<p>7.702.32 Communication, Emergency, and Security Procedures</p> <p>A. For security purposes, a sign-in/sign-out sheet or other mechanism for parents/guardians, or staff if children are being transported, must be maintained daily by the center. It must include, for each child in care, the date, the child's name, the time when the child arrived at and left the center, and the parent /guardian or staff member's signature or other</p>	<p>7.702.32 Communication, Emergency, and Security Procedures</p> <p>A. For security purposes, a sign-in/sign-out sheet or other mechanism for parents/guardians, or staff if children are being transported, must be maintained daily by the center. It must include, for each child in care, the date, the child's name, the time when the child arrived at and left the center, and the parent /guardian or staff member's signature or other</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>unique identifier. For children who are transported, parent(s)/guardian(s) must verify the accuracy of the sign-in/sign-out sheet at least weekly.</p> <p>B. The center must have a working telephone with the number available to the public. Emergency telephone numbers of the following must be posted near the telephone: a 911 notice, where 911 is available, or rescue unit if 911 isn't available; a hospital or emergency medical clinic; the local fire, police, and health departments; and Rocky Mountain Poison Control. The telephone must be available to staff at all times that the center is in operation.</p> <p>C. The center must be able to provide emergency transportation to a health care facility at all times.</p> <p>D. The Director of the center, or the Director's delegated substitute, must have a means for determining at all times who is present at the center.</p> <p>E. A written policy regarding visitors to the center must be posted and a record maintained daily by the center that includes at a minimum the date, time, visitor's name, and the purpose of the visit. At least one (1) piece of identification must be inspected for individuals who are unknown to personnel at the center.</p> <p>F. The center must release the child only to an individual over the age of sixteen (16) for whom written authorization has been given by the parent(s)/guardian(s) and is maintained in the child's record (see Section 7.702.34). In an emergency, the child may also be released to an individual for whom the child's parent/guardian has given verbal authorization. If the staff member who releases the child does not know the individual, identification must be required to assure that the individual is authorized to pick up the child.</p> <p>G. The center must have a procedure for dealing with individuals not authorized by the parent or guardian of a child who attempts to have the child released to them.</p> <p>H. The center must have a written procedure for closing the center at the end of the day to ensure</p>	<p>unique identifier. For children who are transported, parent(s)/guardian(s) must verify the accuracy of the sign-in/sign-out sheet at least weekly.</p> <p>B. The center must have a working telephone with the number available to the public. Emergency telephone numbers of the following must be posted near the telephone: a 911 notice, where 911 is available, or rescue unit if 911 isn't available; a hospital or emergency medical clinic; the local fire, police, and health departments; and Rocky Mountain Poison Control. The telephone must be available to staff at all times that the center is in operation.</p> <p>C. The center must be able to provide emergency transportation to a health care facility at all times.</p> <p>D. The Director of the center, or the Director's delegated substitute, must have a means for determining at all times who is present at the center.</p> <p>E. A written policy regarding visitors to the center must be posted and a record maintained daily by the center that includes at a minimum the date, time, visitor's name, and the purpose of the visit. At least one (1) piece of identification must be inspected for individuals who are unknown to personnel at the center.</p> <p>F. The center must release the child only to an individual over the age of sixteen (16) for whom written authorization has been given by the parent(s)/guardian(s) and is maintained in the child's record (see Section 7.702.34). In an emergency, the child may also be released to an individual for whom the child's parent/guardian has given verbal authorization. If the staff member who releases the child does not know the individual, identification must be required to assure that the individual is authorized to pick up the child.</p> <p>G. The center must have a procedure for dealing with individuals not authorized by the parent or guardian of a child who attempts to have the child released to them.</p> <p>H. The center must have a written procedure for closing the center at the end of the day to ensure</p>		
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<p>7.702.33 Administrative Records and Reports</p>	<p>REPEAL</p>	<p>that all children are picked up.</p> <p>7.702.33 Administrative Records and Reports A. The following records must be on file at the center: 1. Records of enrollment, daily attendance for each child, and daily record of the time the child arrives at and departs from the center; 2. A list of current staff members, substitutes, and staffing patterns; 3. Copies of menus; and 4. A record of visitors to the center. B. The center must submit to the Department as soon as possible, but not longer than twenty-four (24) hours, a written report about any child who has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted. Such report must indicate: 1. The name, birth date, address, and telephone number of the child; 2. The names of the parent(s)/guardian(s) and their address and telephone number if different from those of the child; 3. The date when the child was lost; 4. The location, time, and circumstances when the child was last seen; 5. Actions taken to locate the child; and, 6. The name of the staff person supervising the child. C. All programs must register their operational status information in the Office of Early Childhood Provider Status Portal every calendar year in the months of April and October. 1. All programs must update their information any time their operational status changes during a declared state emergency. D. All prospective and current staff members in the following roles must register with the Colorado Shines Professional Development Information System: 1. Large Center Director; 2. Large Center Assistant Director;</p>	<p>that all children are picked up.</p> <p>7.702.33 Administrative Records and Reports A. The following records must be on file at the center: 1. Records of enrollment, daily attendance for each child, and daily record of the time the child arrives at and departs from the center; 2. A list of current staff members, substitutes, and staffing patterns; 3. Copies of menus; and 4. A record of visitors to the center. B. The center must submit to the Department as soon as possible, but not longer than twenty-four (24) hours, a written report about any child who has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted. Such report must indicate: 1. The name, birth date, address, and telephone number of the child; 2. The names of the parent(s)/guardian(s) and their address and telephone number if different from those of the child; 3. The date when the child was lost; 4. The location, time, and circumstances when the child was last seen; 5. Actions taken to locate the child; and, 6. The name of the staff person supervising the child. C. All programs must register their operational status information in the Office of Early Childhood Provider Status Portal every calendar year in the months of April and October. 1. All programs must update their information any time their operational status changes during a declared state emergency. D. All prospective and current staff members in the following roles must register with the Colorado Shines Professional Development Information System: 1. Large Center Director; 2. Large Center Assistant Director;</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>
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		<p>3. Small Center Director; 4. Early Childhood Teacher; 5. Infant Program Supervisor; 6. Infant Early Childhood Teacher; 7. Toddler Early Childhood Teacher; 8. Kindergarten Teacher; 9. Assistant Early Childhood Teacher; and, 10. Staff Aide.</p>	<p>3. Small Center Director; 4. Early Childhood Teacher; 5. Infant Program Supervisor; 6. Infant Early Childhood Teacher; 7. Toddler Early Childhood Teacher; 8. Kindergarten Teacher; 9. Assistant Early Childhood Teacher; and, 10. Staff Aide.</p>		
7.702.34 Children's Records	REPEAL	<p>7.702.34 Children's Records A. An admission record must be completed for each child prior to or at the time of the child's admission. This record must be updated annually and when changes occur. The admission record must include: 1. The child's full name, birth date, current address, and date of enrollment; 2. Parent(s)/guardian(s) names; home and e-mail addresses; telephone numbers, including home, work, and cell numbers; employer name and work address; and, any special instructions as to how the parent(s)/guardian(s) may be reached during the hours that the child is in care at the center; 3. Names, addresses, and telephone numbers of persons authorized to pick up the child from the center; 4. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if the parent(s)/guardian(s) cannot be reached immediately; 5. Name, address, and telephone numbers of the child's health care provider, dentist, and if applicable, their hospital of choice; 6. A health history, including any health care plans, which indicates communicable diseases and chronic illnesses or injuries the individual has had, any known drug reactions and allergies, medications being taken, any necessary health procedures or special diets, and immunization record; 7. A dated, written authorization for emergency medical care signed and updated annually by the parent(s)/guardian(s). The authorization must be notarized if required by the local hospital, clinic, or</p>	<p>7.702.34 Children's Records A. An admission record must be completed for each child prior to or at the time of the child's admission. This record must be updated annually and when changes occur. The admission record must include: 1. The child's full name, birth date, current address, and date of enrollment; 2. Parent(s)/guardian(s) names; home and e-mail addresses; telephone numbers, including home, work, and cell numbers; employer name and work address; and, any special instructions as to how the parent(s)/guardian(s) may be reached during the hours that the child is in care at the center; 3. Names, addresses, and telephone numbers of persons authorized to pick up the child from the center; 4. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if the parent(s)/guardian(s) cannot be reached immediately; 5. Name, address, and telephone numbers of the child's health care provider, dentist, and if applicable, their hospital of choice; 6. A health history, including any health care plans, which indicates communicable diseases and chronic illnesses or injuries the individual has had, any known drug reactions and allergies, medications being taken, any necessary health procedures or special diets, and immunization record; 7. A dated, written authorization for emergency medical care signed and updated annually by the parent(s)/guardian(s). The authorization must be notarized if required by the local hospital, clinic, or</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>emergency health care facility; 8. Written authorization, obtained in advance of the event from a parent/guardian, for a child to participate in field trips or special activities, whether scheduled or unscheduled, whether walking or riding in an approved vehicle; and, 9. Written authorization from a parent/guardian for media release. B. The center must maintain and update annually and upon changes, a record on each child that includes: 1. A written record of any serious accident, illness, or injury occurring during care must be retained in each child's record, with a copy provided to the parent(s)/guardian(s). 2. Observations of the child's development to document the child's progress and challenges to be discussed at parent conferences; 3. A record of parent conferences, including dates of conferences, and names of center staff and parent(s)/guardian(s) involved; and, 4. A copy of the child's health statement completed by a health care provider.</p>	<p>emergency health care facility; 8. Written authorization, obtained in advance of the event from a parent/guardian, for a child to participate in field trips or special activities, whether scheduled or unscheduled, whether walking or riding in an approved vehicle; and, 9. Written authorization from a parent/guardian for media release. B. The center must maintain and update annually and upon changes, a record on each child that includes: 1. A written record of any serious accident, illness, or injury occurring during care must be retained in each child's record, with a copy provided to the parent(s)/guardian(s). 2. Observations of the child's development to document the child's progress and challenges to be discussed at parent conferences; 3. A record of parent conferences, including dates of conferences, and names of center staff and parent(s)/guardian(s) involved; and, 4. A copy of the child's health statement completed by a health care provider.</p>		
7.702.35 Staff Records	REPEAL	<p>7.702.35 Staff Records A. A record must be maintained, either written or electronic, for each staff member that includes the following: 1. Name, address, telephone number, and birth date of the individual; 2. Verification of qualifications and training; 3. Immunization record or statement, and health history; 4. Dates of employment and employment history; 5. Names, addresses, and telephone numbers of persons to be notified in the event of an emergency; and, 6. All information from background checks as required in the General Rules for Child Care Facilities at Section 7.701.32.</p>	<p>7.702.35 Staff Records A. A record must be maintained, either written or electronic, for each staff member that includes the following: 1. Name, address, telephone number, and birth date of the individual; 2. Verification of qualifications and training; 3. Immunization record or statement, and health history; 4. Dates of employment and employment history; 5. Names, addresses, and telephone numbers of persons to be notified in the event of an emergency; and, 6. All information from background checks as required in the General Rules for Child Care Facilities at Section 7.701.32.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.702.36 Confidentiality and Retention	REPEAL	<p>7.702.36 Confidentiality and Retention A. The confidentiality of all staff and children's records must be maintained. See Section 7.701.6 of</p>	<p>7.702.36 Confidentiality and Retention A. The confidentiality of all staff and children's records must be maintained. See Section 7.701.6 of</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022.	

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		<p>the General Rules for Child Care Facilities.</p> <p>B. Staff and children's records must be available, upon request, to authorized personnel of the Department.</p> <p>C. If records for organizations having more than one (1) center are kept in a central file, duplicate identifying and emergency information for both staff and children must also be kept on file at the center attended by the child and where the staff member is assigned.</p> <p>D. The records of children and staff must be maintained by the center for at least three (3) years after the last date of attendance or employment with the program.</p> <p>E. The health and mental health consultation records must be maintained by the center for at least three (3) years from the date of consultation.</p> <p>F. Records of enrollment, daily attendance for each child and daily records of the time the child arrives at and departs from the center for the past twelve (12) months must be on file at the center. The previous two (2) years must be on file at either the center or a central location or storage.</p> <p>G. Posting of any personal information or photos of children on social media or advertisement without written parental consent is prohibited.</p>	<p>the General Rules for Child Care Facilities.</p> <p>B. Staff and children's records must be available, upon request, to authorized personnel of the Department.</p> <p>C. If records for organizations having more than one (1) center are kept in a central file, duplicate identifying and emergency information for both staff and children must also be kept on file at the center attended by the child and where the staff member is assigned.</p> <p>D. The records of children and staff must be maintained by the center for at least three (3) years after the last date of attendance or employment with the program.</p> <p>E. The health and mental health consultation records must be maintained by the center for at least three (3) years from the date of consultation.</p> <p>F. Records of enrollment, daily attendance for each child and daily records of the time the child arrives at and departs from the center for the past twelve (12) months must be on file at the center. The previous two (2) years must be on file at either the center or a central location or storage.</p> <p>G. Posting of any personal information or photos of children on social media or advertisement without written parental consent is prohibited.</p>	<p>CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
7.702.4 STAFF	REPEAL	7.702.4 STAFF	7.702.4 STAFF	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
7.702.41 General Requirements for All Staff	REPEAL	7.702.41 General Requirements for All Staff	7.702.41 General Requirements for All Staff	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are</p>	

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	<p>children. C. Illegal drugs and drug paraphernalia, must never be present on the premises of the center. D. Staff must not use marijuana and marijuana infused products, tobacco products of any kind, or alcohol in the presence of children. To prevent exposure to secondhand smoke, child care centers must prohibit the use of tobacco and marijuana products on all center property, both indoors and outdoors. All marijuana and marijuana infused products, vaping and tobacco products, and alcohol must be kept inaccessible to children at all times. E. When caring for children, staff must refrain from the personal use of electronics including, but not limited to, cell phones and portable electronic devices. F. Staff members must be current for all immunizations routinely recommended for adults by their health care provider. G. All staff members must submit to the center a medical statement, signed and dated by a physician or other health care provider, verifying that they are in good mental, physical, and emotional health appropriate for the position for which they have been hired. This statement must be dated no more than six (6) months prior to employment or within thirty (30) calendar days after the first date of employment. Subsequent self-reported health histories must be submitted annually. H. The duties and responsibilities of each staff position and the lines of authority and responsibility within the center must be in writing. I. At the time of employment, staff members must be informed of their duties and assigned a supervisor. J. Prior to working with children, each staff member must read and be instructed about all policies and procedures of the center. Staff members must sign a statement indicating that they have read and understand the center's policies and procedures. K. Within thirty (30) calendar days of employment at the center, each staff member must read and be instructed about all licensing rules governing</p>	<p>children. C. Illegal drugs and drug paraphernalia, must never be present on the premises of the center. D. Staff must not use marijuana and marijuana infused products, tobacco products of any kind, or alcohol in the presence of children. To prevent exposure to secondhand smoke, child care centers must prohibit the use of tobacco and marijuana products on all center property, both indoors and outdoors. All marijuana and marijuana infused products, vaping and tobacco products, and alcohol must be kept inaccessible to children at all times. E. When caring for children, staff must refrain from the personal use of electronics including, but not limited to, cell phones and portable electronic devices. F. Staff members must be current for all immunizations routinely recommended for adults by their health care provider. G. All staff members must submit to the center a medical statement, signed and dated by a physician or other health care provider, verifying that they are in good mental, physical, and emotional health appropriate for the position for which they have been hired. This statement must be dated no more than six (6) months prior to employment or within thirty (30) calendar days after the first date of employment. Subsequent self-reported health histories must be submitted annually. H. The duties and responsibilities of each staff position and the lines of authority and responsibility within the center must be in writing. I. At the time of employment, staff members must be informed of their duties and assigned a supervisor. J. Prior to working with children, each staff member must read and be instructed about all policies and procedures of the center. Staff members must sign a statement indicating that they have read and understand the center's policies and procedures. K. Within thirty (30) calendar days of employment at the center, each staff member must read and be instructed about all licensing rules governing</p>	<p>duplicate regulations that must be repealed.</p>	
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		<p>childcare centers. Staff members must sign a statement indicating that they have read and understand the licensing rules.</p> <p>L. If volunteers are used by the center, there must be a clearly established policy regarding their function, orientation, and supervision. See also Section 7.702.44 A-E.</p> <p>M. Within thirty (30) calendar days of the last day of employment, staff members must be provided a letter verifying their experience at the center. The letter must contain the center's address, phone number, and license number; the employee's start date and end date; and the total number of hours worked with children. Hours worked with infants and toddlers must be documented separately from hours worked with other age groups. The letter must be signed by a Director, owner, or human resources agent of the center or governing body.</p>	<p>childcare centers. Staff members must sign a statement indicating that they have read and understand the licensing rules.</p> <p>L. If volunteers are used by the center, there must be a clearly established policy regarding their function, orientation, and supervision. See also Section 7.702.44 A-E.</p> <p>M. Within thirty (30) calendar days of the last day of employment, staff members must be provided a letter verifying their experience at the center. The letter must contain the center's address, phone number, and license number; the employee's start date and end date; and the total number of hours worked with children. Hours worked with infants and toddlers must be documented separately from hours worked with other age groups. The letter must be signed by a Director, owner, or human resources agent of the center or governing body.</p>		
7.702.42 Training	REPEAL	<p>7.702.42 Training</p> <p>A. All staff must complete a pre-service Building and Physical Premises Safety training prior to working with children. The training must include identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, vehicular traffic handling and storage of hazardous materials and the appropriate disposal of biological contaminants.</p> <p>1. This training is developed and facilitated by the program for staff to identify program specific environmental hazards. Staff must be retrained if there are changes to the building and physical premises.</p> <p>B. All staff must complete a Department-approved Standard Precautions training that meets current Occupational Safety and Health Administration (OSHA) requirements prior to working with children. This training must be renewed annually and will be counted towards ongoing professional development.</p> <p>C. Staff working with infants less than twelve (12) months old must complete a Department-approved Safe Sleep training prior to working with infants less than twelve (12) months old. This training must be</p>	<p>7.702.42 Training</p> <p>A. All staff must complete a pre-service Building and Physical Premises Safety training prior to working with children. The training must include identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, vehicular traffic handling and storage of hazardous materials and the appropriate disposal of biological contaminants.</p> <p>1. This training is developed and facilitated by the program for staff to identify program specific environmental hazards. Staff must be retrained if there are changes to the building and physical premises.</p> <p>B. All staff must complete a Department-approved Standard Precautions training that meets current Occupational Safety and Health Administration (OSHA) requirements prior to working with children. This training must be renewed annually and will be counted towards ongoing professional development.</p> <p>C. Staff working with infants less than twelve (12) months old must complete a Department-approved Safe Sleep training prior to working with infants less than twelve (12) months old. This training must be</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>renewed annually and will be counted towards ongoing professional development.</p> <p>D. Staff working with children less than three (3) years of age must complete a Department-approved Prevention of Shaken Baby/Abusive Head Trauma training prior to working with children less than three (3) years of age. This training must be renewed every two (2) years and will be counted towards ongoing professional development.</p> <p>E. For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member on duty who holds a current Department-approved First Aid and Safety Certificate (including CPR for all ages of children) and is responsible for administering First Aid and CPR to children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR qualified staff member at each location.</p> <p>F. Within thirty (30) calendar days of employment, all employees caring for children, not required by rule to be certified in First Aid and CPR, must complete the Department-approved Introduction to First Aid and CPR module. The module must be renewed every two (2) years.</p> <p>G. Within thirty (30) calendar days of employment, all employees and regular volunteers must be trained using a Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse, how to report, where to report, and when to report suspected or known child abuse or neglect. This training must be renewed annually.</p> <p>H. Within ninety (90) calendar days of employment, all staff required to register with the Colorado Shines Professional Development Information System (listed in Section 7.702.33, d) must complete the Department-approved training course: Introduction to the Early Intervention and Preschool Special Education Programs. This course is required once and will be counted towards ongoing professional development.</p>	<p>renewed annually and will be counted towards ongoing professional development.</p> <p>D. Staff working with children less than three (3) years of age must complete a Department-approved Prevention of Shaken Baby/Abusive Head Trauma training prior to working with children less than three (3) years of age. This training must be renewed every two (2) years and will be counted towards ongoing professional development.</p> <p>E. For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member on duty who holds a current Department-approved First Aid and Safety Certificate (including CPR for all ages of children) and is responsible for administering First Aid and CPR to children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR qualified staff member at each location.</p> <p>F. Within thirty (30) calendar days of employment, all employees caring for children, not required by rule to be certified in First Aid and CPR, must complete the Department-approved Introduction to First Aid and CPR module. The module must be renewed every two (2) years.</p> <p>G. Within thirty (30) calendar days of employment, all employees and regular volunteers must be trained using a Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse, how to report, where to report, and when to report suspected or known child abuse or neglect. This training must be renewed annually.</p> <p>H. Within ninety (90) calendar days of employment, all staff required to register with the Colorado Shines Professional Development Information System (listed in Section 7.702.33, d) must complete the Department-approved training course: Introduction to the Early Intervention and Preschool Special Education Programs. This course is required once and will be counted towards ongoing professional development.</p>		
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Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft

CDHS Tracking #: 25-06-17-01

Office, Division, & Program: Rule Author: Logan Ellett

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	<p>I. Within ninety (90) calendar days of employment, all staff required to register with the Colorado Shines Professional Development Information System (listed in Section 7.702.33, d) must complete the Department-approved Recognizing the Impact of Bias on Early Childhood Professionals training or other Department-approved training on implicit bias. This course is required once and will be counted towards ongoing professional development.</p> <p>J. Within ninety (90) calendar days of employment, all Directors and Assistant Directors must complete the Department-approved training: Working with an Early Childhood Mental Health Consultant. This course is required once and will be counted towards ongoing professional development.</p> <p>K. Within ninety (90) calendar days of employment, all Directors and Assistant Directors must complete the department-approved training: Introduction to Child Care Health Consultation. This course is required once and will be counted towards ongoing professional development.</p> <p>L. All staff who work with children must complete a minimum of fifteen (15) clock hours of ongoing professional development each year, beginning with the start date of the employee. At least three (3) clock hours per year must be in the focus of social-emotional development.</p> <p>1. Ongoing professional development courses must demonstrate a direct connection to one (1) or more of the following competency areas:</p> <ul style="list-style-type: none">a. Child growth and development, and learningb. Child observation and assessment;c. Family and community partnerships;d. Social-emotional health and development promotion;e. Health, safety and nutrition;f. Professional practice;g. Teaching practices <p>2. Each one (1) semester credit hour course with a direct connection to the competency area listed in Section 7.702.42, L, 1, a-h, taken at an accredited college or university shall count as fifteen (15) clock</p>	<p>I. Within ninety (90) calendar days of employment, all staff required to register with the Colorado Shines Professional Development Information System (listed in Section 7.702.33, d) must complete the Department-approved Recognizing the Impact of Bias on Early Childhood Professionals training or other Department-approved training on implicit bias. This course is required once and will be counted towards ongoing professional development.</p> <p>J. Within ninety (90) calendar days of employment, all Directors and Assistant Directors must complete the Department-approved training: Working with an Early Childhood Mental Health Consultant. This course is required once and will be counted towards ongoing professional development.</p> <p>K. Within ninety (90) calendar days of employment, all Directors and Assistant Directors must complete the department-approved training: Introduction to Child Care Health Consultation. This course is required once and will be counted towards ongoing professional development.</p> <p>L. All staff who work with children must complete a minimum of fifteen (15) clock hours of ongoing professional development each year, beginning with the start date of the employee. At least three (3) clock hours per year must be in the focus of social-emotional development.</p> <p>1. Ongoing professional development courses must demonstrate a direct connection to one (1) or more of the following competency areas:</p> <ul style="list-style-type: none">a. Child growth and development, and learningb. Child observation and assessment;c. Family and community partnerships;d. Social-emotional health and development promotion;e. Health, safety and nutrition;f. Professional practice;g. Teaching practices <p>2. Each one (1) semester credit hour course with a direct connection to the competency area listed in Section 7.702.42, L, 1, a-h, taken at an accredited college or university shall count as fifteen (15) clock</p>		
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		<p>hours of ongoing professional development.</p> <p>3. Training hours completed can only be counted during the year taken and cannot be carried over.</p> <p>4. To be counted for ongoing professional development, the training certificate must have documentation that includes:</p> <p>a. The title of the training;</p> <p>b. The competency domain or from a nationally approved vendor list;</p> <p>c. The date and clock hours of the training;</p> <p>d. The name or signature of the trainer, or other approved method of verifying the identity of trainer or entity;</p> <p>e. Expiration of training, if applicable; and,</p> <p>f. Connection to social emotional focus, if applicable.</p> <p>5. The trainer must have documentation of the qualifications for each topic of training conducted, which must be available for review by the department.</p> <p>M. Within thirty (30) calendar days of employment and annually, all staff responsible for the collection, review, and maintenance of the child immunizations records must complete the Colorado Department of Public Health and Environment immunization course.</p>	<p>hours of ongoing professional development.</p> <p>3. Training hours completed can only be counted during the year taken and cannot be carried over.</p> <p>4. To be counted for ongoing professional development, the training certificate must have documentation that includes:</p> <p>a. The title of the training;</p> <p>b. The competency domain or from a nationally approved vendor list;</p> <p>c. The date and clock hours of the training;</p> <p>d. The name or signature of the trainer, or other approved method of verifying the identity of trainer or entity;</p> <p>e. Expiration of training, if applicable; and,</p> <p>f. Connection to social emotional focus, if applicable.</p> <p>5. The trainer must have documentation of the qualifications for each topic of training conducted, which must be available for review by the department.</p> <p>M. Within thirty (30) calendar days of employment and annually, all staff responsible for the collection, review, and maintenance of the child immunizations records must complete the Colorado Department of Public Health and Environment immunization course.</p>		
7.702.43 Director Qualifications - Large Child Care Center	REPEAL	<p>7.702.43 Director Qualifications - Large Child Care Center</p> <p>A. Large center directors must have a current director qualifications letter issued by the Department or a current Early Childhood Professional Credential level III or higher in version 3.0 as determined by the Department prior to working as the director of a large center.</p> <p>B. The educational requirements for the director of a large center must be met by satisfactory completion of one (1) of the following. (All course hours are given in semester credit hours, but equivalent quarter credit hours are acceptable.) Official college transcripts must be submitted to the Department for evaluation of qualifications.</p> <p>1. A Bachelor's, Master's, or Doctorate degree from an accredited college or university in one (1) of the</p>	<p>7.702.43 Director Qualifications - Large Child Care Center</p> <p>A. Large center directors must have a current director qualifications letter issued by the Department or a current Early Childhood Professional Credential level III or higher in version 3.0 as determined by the Department prior to working as the director of a large center.</p> <p>B. The educational requirements for the director of a large center must be met by satisfactory completion of one (1) of the following. (All course hours are given in semester credit hours, but equivalent quarter credit hours are acceptable.) Official college transcripts must be submitted to the Department for evaluation of qualifications.</p> <p>1. A Bachelor's, Master's, or Doctorate degree from an accredited college or university in one (1) of the</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>following:</p> <ul style="list-style-type: none">a. Child Development;b. Child Psychology;c. Early Childhood Education;d. Early Childhood Special Education;e. Educational Leadership and Administration;f. Elementary Education;g. Family and Human Development;h. Family Studies; or,i. Special Education; or, <p>2. Completion of all of the following three (3) semester credit hour courses from an accredited college or university in each of the following subject or content areas:</p> <ul style="list-style-type: none">a. Introduction to Early Childhood Professions;b. Introduction to Early Childhood Techniques;c. Guidance Strategies for Young Children or has been issued the Colorado Pyramid Model Training certificate of completion;d. Health, Nutrition, and Safety;e. Administration of Early Childhood Care and Education Programs;f. Administration: Human Relations for Early Childhood Professions or Introduction to Business;g. Curriculum Development: Methods and Techniques;h. Child Growth and Development;i. The Exceptional Child; and,j. Infant/Toddler Theory and Practice or have been issued the Expanding Quality Infant/Toddler Training certificate of completion; or, <p>3. Completion of a course of training approved by the Department that includes course content listed at Section 7.702.43, B, 1; and experience listed at Section 7.702.43, C.</p> <p>C. The experience requirements for the director of a large center must include direct work with young children and families within an early care and education setting and is based on the completion of the following amount of verified work experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related</p>	<p>following:</p> <ul style="list-style-type: none">a. Child Development;b. Child Psychology;c. Early Childhood Education;d. Early Childhood Special Education;e. Educational Leadership and Administration;f. Elementary Education;g. Family and Human Development;h. Family Studies; or,i. Special Education; or, <p>2. Completion of all of the following three (3) semester credit hour courses from an accredited college or university in each of the following subject or content areas:</p> <ul style="list-style-type: none">a. Introduction to Early Childhood Professions;b. Introduction to Early Childhood Techniques;c. Guidance Strategies for Young Children or has been issued the Colorado Pyramid Model Training certificate of completion;d. Health, Nutrition, and Safety;e. Administration of Early Childhood Care and Education Programs;f. Administration: Human Relations for Early Childhood Professions or Introduction to Business;g. Curriculum Development: Methods and Techniques;h. Child Growth and Development;i. The Exceptional Child; and,j. Infant/Toddler Theory and Practice or have been issued the Expanding Quality Infant/Toddler Training certificate of completion; or, <p>3. Completion of a course of training approved by the Department that includes course content listed at Section 7.702.43, B, 1; and experience listed at Section 7.702.43, C.</p> <p>C. The experience requirements for the director of a large center must include direct work with young children and families within an early care and education setting and is based on the completion of the following amount of verified work experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related</p>		
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	<p>to the individual:</p> <ol style="list-style-type: none"> 1. Persons with a Bachelor's, Master's, or Doctorate degree with a major emphasis as listed in Section 7.702.43, B, 1, or individuals with an Early Childhood Professional Credential Level III Version 3.0 as determined by the Department; no additional experience is required. 2. Persons with an Associate's degree in Early Childhood Education or Child Development must have three (3) months (455 hours) of verified experience. 3. Persons with a Bachelor's degree and have completed the thirty (30) semester credit hours specified in Section 7.702.43, B, 2, must have three (3) months (455 hours) of verified experience. 4. Persons who have no degree but have completed the thirty (30) semester credit hours specified in Section 7.702.43, B, 2, must have six (6) months (910 hours) of verified experience. 5. Additional requirements for verified experience include: <ol style="list-style-type: none"> a. Verified experience acquired in a school-age childcare center may count for up to half of the required experience for director qualifications. The other half of the required experience must be working directly with children in a child development program; and, b. For family childcare home experience to be considered, the applicant must be, or have been, the licensee in the State of Colorado. <p>D. Renewal of Large Center Director Qualifications Letter</p> <ol style="list-style-type: none"> 1. All individuals who were previously qualified as a large center director by the Department, who have not completed the required courses in each of the following subject or content areas, must take one (1) course every two (2) years from an accredited college or university, with all courses completed by February 1, 2022, or be in compliance with a current Transitory Director Qualification Letter. Official transcripts listing completion of one (1) or more of the five (5) courses shall be submitted to the 	<p>to the individual:</p> <ol style="list-style-type: none"> 1. Persons with a Bachelor's, Master's, or Doctorate degree with a major emphasis as listed in Section 7.702.43, B, 1, or individuals with an Early Childhood Professional Credential Level III Version 3.0 as determined by the Department; no additional experience is required. 2. Persons with an Associate's degree in Early Childhood Education or Child Development must have three (3) months (455 hours) of verified experience. 3. Persons with a Bachelor's degree and have completed the thirty (30) semester credit hours specified in Section 7.702.43, B, 2, must have three (3) months (455 hours) of verified experience. 4. Persons who have no degree but have completed the thirty (30) semester credit hours specified in Section 7.702.43, B, 2, must have six (6) months (910 hours) of verified experience. 5. Additional requirements for verified experience include: <ol style="list-style-type: none"> a. Verified experience acquired in a school-age childcare center may count for up to half of the required experience for director qualifications. The other half of the required experience must be working directly with children in a child development program; and, b. For family childcare home experience to be considered, the applicant must be, or have been, the licensee in the State of Colorado. <p>D. Renewal of Large Center Director Qualifications Letter</p> <ol style="list-style-type: none"> 1. All individuals who were previously qualified as a large center director by the Department, who have not completed the required courses in each of the following subject or content areas, must take one (1) course every two (2) years from an accredited college or university, with all courses completed by February 1, 2022, or be in compliance with a current Transitory Director Qualification Letter. Official transcripts listing completion of one (1) or more of the five (5) courses shall be submitted to the 	
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	<p>Department within thirty (30) calendar days of completing each course until all five (5) courses have been completed in:</p> <ol style="list-style-type: none"> a. Guidance Strategies for Young Children or has been issued a Colorado Pyramid Model Training certificate of completion; b. Health, Nutrition and Safety or Child Nutrition; c. The Exceptional Child; d. Infant/Toddler Theory and Practice or have been issued the Expanding Quality in Infant and Toddler Care Training certificate of completion; and, e. Administration: Human Relations for Early Childhood Professions or Introduction to Business. <p>2. Except for individuals holding an Early Childhood Professional Credential Level III Version 3.0 as determined by the Department, directors meeting all large center director requirements in Section 7.702.43, B, in centers operating more than six (6) hours a day must complete a three (3) semester credit hour course from an accredited college or university every five (5) years in a subject related to the operation of a center and must be able to demonstrate the relationship of the course taken to the operation of the center.</p> <p>3. The renewal application and the official transcripts must be submitted to the Department. The renewed director letter shall expire five (5) years from approval of the renewal application.</p> <p>4. Director letters must be renewed prior to the expiration date or the letter becomes invalid and the individual no longer qualifies as a director of a large center.</p> <p>E. Revocation of Large Center Director Letter</p> <p>1. Persons may be denied an original or renewal of a director letter; a director letter may be revoked if substantial evidence has been found that the applicant or director is responsible for one or more of the following at any childcare facility, including, but not limited to:</p> <ol style="list-style-type: none"> a. Committing fraud; b. Responsible for egregious or repetitive grounds for negative licensing actions; 	<p>Department within thirty (30) calendar days of completing each course until all five (5) courses have been completed in:</p> <ol style="list-style-type: none"> a. Guidance Strategies for Young Children or has been issued a Colorado Pyramid Model Training certificate of completion; b. Health, Nutrition and Safety or Child Nutrition; c. The Exceptional Child; d. Infant/Toddler Theory and Practice or have been issued the Expanding Quality in Infant and Toddler Care Training certificate of completion; and, e. Administration: Human Relations for Early Childhood Professions or Introduction to Business. <p>2. Except for individuals holding an Early Childhood Professional Credential Level III Version 3.0 as determined by the Department, directors meeting all large center director requirements in Section 7.702.43, B, in centers operating more than six (6) hours a day must complete a three (3) semester credit hour course from an accredited college or university every five (5) years in a subject related to the operation of a center and must be able to demonstrate the relationship of the course taken to the operation of the center.</p> <p>3. The renewal application and the official transcripts must be submitted to the Department. The renewed director letter shall expire five (5) years from approval of the renewal application.</p> <p>4. Director letters must be renewed prior to the expiration date or the letter becomes invalid and the individual no longer qualifies as a director of a large center.</p> <p>E. Revocation of Large Center Director Letter</p> <p>1. Persons may be denied an original or renewal of a director letter; a director letter may be revoked if substantial evidence has been found that the applicant or director is responsible for one or more of the following at any childcare facility, including, but not limited to:</p> <ol style="list-style-type: none"> a. Committing fraud; b. Responsible for egregious or repetitive grounds for negative licensing actions; 		
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		<p>c. Providing false information; d. Providing false transcripts for self or staff; or, e. Providing false letters of experience for self or staff.</p> <p>2. Persons who have had a Director Letter revoked or denied for the reasons listed in Section 7.702.43, E, 1, a-e, may submit a new application for consideration after a period of two (2) years from the date of denial or revocation.</p> <p>3. A person issued a new director letter after a denial or revocation shall receive a provisional letter for no less than nine (9) months. After the provisional period has been completed, a new application may be submitted for consideration of a five (5) year time limited letter.</p> <p>4. Persons whose director letter has been denied or revoked for the reasons listed in Section 7.702.43, E, 1, a-e, may file an appeal in the same manner as a request for waiver, as specified in Section 7.701.13 of the "General Rules for Child Care Facilities".</p> <p>F. Assistant Director Requirements</p> <p>1. An Assistant Director working under the supervision of a Director must be at least eighteen (18) years of age, have at least nine (9) months (1,365 hours) of experience as an Early Childhood Teacher, and must meet one (1) of the following qualifications:</p> <p>a. A Bachelor's, Master's, or Doctorate degree from an accredited college or university; or, b. Completion of at least half of the required coursework for director qualifications in section 7.702.43, B, 3, including the following two (2) administration courses: (1) Administration of Early Childhood Care and Education Programs; and, (2) Administration: Human Relations for Early Childhood Professions, or Introduction to Business.</p> <p>G. All course grades used for the large center Director or Assistant Director requirements must be a "C" or better</p>	<p>e. Providing false information; d. Providing false transcripts for self or staff; or, e. Providing false letters of experience for self or staff.</p> <p>2. Persons who have had a Director Letter revoked or denied for the reasons listed in Section 7.702.43, E, 1, a-e, may submit a new application for consideration after a period of two (2) years from the date of denial or revocation.</p> <p>3. A person issued a new director letter after a denial or revocation shall receive a provisional letter for no less than nine (9) months. After the provisional period has been completed, a new application may be submitted for consideration of a five (5) year time limited letter.</p> <p>4. Persons whose director letter has been denied or revoked for the reasons listed in Section 7.702.43, E, 1, a-e, may file an appeal in the same manner as a request for waiver, as specified in Section 7.701.13 of the "General Rules for Child Care Facilities".</p> <p>F. Assistant Director Requirements</p> <p>1. An Assistant Director working under the supervision of a Director must be at least eighteen (18) years of age, have at least nine (9) months (1,365 hours) of experience as an Early Childhood Teacher, and must meet one (1) of the following qualifications:</p> <p>a. A Bachelor's, Master's, or Doctorate degree from an accredited college or university; or, b. Completion of at least half of the required coursework for director qualifications in section 7.702.43, B, 3, including the following two (2) administration courses: (1) Administration of Early Childhood Care and Education Programs; and, (2) Administration: Human Relations for Early Childhood Professions, or Introduction to Business.</p> <p>G. All course grades used for the large center Director or Assistant Director requirements must be a "C" or better.</p>		
7.702.44 Director	REPEAL	7.702.44 Director Qualifications - Small Child	702.44 Director Qualifications - Small Child	HB22-1295 was codified	

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<p>Qualifications - Small Child Care Center</p>	<p>Care Center A. The Director or Substitute Director of a Small Center must either: meet large center Director qualifications or meet at least one (1) of the following qualifications: 1. Posses a current professional teaching license issued by the Colorado Department of Education with an endorsement in the area of Elementary Education, Early Childhood Education, Early Childhood Special Education, or Early Childhood Special Education Specialist; or, 2. Possess a current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department; or, 3. Current certification as a Child Development Associate (CDA) credential in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or other Department-approved credential; or, 4. Two (2) years and nine (9) months (5,005 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual, and at least two (2) three (3)-semester credit hour courses from an accredited college or university in Early Childhood Education, and one (1) of the courses must be either: a. Introduction to Early Childhood; or, b. Early Childhood Guidance Strategies for Children or has been issued Colorado Pyramid Model Training certificate of completion; or, 5. Nine (9) months (1,365 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual, and an Associate's degree from an accredited college or university, with at least two (2) three (3)-semester credit hour courses in Early Childhood Education, and one (1) of the courses must be either: a. Introduction to Early Childhood Professions; or, b. Early Childhood Guidance Strategies for children or has been issued a Colorado Pyramid Model</p>	<p>Care Center A. The Director or Substitute Director of a Small Center must either: meet large center Director qualifications or meet at least one (1) of the following qualifications: 1. Posses a current professional teaching license issued by the Colorado Department of Education with an endorsement in the area of Elementary Education, Early Childhood Education, Early Childhood Special Education, or Early Childhood Special Education Specialist; or, 2. Possess a current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department; or, 3. Current certification as a Child Development Associate (CDA) credential in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or other Department-approved credential; or, 4. Two (2) years and nine (9) months (5,005 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual, and at least two (2) three (3)-semester credit hour courses from an accredited college or university in Early Childhood Education, and one (1) of the courses must be either: a. Introduction to Early Childhood; or, b. Early Childhood Guidance Strategies for Children or has been issued Colorado Pyramid Model Training certificate of completion; or, 5. Nine (9) months (1,365 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual, and an Associate's degree from an accredited college or university, with at least two (2) three (3)-semester credit hour courses in Early Childhood Education, and one (1) of the courses must be either: a. Introduction to Early Childhood Professions; or, b. Early Childhood Guidance Strategies for children or has been issued a Colorado Pyramid Model</p>	<p>into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>
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		<p>Training certificate of completion; or, 6. Three (3) months (455 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual; and an Associate's degree in Child Development or Early Childhood Education from an accredited college or university, with at least two (2) three (3)-semester credit hour courses in either: a. Introduction to Early Childhood Professions or possesses a Child Development Associate (CDA) credential in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or, b. Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion. B. Satisfactory experience includes all options listed at Section 7.702.43, B and C. C. All course grades used for the small child care center Director requirements must be a "C" or better. D. Substitute Director Requirements 1. In the absence of the Director of a small center, an individual who meets Director qualifications for a small center or a large center must substitute for the Director.</p>	<p>Training certificate of completion; or, 6. Three (3) months (455 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual; and an Associate's degree in Child Development or Early Childhood Education from an accredited college or university, with at least two (2) three (3)-semester credit hour courses in either: a. Introduction to Early Childhood Professions or possesses a Child Development Associate (CDA) credential in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or, b. Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion. B. Satisfactory experience includes all options listed at Section 7.702.43, B and C. C. All course grades used for the small child care center Director requirements must be a "C" or better. D. Substitute Director Requirements 1. In the absence of the Director of a small center, an individual who meets Director qualifications for a small center or a large center must substitute for the Director.</p>		
7.702.45 Qualifications for Teachers, Substitutes, Staff Aides, and Volunteers	REPEAL	<p>7.702.45 Qualifications for Teachers, Substitutes, Staff Aides, and Volunteers A. Early Childhood Teacher 1. An Early Childhood Teacher, assigned responsibility for a single group of children and working under the supervision of a Director, must be at least eighteen (18) years of age and meet at least one (1) of the following qualifications: a. A Bachelor's, Master's, or Doctorate degree from an accredited college or university with a major area of study in one (1) of the following areas: (1) Child Development; (2) Child Psychology; (3) Early Childhood Education; (4) Early Childhood Special Education; (5) Educational Leadership and Administration; (6) Elementary Education;</p>	<p>7.702.45 Qualifications for Teachers, Substitutes, Staff Aides, and Volunteers A. Early Childhood Teacher 1. An Early Childhood Teacher, assigned responsibility for a single group of children and working under the supervision of a Director, must be at least eighteen (18) years of age and meet at least one (1) of the following qualifications: a. A Bachelor's, Master's, or Doctorate degree from an accredited college or university with a major area of study in one (1) of the following areas: (1) Child Development; (2) Child Psychology; (3) Early Childhood Education; (4) Early Childhood Special Education; (5) Educational Leadership and Administration; (6) Elementary Education;</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>(7) Family and Human Development; (8) Family Studies; or, (9) Special Education; or, b. A Bachelor's, Master's, or Doctorate degree from an accredited college or university with a major area of study in any area other than those listed at Section 7.702.45, A, 1, a, and an additional two (2) three (3)-semester credit hour courses in Early Child Education, with one (1) course as the following: (1) Introduction to Early Childhood Professions; or, (2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or, c. An Associate's degree (60 semester credit hours) from an accredited college or university in Early Childhood Education or Child Development, which must include at least two (2), three (3)-semester credit hour courses in either: (1) Introduction to Early Childhood Professions; or, (2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or, d. A current professional teaching license issued by the Colorado Department of Education with an Endorsement in the area of Elementary Education, Early Childhood Education, Early Childhood Special Education, or Early Childhood Special Education Specialist; or, e. A current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department; or, f. A current certification as a Child Development Associate (CDA) in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or other Department-approved credential; or, g. Completion of a course of training approved by the Department and published on the Department's approval list; and nine (9) months (1,365 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual; or, h. Three (3) months (455 hours) of verified</p>	<p>(7) Family and Human Development; (8) Family Studies; or, (9) Special Education; or, b. A Bachelor's, Master's, or Doctorate degree from an accredited college or university with a major area of study in any area other than those listed at Section 7.702.45, A, 1, a, and an additional two (2) three (3)-semester credit hour courses in Early Child Education, with one (1) course as the following: (1) Introduction to Early Childhood Professions; or, (2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or, c. An Associate's degree (60 semester credit hours) from an accredited college or university in Early Childhood Education or Child Development, which must include at least two (2), three (3)-semester credit hour courses in either: (1) Introduction to Early Childhood Professions; or, (2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or, d. A current professional teaching license issued by the Colorado Department of Education with an Endorsement in the area of Elementary Education, Early Childhood Education, Early Childhood Special Education, or Early Childhood Special Education Specialist; or, e. A current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department; or, f. A current certification as a Child Development Associate (CDA) in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or other Department-approved credential; or, g. Completion of a course of training approved by the Department and published on the Department's approval list; and nine (9) months (1,365 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual; or, h. Three (3) months (455 hours) of verified</p>		
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	<p>experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual; and the completion of eighteen (18) semester credit hours from an accredited college or university in Early Childhood Education, with one (1) course as:</p> <p>(1) Introduction to Early Childhood Professions; or, (2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or, i. Twenty-one (21) months (3,185 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual. Satisfactory experience includes being a licensee of a Colorado Family Child Care Home, a Teacher's Aide or Teacher in a childcare center, preschool, or elementary school. In addition, the individual must either:</p> <p>(1) Possess a current Early Childhood Professional Credential Level I or higher in Version 3.0 as determined by the Department; or, (2) Complete two (2) three (3) semester credit hour courses from an accredited college or university in Early Childhood Education with one (1) course as either:</p> <p>(a) Introduction To Early Childhood Professions or has been issued the Child Development Associate (CDA) Credential; Or, (b) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion.</p> <p>2. All course grades used for the Early Childhood Teacher requirements must be a "C" or better.</p> <p>B. Infant Program Staff 1. Staff Requirements a. The infant program must have an Infant Program Supervisor who meets at least one (1) of the following qualifications: (1) A Registered Nurse, licensed to practice in Colorado, with a minimum of three (3) months (455 hours) of verifiable experience in the care and</p>	<p>experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual; and the completion of eighteen (18) semester credit hours from an accredited college or university in Early Childhood Education, with one (1) course as:</p> <p>(1) Introduction to Early Childhood Professions; or, (2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or, i. Twenty-one (21) months (3,185 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual. Satisfactory experience includes being a licensee of a Colorado Family Child Care Home, a Teacher's Aide or Teacher in a childcare center, preschool, or elementary school. In addition, the individual must either:</p> <p>(1) Possess a current Early Childhood Professional Credential Level I or higher in Version 3.0 as determined by the Department; or, (2) Complete two (2) three (3) semester credit hour courses from an accredited college or university in Early Childhood Education with one (1) course as either:</p> <p>(a) Introduction To Early Childhood Professions or has been issued the Child Development Associate (CDA) Credential; Or, (b) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion.</p> <p>2. All course grades used for the Early Childhood Teacher requirements must be a "C" or better.</p> <p>B. Infant Program Staff 1. Staff Requirements a. The infant program must have an Infant Program Supervisor who meets at least one (1) of the following qualifications: (1) A Registered Nurse, licensed to practice in Colorado, with a minimum of three (3) months (455 hours) of verifiable experience in the care and</p>		
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	<p>supervision of infants who are not related to the individual; or, (2) A Licensed Practical Nurse, licensed to practice in Colorado, a minimum of nine (9) months (1,365 hours) of verifiable experience in the care and supervision of infants who are not related to the individual; or, (3) An adult who holds a certificate in infant and toddler care from an accredited college or university with completion of a minimum of thirty (30) semester credit hours in the development and care of infants and toddlers in a group setting; or, (4) An adult who is currently certified as a child development associate (CDA) in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; and has completed the Infant/Toddler Theory and Practice or has been issued the Expanding Quality in Infant and Toddler Care Training certificate of completion; or, (5) An adult who holds a current Early Childhood Professional Credential Level II or higher in Version 3.0, as determined by the Department, has a minimum of nine (9) months (1,365 hours) of verifiable experience in the care and supervision of infants and/or toddlers, and: (a) Has completed one (1) three (3) semester credit hour course in Infant/Toddler Development; or, (b) Has completed the Department-approved Expanding Quality in Infant and Toddler Care training course. (6) An adult who: (a) Is at least nineteen (19) years of age; (b) Is qualified as an Early Childhood Teacher (Section 7.702.45, A); © Has a minimum of nine (9) months (1,365 hours) of verifiable experience in the group care of infants or toddlers; and, (d) Has completed at least two (2) three (3)-semester credit hour courses from an accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be:</p>	<p>supervision of infants who are not related to the individual; or, (2) A Licensed Practical Nurse, licensed to practice in Colorado, a minimum of nine (9) months (1,365 hours) of verifiable experience in the care and supervision of infants who are not related to the individual; or, (3) An adult who holds a certificate in infant and toddler care from an accredited college or university with completion of a minimum of thirty (30) semester credit hours in the development and care of infants and toddlers in a group setting; or, (4) An adult who is currently certified as a child development associate (CDA) in: Center-Based, Preschool; Center-Based, Infant Toddler; or Family Child Care; and has completed the Infant/Toddler Theory and Practice or has been issued the Expanding Quality in Infant and Toddler Care Training certificate of completion; or, (5) An adult who holds a current Early Childhood Professional Credential Level II or higher in Version 3.0, as determined by the Department, has a minimum of nine (9) months (1,365 hours) of verifiable experience in the care and supervision of infants and/or toddlers, and: (a) Has completed one (1) three (3) semester credit hour course in Infant/Toddler Development; or, (b) Has completed the Department-approved Expanding Quality in Infant and Toddler Care training course. (6) An adult who: (a) Is at least nineteen (19) years of age; (b) Is qualified as an Early Childhood Teacher (Section 7.702.45, A); © Has a minimum of nine (9) months (1,365 hours) of verifiable experience in the group care of infants or toddlers; and, (d) Has completed at least two (2) three (3)-semester credit hour courses from an accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be:</p>		
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	<p>(i) Infant/Toddler Development; or, (ii) The Department-approved Expanding Quality in Infant and Toddler Care training course; or, (7) An adult who: (a) Is at least nineteen (19) years of age; (b) Is qualified as an Early Childhood Teacher (Section 7.702.45, A); © Has a minimum of one (1) year and nine (9) months (3,185 hours) of verifiable experience in the group care and supervision of infants or toddlers; and, (d) Will complete, within the first six (6) months of employment, two (2) three (3)-semester credit hour courses from an accredited college or university, one (1) of which must be: (i) Infant/Toddler Development; or, (ii) The Department-approved Expanding Quality in Infant and Toddler Care training course. b. An Infant Program Early Childhood Teacher must meet the following requirements: (1) Meet the qualifications for an Early Childhood Teacher found at Section 7.702.45, A, or be qualified as an Infant Program Supervisor; and, (2) Has a minimum three (3) months (455 hours) of verifiable experience in the care and supervision of children under three (3) years of age. c. Prior to being assigned a group of children, the Infant Program Early Childhood Teacher must complete eight (8) hours of orientation in the infant program under the supervision of the Infant Program Supervisor. The orientation may include, but not limited to, the following topics: (1) Toys and equipment, appropriate activities for infants and toddlers, appropriate sleep positions for infants and toddlers, and the safe and appropriate diaper change technique. d. The Infant Program Staff Aide must be at least eighteen (18) years of age, must have completed eight (8) hours of orientation as listed above at the infant program, and must work under the direct supervision of an Infant Early Childhood Teacher. e. There must be at least one (1) staff member on</p>	<p>(i) Infant/Toddler Development; or, (ii) The Department-approved Expanding Quality in Infant and Toddler Care training course; or, (7) An adult who: (a) Is at least nineteen (19) years of age; (b) Is qualified as an Early Childhood Teacher (Section 7.702.45, A); © Has a minimum of one (1) year and nine (9) months (3,185 hours) of verifiable experience in the group care and supervision of infants or toddlers; and, (d) Will complete, within the first six (6) months of employment, two (2) three (3)-semester credit hour courses from an accredited college or university, one (1) of which must be: (i) Infant/Toddler Development; or, (ii) The Department-approved Expanding Quality in Infant and Toddler Care training course. b. An Infant Program Early Childhood Teacher must meet the following requirements: (1) Meet the qualifications for an Early Childhood Teacher found at Section 7.702.45, A, or be qualified as an Infant Program Supervisor; and, (2) Has a minimum three (3) months (455 hours) of verifiable experience in the care and supervision of children under three (3) years of age. c. Prior to being assigned a group of children, the Infant Program Early Childhood Teacher must complete eight (8) hours of orientation in the infant program under the supervision of the Infant Program Supervisor. The orientation may include, but not limited to, the following topics: (1) Toys and equipment, appropriate activities for infants and toddlers, appropriate sleep positions for infants and toddlers, and the safe and appropriate diaper change technique. d. The Infant Program Staff Aide must be at least eighteen (18) years of age, must have completed eight (8) hours of orientation as listed above at the infant program, and must work under the direct supervision of an Infant Early Childhood Teacher. e. There must be at least one (1) staff member on</p>		
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	<p>duty in each infant room at all times who holds a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.</p> <p>2. Required Staff and Supervision (See chart in Section 7.702.46)</p> <p>a. In the infant program, there must be a qualified Infant Program Supervisor present sixty percent (60%) of the hours of operation of the infant program who is responsible for the care of the infants. An individual qualified as an Infant Early Childhood Teacher must be responsible during the remaining time.</p> <p>b. The Infant Program Supervisor or an Infant Early Childhood Teacher must be assigned to each group of ten (10) or fewer infants in attendance. An Infant Program Staff Aide may be assigned to assist the Infant Program Supervisor or the Infant Early Childhood Teacher when six (6) through ten (10) infants are in care in the group to maintain the staff ratio of one (1) adult for each five (5) infants.</p> <p>c. There must be assigned at least one (1) Infant Program Supervisor in the infant program for each twenty (20) or fewer infants in attendance.</p> <p>C. Toddler Program Staff</p> <p>1. Staff Requirements The Toddler Early Childhood Teacher, a staff member assigned responsibility for a single group and working under the supervision of the Director, must meet at least one (1) of the following qualifications:</p> <p>a. A Registered Nurse, licensed to practice in Colorado, with a minimum of three (3) months (455 hours) of verifiable experience in the care and supervision of children less than three (3) years of age who are not related to the individual; or,</p> <p>b. A Licensed Practical Nurse, licensed to practice in Colorado, with at least nine (9) months (1,365 hours) of verifiable experience in the care and supervision of children less than three (3) years of age who are not related to the individual; or,</p> <p>c. An adult who holds a certificate in infant and toddler care from an accredited college or university</p>	<p>duty in each infant room at all times who holds a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.</p> <p>2. Required Staff and Supervision (See chart in Section 7.702.46)</p> <p>a. In the infant program, there must be a qualified Infant Program Supervisor present sixty percent (60%) of the hours of operation of the infant program who is responsible for the care of the infants. An individual qualified as an Infant Early Childhood Teacher must be responsible during the remaining time.</p> <p>b. The Infant Program Supervisor or an Infant Early Childhood Teacher must be assigned to each group of ten (10) or fewer infants in attendance. An Infant Program Staff Aide may be assigned to assist the Infant Program Supervisor or the Infant Early Childhood Teacher when six (6) through ten (10) infants are in care in the group to maintain the staff ratio of one (1) adult for each five (5) infants.</p> <p>c. There must be assigned at least one (1) Infant Program Supervisor in the infant program for each twenty (20) or fewer infants in attendance.</p> <p>C. Toddler Program Staff</p> <p>1. Staff Requirements The Toddler Early Childhood Teacher, a staff member assigned responsibility for a single group and working under the supervision of the Director, must meet at least one (1) of the following qualifications:</p> <p>a. A Registered Nurse, licensed to practice in Colorado, with a minimum of three (3) months (455 hours) of verifiable experience in the care and supervision of children less than three (3) years of age who are not related to the individual; or,</p> <p>b. A Licensed Practical Nurse, licensed to practice in Colorado, with at least nine (9) months (1,365 hours) of verifiable experience in the care and supervision of children less than three (3) years of age who are not related to the individual; or,</p> <p>c. An adult who holds a certificate in infant and toddler care from an accredited college or university</p>		
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	<p>with completion of at least thirty (30) semester credit hours or equivalent in such courses as child growth and development, nutrition, and care practices with children birth to three (3) years of age; or, d. An adult who is certified as a Child Development Associate (CDA) in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or is certified as a Child Care Professional (CCP); or holds another Department-approved certificate; or, e. An adult who meets the education and experience requirements for an Early Childhood Teacher of a large center (Section 7.702.45, A); or, f. A current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department.</p> <p>2. Staff Aides must be at least sixteen (16) years of age, must work directly under the supervision of the Director or a Toddler Early Childhood Teacher, and must have completed eight (8) hours of orientation at the toddler program.</p> <p>3. For every fifteen (15) or fewer toddlers, there must be at least one (1) staff member in the toddler program at all times who has a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.</p> <p>D. Kindergarten Teacher A Kindergarten Teacher, assigned responsibility for a single group of children during times specified in Section 7.702.46, must meet one (1) of the following qualifications: 1. Each teacher of a kindergarten class must have the same qualifications as a Director for a large center (see Section 7.702.43); or must possess a current professional teaching license issued by the Colorado Department of Education in Elementary Education; or, 2. A current Early Childhood Professional Credential Level III or higher in Version 3.0 as determined by the Department.</p> <p>E. Assistant Early Childhood Teacher An Assistant Early Childhood Teacher, assigned responsibility for a single group of children during</p>	<p>with completion of at least thirty (30) semester credit hours or equivalent in such courses as child growth and development, nutrition, and care practices with children birth to three (3) years of age; or, d. An adult who is certified as a Child Development Associate (CDA) in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or is certified as a Child Care Professional (CCP); or holds another Department-approved certificate; or, e. An adult who meets the education and experience requirements for an Early Childhood Teacher of a large center (Section 7.702.45, A); or, f. A current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department.</p> <p>2. Staff Aides must be at least sixteen (16) years of age, must work directly under the supervision of the Director or a Toddler Early Childhood Teacher, and must have completed eight (8) hours of orientation at the toddler program.</p> <p>3. For every fifteen (15) or fewer toddlers, there must be at least one (1) staff member in the toddler program at all times who has a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.</p> <p>D. Kindergarten Teacher A Kindergarten Teacher, assigned responsibility for a single group of children during times specified in Section 7.702.46, must meet one (1) of the following qualifications: 1. Each teacher of a kindergarten class must have the same qualifications as a Director for a large center (see Section 7.702.43); or must possess a current professional teaching license issued by the Colorado Department of Education in Elementary Education; or, 2. A current Early Childhood Professional Credential Level III or higher in Version 3.0 as determined by the Department.</p> <p>E. Assistant Early Childhood Teacher An Assistant Early Childhood Teacher, assigned responsibility for a single group of children during</p>		
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	<p>times specified in Section 7.702.46, must meet one (1) of the following qualifications:</p> <ol style="list-style-type: none">1. Completion of one (1) of the Early Childhood Education courses in Section 7.702.43 B, 3, with a course grade of "C" or better; and a minimum of nine (9) months (1,365 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual. Assistant Early Childhood Teachers must be enrolled in and attending the second (2nd) Early Childhood Education course, which will be used as the basis for their qualification for the position of Early Childhood Teacher; or,2. Completion of two (2) of the Early Childhood Education courses referenced in Section 7.702.43, B, 3, with a course grade of "C" or better and no experience; or,3. A current Early Childhood Professional Credential Level I or higher in Version 3.0 as determined by the Department. <p>F. Substitute Staff</p> <ol style="list-style-type: none">1. Equally qualified staff must be available to substitute for regularly assigned staff who are sick, on vacation, or otherwise unable to be on duty.2. For short term unscheduled Early Childhood Teacher vacancies up to ten (10) business days per calendar year, an Assistant Early Childhood Teacher can substitute for the Early Childhood Teacher. The date and times of substitution must be recorded and available for review at all times. <p>G. Staff Aide</p> <ol style="list-style-type: none">1. Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the Director or an Early Childhood Teacher.2. Infant Staff Aides must be at least eighteen (18) years of age.3. Staff Aides, without supervision from an Early Childhood Teacher or Director, may supervise no more than two (2) preschool age children while assisting the children with diapering or toileting. <p>H. Volunteers</p> <ol style="list-style-type: none">1. Volunteers who are used to meet staff to child	<p>times specified in Section 7.702.46, must meet one (1) of the following qualifications:</p> <ol style="list-style-type: none">1. Completion of one (1) of the Early Childhood Education courses in Section 7.702.43 B, 3, with a course grade of "C" or better; and a minimum of nine (9) months (1,365 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual. Assistant Early Childhood Teachers must be enrolled in and attending the second (2nd) Early Childhood Education course, which will be used as the basis for their qualification for the position of Early Childhood Teacher; or,2. Completion of two (2) of the Early Childhood Education courses referenced in Section 7.702.43, B, 3, with a course grade of "C" or better and no experience; or,3. A current Early Childhood Professional Credential Level I or higher in Version 3.0 as determined by the Department. <p>F. Substitute Staff</p> <ol style="list-style-type: none">1. Equally qualified staff must be available to substitute for regularly assigned staff who are sick, on vacation, or otherwise unable to be on duty.2. For short term unscheduled Early Childhood Teacher vacancies up to ten (10) business days per calendar year, an Assistant Early Childhood Teacher can substitute for the Early Childhood Teacher. The date and times of substitution must be recorded and available for review at all times. <p>G. Staff Aide</p> <ol style="list-style-type: none">1. Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the Director or an Early Childhood Teacher.2. Infant Staff Aides must be at least eighteen (18) years of age.3. Staff Aides, without supervision from an Early Childhood Teacher or Director, may supervise no more than two (2) preschool age children while assisting the children with diapering or toileting. <p>H. Volunteers</p> <ol style="list-style-type: none">1. Volunteers who are used to meet staff to child		
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		ratio must be equally qualified as an Early Childhood Teacher, Assistant Early Childhood Teacher, or Staff Aide. Equally qualified volunteers must have complete staff records as required in Section 7.702.35 and complete training requirements as required in Section 7.702.42. 2. Volunteers who are not required to be equally qualified or successfully complete background checks must be supervised and given instruction as to the center's policies and procedures. 3. Volunteers between the ages of twelve (12) and sixteen (16) must have a written purpose developed by the center for volunteering and may not volunteer for more than two (2) hours per day.	ratio must be equally qualified as an Early Childhood Teacher, Assistant Early Childhood Teacher, or Staff Aide. Equally qualified volunteers must have complete staff records as required in Section 7.702.35 and complete training requirements as required in Section 7.702.42. 2. Volunteers who are not required to be equally qualified or successfully complete background checks must be supervised and given instruction as to the center's policies and procedures. 3. Volunteers between the ages of twelve (12) and sixteen (16) must have a written purpose developed by the center for volunteering and may not volunteer for more than two (2) hours per day.		
7.702.46 Required Staff and Supervision	REPEAL	7.702.46 Required Staff and Supervision A. Staff-Child Ratios 1. For the purposes of this subsection A, in determining staff-child ratios, only staff members and/or volunteers qualified under Section 7.702.45, who work directly with children are counted. 2. For full day programs, during times of low attendance and/or during the first and last hour of the day, when only eight (8) or fewer children are present in the facility, there must be at least one (1) Early Childhood Teacher or Assistant Early Childhood Teacher working with the children and a second staff member must be on site and immediately available. There must be no more than two (2) children less than the age of two (2) present. When nine (9) or more children are in attendance, at least two (2) staff members must be on duty. 3. The Director of the center must be present at the center at least sixty percent (60%) of any day that the center is open. a. Centers licensed under the same governing body that provide care for preschool-age children only at multiple locations are not required to have a large center Director qualified staff member assigned to each program. to qualify, centers must have an organizational structure that includes employees of the center that provide at least ten (10) administrative support elements from the following:	7.702.46 Required Staff and Supervision A. Staff-Child Ratios 1. For the purposes of this subsection A, in determining staff-child ratios, only staff members and/or volunteers qualified under Section 7.702.45, who work directly with children are counted. 2. For full day programs, during times of low attendance and/or during the first and last hour of the day, when only eight (8) or fewer children are present in the facility, there must be at least one (1) Early Childhood Teacher or Assistant Early Childhood Teacher working with the children and a second staff member must be on site and immediately available. There must be no more than two (2) children less than the age of two (2) present. When nine (9) or more children are in attendance, at least two (2) staff members must be on duty. 3. The Director of the center must be present at the center at least sixty percent (60%) of any day that the center is open. a. Centers licensed under the same governing body that provide care for preschool-age children only at multiple locations are not required to have a large center Director qualified staff member assigned to each program. to qualify, centers must have an organizational structure that includes employees of the center that provide at least ten (10) administrative support elements from the following:	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<ol style="list-style-type: none"> 1. Colorado Preschool Program Coordinator; 2. Parent Educational Specialist; 3. Principal or Executive Director; 4. Health Coordinator; 5. Nurse; 6. Health Technician; 7. Food Service Director; 8. A Registered Dietitian or an individual with a Master's level or higher education in Nutrition; 9. Fire/Health/Safety Inspector; 10. Mental Health Team; 11. Speech Language Pathologist; 12. Occupational/Physical Therapist; 13. School Psychologist; 14. Family Outreach Worker; 15. Human Resource Specialist; or, 16. Transportation Manager. <p>b. The program must obtain a Director who meets large center Director qualifications if substantial evidence has been found leading to an adverse licensing action for any of the following:</p> <ol style="list-style-type: none"> 1. Lack of supervision; 2. Operating out of the approved staff member to child ratio; 3. Operating without sufficient qualified staff. 4. If the Director of a large center cannot be present sixty percent (60%) of any day, an Assistant Director must be on site acting in the capacity of the Director. 5. When there is a Director vacancy or absence, an Assistant Director may substitute for the director for a maximum of up to twelve (12) weeks per calendar year. The Assistant Director must be on site at least sixty percent (60%) of any day the center is open. For vacancies exceeding twelve (12) weeks, an individual meeting Director qualification must be on site acting as director until a new Director is appointed. The dates must be documented and kept on file for review. 6. An Assistant Director must consult with a qualified Director on administering the center in accordance with early childhood principles and practices and licensing rules. 	<ol style="list-style-type: none"> 1. Colorado Preschool Program Coordinator; 2. Parent Educational Specialist; 3. Principal or Executive Director; 4. Health Coordinator; 5. Nurse; 6. Health Technician; 7. Food Service Director; 8. A Registered Dietitian or an individual with a Master's level or higher education in Nutrition; 9. Fire/Health/Safety Inspector; 10. Mental Health Team; 11. Speech Language Pathologist; 12. Occupational/Physical Therapist; 13. School Psychologist; 14. Family Outreach Worker; 15. Human Resource Specialist; or, 16. Transportation Manager. <p>b. The program must obtain a Director who meets large center Director qualifications if substantial evidence has been found leading to an adverse licensing action for any of the following:</p> <ol style="list-style-type: none"> 1. Lack of supervision; 2. Operating out of the approved staff member to child ratio; 3. Operating without sufficient qualified staff. 4. If the Director of a large center cannot be present sixty percent (60%) of any day, an Assistant Director must be on site acting in the capacity of the Director. 5. When there is a Director vacancy or absence, an Assistant Director may substitute for the director for a maximum of up to twelve (12) weeks per calendar year. The Assistant Director must be on site at least sixty percent (60%) of any day the center is open. For vacancies exceeding twelve (12) weeks, an individual meeting Director qualification must be on site acting as director until a new Director is appointed. The dates must be documented and kept on file for review. 6. An Assistant Director must consult with a qualified Director on administering the center in accordance with early childhood principles and practices and licensing rules. 		
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	<p>7. There must be assigned at least one (1) qualified Early Childhood Teacher supervising each group of children unless otherwise specified in rules. A Director may be the assigned teacher for one (1) group of children.</p> <p>8. Full day programs may have Assistant Early Childhood Teachers supervise preschool-age and older children during the following periods of operation:</p> <p>a. Opening hours: an Assistant Early Childhood Teacher may be alone with children for the first two (2) hours of a center's daily operating hours;</p> <p>b. Nap time: an Assistant Early Childhood Teacher may be alone with children for up to one (1) hour during nap time;</p> <p>c. Closing hours: an Assistant Early Childhood Teacher may be alone with children for up to the two (2) hours prior to the closing time of a center's daily operations;</p> <p>d. Taking children to the restroom or diapering; and,</p> <p>e. When substituting for an Early Childhood Teacher in compliance with Section 7.702.45, F, 2.</p> <p>9. At least one (1) staff member with the current Department-approved Medication Administration training and delegation must be on duty at all times.</p> <p>10. At nap time, the child to staff ratio may be doubled for children two and one half (2 ½) years of age and older in preschool classrooms when the following conditions have been met:</p> <p>a. At least half of the children are sleeping;</p> <p>b. Another staff member is onsite in the center and immediately available;</p> <p>c. Maximum group size and room capacity are not exceeded; and,</p> <p>d. Staff member supervising children is qualified as an Early Childhood Teacher or Assistant Early Childhood Teacher.</p> <p>11. Formal kindergarten class sessions must have one (1) staff member for each twenty-five (25) or fewer children in attendance. At other parts of the day when children are in attendance, the ratio must be one (1) staff member to each fifteen (15) or fewer</p>	<p>7. There must be assigned at least one (1) qualified Early Childhood Teacher supervising each group of children unless otherwise specified in rules. A Director may be the assigned teacher for one (1) group of children.</p> <p>8. Full day programs may have Assistant Early Childhood Teachers supervise preschool-age and older children during the following periods of operation:</p> <p>a. Opening hours: an Assistant Early Childhood Teacher may be alone with children for the first two (2) hours of a center's daily operating hours;</p> <p>b. Nap time: an Assistant Early Childhood Teacher may be alone with children for up to one (1) hour during nap time;</p> <p>c. Closing hours: an Assistant Early Childhood Teacher may be alone with children for up to the two (2) hours prior to the closing time of a center's daily operations;</p> <p>d. Taking children to the restroom or diapering; and,</p> <p>e. When substituting for an Early Childhood Teacher in compliance with Section 7.702.45, F, 2.</p> <p>9. At least one (1) staff member with the current Department-approved Medication Administration training and delegation must be on duty at all times.</p> <p>10. At nap time, the child to staff ratio may be doubled for children two and one half (2 ½) years of age and older in preschool classrooms when the following conditions have been met:</p> <p>a. At least half of the children are sleeping;</p> <p>b. Another staff member is onsite in the center and immediately available;</p> <p>c. Maximum group size and room capacity are not exceeded; and,</p> <p>d. Staff member supervising children is qualified as an Early Childhood Teacher or Assistant Early Childhood Teacher.</p> <p>11. Formal kindergarten class sessions must have one (1) staff member for each twenty-five (25) or fewer children in attendance. At other parts of the day when children are in attendance, the ratio must be one (1) staff member to each fifteen (15) or fewer</p>		
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	<p>children. 12. Children of the Director or of staff members who attend the center and other children on the premises for supervision and care must be counted against the licensed capacity in the appropriate age groups. 13. In determining staff-child ratios, children who are in attendance for only part of the day are counted only while at the center. 14. Staff-Child Ratios AGES OF CHILDREN NUMBER OF STAFF 6 weeks to 18 months (infants) 1 staff member to 5 infants 12 months to 36 months 1 staff member to 5 toddlers 24 months to 36 months 1 staff member to 7 toddlers 2-1/2 years to 3 years 1 staff member to 8 children 3 years to 4 years 1 staff member to 10 children 4 years to 5 years 1 staff member to 12 children 5 years and older 1 staff member to 15 children Mixed age group 2-1/2 years to 6 years 1 staff member to 10 children a. In other preschool age combinations, the staff ratio for the youngest child must be utilized if more than twenty percent (20%) of the group is composed of younger children. This does not apply to infants and toddlers. The ratio for toddler groups is based on the youngest child in the group. 15. Maximum Group Size for Children AGES OF CHILDREN MAXIMUM GROUP SIZE 6 weeks to 18 months 10 infants 12 months to 36 months 10 toddlers 24 months to 36 months 14 toddlers</p>	<p>children. 12. Children of the Director or of staff members who attend the center and other children on the premises for supervision and care must be counted against the licensed capacity in the appropriate age groups. 13. In determining staff-child ratios, children who are in attendance for only part of the day are counted only while at the center. 14. Staff-Child Ratios AGES OF CHILDREN NUMBER OF STAFF 6 weeks to 18 months (infants) 1 staff member to 5 infants 12 months to 36 months 1 staff member to 5 toddlers 24 months to 36 months 1 staff member to 7 toddlers 2-1/2 years to 3 years 1 staff member to 8 children 3 years to 4 years 1 staff member to 10 children 4 years to 5 years 1 staff member to 12 children 5 years and older 1 staff member to 15 children Mixed age group 2-1/2 years to 6 years 1 staff member to 10 children a. In other preschool age combinations, the staff ratio for the youngest child must be utilized if more than twenty percent (20%) of the group is composed of younger children. This does not apply to infants and toddlers. The ratio for toddler groups is based on the youngest child in the group. 15. Maximum Group Size for Children AGES OF CHILDREN MAXIMUM GROUP SIZE 6 weeks to 18 months 10 infants 12 months to 36 months 10 toddlers 24 months to 36 months 14 toddlers</p>		
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	<p>2-1/2 years to 3 years 16 children 3 years to 4 years 20 children 4 years to 5 years 24 children 5 years and older 30 children Mixed age group 2-1/2 to 6 years of age 20 children</p> <p>a. In other preschool age combinations, the maximum group size for the youngest child must be utilized if more than twenty percent (20%) of the group is composed of younger children. This does not apply to infants and toddlers. The group size for toddler groups is based on the youngest child in the group.</p> <p>b. Preschool age and school-age groups of children must be separated into developmentally appropriate activities. Groups are not required to be separated from each other by permanent or portable dividers or walls.</p> <p>c. Group size for children in preschool and school-age classrooms may be exceeded for circle time, meal and snack time, special occasions, and activities.</p> <p>d. The licensed room capacity must not be exceeded at any time.</p> <p>e. Toddler-age groups of children must be separated from each other by permanent or portable dividers or other methods as approved by the Department.</p> <p>f. When combining age groups, not including individual child transitions, children must be cared for in the room licensed for the youngest child in care, including the outdoor play area.</p> <p>16. Emergency Situations</p> <p>a. In the case of an emergency situation, including but not limited to illness, death, accident, law enforcement action, road closure, hazardous weather, emergency bodily function, child elopement, or providing emergency attention or care to a child, the child care center may operate under</p>	<p>2-1/2 years to 3 years 16 children 3 years to 4 years 20 children 4 years to 5 years 24 children 5 years and older 30 children Mixed age group 2-1/2 to 6 years of age 20 children</p> <p>a. In other preschool age combinations, the maximum group size for the youngest child must be utilized if more than twenty percent (20%) of the group is composed of younger children. This does not apply to infants and toddlers. The group size for toddler groups is based on the youngest child in the group.</p> <p>b. Preschool age and school-age groups of children must be separated into developmentally appropriate activities. Groups are not required to be separated from each other by permanent or portable dividers or walls.</p> <p>c. Group size for children in preschool and school-age classrooms may be exceeded for circle time, meal and snack time, special occasions, and activities.</p> <p>d. The licensed room capacity must not be exceeded at any time.</p> <p>e. Toddler-age groups of children must be separated from each other by permanent or portable dividers or other methods as approved by the Department.</p> <p>f. When combining age groups, not including individual child transitions, children must be cared for in the room licensed for the youngest child in care, including the outdoor play area.</p> <p>16. Emergency Situations</p> <p>a. In the case of an emergency situation, including but not limited to illness, death, accident, law enforcement action, road closure, hazardous weather, emergency bodily function, child elopement, or providing emergency attention or care to a child, the child care center may operate under</p>		
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	<p>the following guidelines:</p> <p>(1) The facility may temporarily use a staff member, who has successfully completed criminal background check requirements, to supervise children for no more than two (2) hours until a qualified staff member is secured. The dates and times must be recorded and made available for review at all times.</p> <p>(2) A large child care center or a child care center that operates on the property of a school district, district charter school, or institute charter school, may permit a staff member, who has successfully completed criminal background check requirements but is not a qualified caregiver, to supervise children for an amount of time that is reasonably necessary to address an emergency circumstance.</p> <p>(3) During any emergency situation, the facility must be in compliance with the staff-to-child ratio.</p> <p>B. Service/Housekeeping Personnel</p> <p>1. Service personnel must be available for housekeeping and food preparation as needed for adequate operation and maintenance of the center.</p> <p>2. Assignment of housekeeping and maintenance duties to childcare staff must not interfere with their supervisory responsibilities and childcare duties.</p> <p>C. Child Care Health Consultant</p> <p>1. Center staff must have a monthly consultation with a current Department-approved Child Care Health Consultant who must meet one (1) of the following qualifications:</p> <p>a. A Licensed Registered Nurse with knowledge and experience in maternal and child health;</p> <p>b. A Pediatric Nurse Practitioner;</p> <p>c. A Family Nurse Practitioner; or,</p> <p>d. A Physician with knowledge and experience in pediatrics or maternal and child health.</p> <p>2. The monthly consultation must be specific to the needs of the facility and include some of the following topics: training, delegation and supervision of medication administration and special health procedures, health care plans, hygiene, disease</p>	<p>the following guidelines:</p> <p>(1) The facility may temporarily use a staff member, who has successfully completed criminal background check requirements, to supervise children for no more than two (2) hours until a qualified staff member is secured. The dates and times must be recorded and made available for review at all times.</p> <p>(2) A large child care center or a child care center that operates on the property of a school district, district charter school, or institute charter school, may permit a staff member, who has successfully completed criminal background check requirements but is not a qualified caregiver, to supervise children for an amount of time that is reasonably necessary to address an emergency circumstance.</p> <p>(3) During any emergency situation, the facility must be in compliance with the staff-to-child ratio.</p> <p>B. Service/Housekeeping Personnel</p> <p>1. Service personnel must be available for housekeeping and food preparation as needed for adequate operation and maintenance of the center.</p> <p>2. Assignment of housekeeping and maintenance duties to childcare staff must not interfere with their supervisory responsibilities and childcare duties.</p> <p>C. Child Care Health Consultant</p> <p>1. Center staff must have a monthly consultation with a current Department-approved Child Care Health Consultant who must meet one (1) of the following qualifications:</p> <p>a. A Licensed Registered Nurse with knowledge and experience in maternal and child health;</p> <p>b. A Pediatric Nurse Practitioner;</p> <p>c. A Family Nurse Practitioner; or,</p> <p>d. A Physician with knowledge and experience in pediatrics or maternal and child health.</p> <p>2. The monthly consultation must be specific to the needs of the facility and include some of the following topics: training, delegation and supervision of medication administration and special health procedures, health care plans, hygiene, disease</p>	
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	<p>prevention, equipment safety, nutrition, interaction between children and adult caregivers, and child growth and development.</p> <p>3. The monthly consultation must be conducted on-site at least quarterly or more frequently as required by the Child Care Health Consultant. Teleconsultations are allowed for the remaining months.</p> <p>4. The date and content of each consultation must be recorded and maintained in the center's files for three (3) years.</p> <p>5. For the Department-approved Child Care Health Consultant, the center must maintain documentation from the Colorado Department of Regulatory Agencies that the Registered Nurse or the Medical Doctor's licensure is in good standing.</p> <p>6. For the Department-approved Child Care Health Consultant, the center must maintain documentation of a brief biography highlighting applicable knowledge, experience, and approximate dates worked as a school nurse or Child Care Health Consultant.</p> <p>7. All Department-approved Child Care Health Consultants must complete the Department-approved Child Care Health Consultant Introductory training course within six (6) months of hire. Child Care Health Consultants must complete Department-approved ongoing professional development training every three (3) years. The center must obtain and maintain proof of training completion.</p> <p>8. All Department-approved Child Care Health Consultants must complete the Department-approved Colorado Department of Public Health and Environment immunization course annually. The center must obtain and maintain proof of course completion.</p> <p>9. All Department-approved Child Care Health Consultants must complete the Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse or neglect. This training must be</p>	<p>prevention, equipment safety, nutrition, interaction between children and adult caregivers, and child growth and development.</p> <p>3. The monthly consultation must be conducted on-site at least quarterly or more frequently as required by the Child Care Health Consultant. Teleconsultations are allowed for the remaining months.</p> <p>4. The date and content of each consultation must be recorded and maintained in the center's files for three (3) years.</p> <p>5. For the Department-approved Child Care Health Consultant, the center must maintain documentation from the Colorado Department of Regulatory Agencies that the Registered Nurse or the Medical Doctor's licensure is in good standing.</p> <p>6. For the Department-approved Child Care Health Consultant, the center must maintain documentation of a brief biography highlighting applicable knowledge, experience, and approximate dates worked as a school nurse or Child Care Health Consultant.</p> <p>7. All Department-approved Child Care Health Consultants must complete the Department-approved Child Care Health Consultant Introductory training course within six (6) months of hire. Child Care Health Consultants must complete Department-approved ongoing professional development training every three (3) years. The center must obtain and maintain proof of training completion.</p> <p>8. All Department-approved Child Care Health Consultants must complete the Department-approved Colorado Department of Public Health and Environment immunization course annually. The center must obtain and maintain proof of course completion.</p> <p>9. All Department-approved Child Care Health Consultants must complete the Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse or neglect. This training must be</p>		
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		<p>completed within thirty (30) days of hire and renewed every three (3) years.</p>	<p>completed within thirty (30) days of hire and renewed every three (3) years.</p>		
<p>7.702.5 ADMISSION PROCEDURE</p>	<p>REPEAL</p>	<p>7.702.5 ADMISSION PROCEDURE A. The center must accept and care only for children of the ages for which it has been licensed. At no time shall the number of children in attendance exceed the number for which the center has been licensed. B. Admission procedures must be completed prior to the child's attendance at the center and must include: 1. A pre-admission interview with the child's parent(s)/guardian(s) to determine whether the services offered by the center will meet the needs of the child and the parent(s)/ guardian(s); 2. Completion of the registration information required for inclusion in the child's record as required in Section 7.702.34 and, 3. If applicable, a Department-approved health care plan authorized by the child's health care provider and parent(s)/guardian(s) defining the interventions needed to care for a child who has an identified health or developmental condition or concern including, but not limited to seizures, asthma, diabetes, severe allergies, heart or respiratory conditions, and physical disabilities. Any applicable medications, supplies, and/or medical equipment must be available to the staff prior to the child's first day of care. The staff working with a child with a health care plan must be informed, trained, and delegated responsibility for carrying out the health care plan by the Department-approved Child Care Health Consultant; supervision of the plan and interventions must be documented. C. Children with Special Needs 1. The admission of children who have special health care needs, disabilities, or developmental delays which includes children with social emotional and behavioral needs must be in alignment with the training and ability of staff and in compliance with the Americans with Disabilities Act. Services offered must show that a reasonable effort is made to</p>	<p>7.702.5 ADMISSION PROCEDURE A. The center must accept and care only for children of the ages for which it has been licensed. At no time shall the number of children in attendance exceed the number for which the center has been licensed. B. Admission procedures must be completed prior to the child's attendance at the center and must include: 1. A pre-admission interview with the child's parent(s)/guardian(s) to determine whether the services offered by the center will meet the needs of the child and the parent(s)/ guardian(s); 2. Completion of the registration information required for inclusion in the child's record as required in Section 7.702.34 and, 3. If applicable, a Department-approved health care plan authorized by the child's health care provider and parent(s)/guardian(s) defining the interventions needed to care for a child who has an identified health or developmental condition or concern including, but not limited to seizures, asthma, diabetes, severe allergies, heart or respiratory conditions, and physical disabilities. Any applicable medications, supplies, and/or medical equipment must be available to the staff prior to the child's first day of care. The staff working with a child with a health care plan must be informed, trained, and delegated responsibility for carrying out the health care plan by the Department-approved Child Care Health Consultant; supervision of the plan and interventions must be documented. C. Children with Special Needs 1. The admission of children who have special health care needs, disabilities, or developmental delays which includes children with social emotional and behavioral needs must be in alignment with the training and ability of staff and in compliance with the Americans with Disabilities Act. Services offered must show that a reasonable effort is made to</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>accommodate the child's needs and to integrate the child with other children. (See Section 7.701.14 of the General Rules for Child Care Facilities)</p> <p>2. The center must inform its Department-approved Child Care Health Consultant prior to the first day of care of the enrollment of a child with special health care needs, if known, so staff receive training, delegation and supervision by the Department-approved Child Care Health Consultant as indicated by the child's individualized health care plan.</p> <p>3. For a child with special health care needs requiring intervention and/or medication, the center must obtain written instructions for providing services from the child's parent(s)/guardian(s), and the health care provider. If an existing individualized health care plan is provided for the child, it must be reviewed and followed by the center staff when caring for the child. If the child does not have an existing individualized health care plan, the individualized health care plan must be obtained by the child's first day of care.</p> <p>4. For an enrolled child with a newly identified special health care need, the center must obtain written instructions for providing services from the child's parent(s)/guardian(s) and the health care provider. If the child with special health care needs does not have an existing individualized health care plan, the individualized health care plan and all associated medication(s) and/or equipment must be provided within thirty (30) calendar days of the child's identified need.</p> <p>5. The individual health care plan must be updated at least every twelve (12) months from the date of the initial plan and as changes occur. The plan must include all information needed to care for the child, must be signed by the health care provider, parent(s)/guardian(s) and must include, but not be limited to, the following:</p> <ul style="list-style-type: none">a. Medication and dosing schedule;b. Nutrition and feeding instructions;c. Medical equipment or adaptive devices, including instructions;	<p>accommodate the child's needs and to integrate the child with other children. (See Section 7.701.14 of the General Rules for Child Care Facilities)</p> <p>2. The center must inform its Department-approved Child Care Health Consultant prior to the first day of care of the enrollment of a child with special health care needs, if known, so staff receive training, delegation and supervision by the Department-approved Child Care Health Consultant as indicated by the child's individualized health care plan.</p> <p>3. For a child with special health care needs requiring intervention and/or medication, the center must obtain written instructions for providing services from the child's parent(s)/guardian(s), and the health care provider. If an existing individualized health care plan is provided for the child, it must be reviewed and followed by the center staff when caring for the child. If the child does not have an existing individualized health care plan, the individualized health care plan must be obtained by the child's first day of care.</p> <p>4. For an enrolled child with a newly identified special health care need, the center must obtain written instructions for providing services from the child's parent(s)/guardian(s) and the health care provider. If the child with special health care needs does not have an existing individualized health care plan, the individualized health care plan and all associated medication(s) and/or equipment must be provided within thirty (30) calendar days of the child's identified need.</p> <p>5. The individual health care plan must be updated at least every twelve (12) months from the date of the initial plan and as changes occur. The plan must include all information needed to care for the child, must be signed by the health care provider, parent(s)/guardian(s) and must include, but not be limited to, the following:</p> <ul style="list-style-type: none">a. Medication and dosing schedule;b. Nutrition and feeding instructions;c. Medical equipment or adaptive devices, including instructions;		
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		<p>d. Medical emergency instructions; e. Toileting and personal hygiene instructions; f. Behavioral interventions; and, g. Medical procedure/intervention orders. D. If the parent(s)/guardian(s) agree(s) that the center should care for a child in the infant program who is eighteen (18) months or older, the center must have on file a written statement from a health care provider confirming that care for the child is appropriate in the infant program. E. If the parent(s)/guardian(s) agree(s) that the center should care for a child in the toddler program who is twelve (12) months old but not walking independently, or is over thirty-six (36) months old, the center must have on file a written statement from a health care provider confirming that care for the child is appropriate in the toddler program.</p>	<p>d. Medical emergency instructions; e. Toileting and personal hygiene instructions; f. Behavioral interventions; and, g. Medical procedure/intervention orders. D. If the parent(s)/guardian(s) agree(s) that the center should care for a child in the infant program who is eighteen (18) months or older, the center must have on file a written statement from a health care provider confirming that care for the child is appropriate in the infant program. E. If the parent(s)/guardian(s) agree(s) that the center should care for a child in the toddler program who is twelve (12) months old but not walking independently, or is over thirty-six (36) months old, the center must have on file a written statement from a health care provider confirming that care for the child is appropriate in the toddler program.</p>		
7.702.51 Health Care	REPEAL	<p>7.702.51 Health Care A. Statements of Health Status 1. The center has the right to refuse to admit a child if a statement from a health care provider or documentation of immunization status, or exemption, is not submitted. 2. At the time of admission, the parent(s)/guardian(s) must provide for each child entering the center: a. Documentation of school-required immunization status or Certificate of Medical or Nonmedical Exemption, is required by the Colorado Board of Health. Up-to-date school-required immunizations must be documented as specified on the Colorado Department of Public Health and Environment Certificate of Immunization or on an “approved alternate” Certificate of Immunization. Colorado law requires proof of immunization status or exemption be provided prior to or on the first day of admission. b. Within thirty (30) calendar days of admission, and within thirty (30) calendar days following the expiration date of a previous health statement, the parent(s)/guardian(s) of each child must submit a statement of the child’s current health status or written verification of a scheduled appointment with</p>	<p>7.702.51 Health Care A. Statements of Health Status 1. The center has the right to refuse to admit a child if a statement from a health care provider or documentation of immunization status, or exemption, is not submitted. 2. At the time of admission, the parent(s)/guardian(s) must provide for each child entering the center: a. Documentation of school-required immunization status or Certificate of Medical or Nonmedical Exemption, is required by the Colorado Board of Health. Up-to-date school-required immunizations must be documented as specified on the Colorado Department of Public Health and Environment Certificate of Immunization or on an “approved alternate” Certificate of Immunization. Colorado law requires proof of immunization status or exemption be provided prior to or on the first day of admission. b. Within thirty (30) calendar days of admission, and within thirty (30) calendar days following the expiration date of a previous health statement, the parent(s)/guardian(s) of each child must submit a statement of the child’s current health status or written verification of a scheduled appointment with</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft

CDHS Tracking #: 25-06-17-01

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	<p>a health care provider. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2½) years of age. The statement must include when the next visit is required by the health care provider. All health statements must be kept at the center.</p> <p>c. Statements of health status of children less than two (2) years of age must be updated in accordance with the American Academy of Pediatrics recommended schedule for routine health supervision or as required in writing by the health care provider.</p> <p>d. Health statements for children over two (2) years of age to seven (7) years of age must be updated in accordance with the American Academy of Pediatrics recommended schedule for routine well child exams.</p> <p>e. For children seven (7) years of age and older or who have completed the first (1st) grade, subsequent statements of health status must be obtained every three (3) years.</p> <p>B. Medication</p> <p>1. Any unexpired routine medication, prescription or non-prescription (over the counter), must be administered only with a current written order of a health care provider with prescriptive authority and with written parental consent. home remedies, homeopathic medication, vitamins, and supplements must not be administered to children in childcare.</p> <p>2. The written order by the person with prescriptive authority shall include:</p> <p>a. Child's name;</p> <p>b. Licensed prescribing practitioner name, telephone number, and signature;</p> <p>c. Date authorized;</p> <p>d. Name of medication and dosage;</p> <p>e. Time of day medication is to be given;</p> <p>f. Route of medication;</p> <p>g. Length of time the medication is to be given;</p> <p>h. Reason for medication (unless this information</p>	<p>a health care provider. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2½) years of age. The statement must include when the next visit is required by the health care provider. All health statements must be kept at the center.</p> <p>c. Statements of health status of children less than two (2) years of age must be updated in accordance with the American Academy of Pediatrics recommended schedule for routine health supervision or as required in writing by the health care provider.</p> <p>d. Health statements for children over two (2) years of age to seven (7) years of age must be updated in accordance with the American Academy of Pediatrics recommended schedule for routine well child exams.</p> <p>e. For children seven (7) years of age and older or who have completed the first (1st) grade, subsequent statements of health status must be obtained every three (3) years.</p> <p>B. Medication</p> <p>1. Any unexpired routine medication, prescription or non-prescription (over the counter), must be administered only with a current written order of a health care provider with prescriptive authority and with written parental consent. home remedies, homeopathic medication, vitamins, and supplements must not be administered to children in childcare.</p> <p>2. The written order by the person with prescriptive authority shall include:</p> <p>a. Child's name;</p> <p>b. Licensed prescribing practitioner name, telephone number, and signature;</p> <p>c. Date authorized;</p> <p>d. Name of medication and dosage;</p> <p>e. Time of day medication is to be given;</p> <p>f. Route of medication;</p> <p>g. Length of time the medication is to be given;</p> <p>h. Reason for medication (unless this information</p>		
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		<p>needs to remain confidential);</p> <p>i. Side effects or reactions to watch for; and,</p> <p>j. Special instructions.</p> <p>3. Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label.</p> <p>4. Over-the-counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.</p> <p>5. In the case medication needs to be given on an ongoing, long-term basis, the authorization and consent forms must be reauthorized on an at least annual basis. Any changes in the original medication authorization require a new written order by the prescribing practitioner and a change in the prescription label.</p> <p>6. Staff designated by the Director to give medications must complete the Department-approved Medication Administration training and have current annual delegation or more often as determined by the Department-approved Child Care Health Consultant. Delegation must be from the center's current Department-approved Child Care Health Consultant who must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current CPR and First Aid training prior to administering medication with the following exceptions:</p> <p>a. Staff determined by the Director, in consultation with the Department-approved Child Care Health Consultant, to be responsible for providing emergency medications must complete the Department-approved Medication Administration training: Severe Allergy or Asthma. After completing the training, staff must receive delegation from their Department-approved Child Care Health Consultant for those medications only. Staff must then provide those medications to children based on the instructions from the child's individualized health care plan.</p> <p>b. Staff determined by the Director, in consultation</p>	<p>needs to remain confidential);</p> <p>i. Side effects or reactions to watch for; and,</p> <p>j. Special instructions.</p> <p>3. Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label.</p> <p>4. Over the counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.</p> <p>5. In the case medication needs to be given on an ongoing, long term basis, the authorization and consent forms must be reauthorized on an at least annual basis. Any changes in the original medication authorization require a new written order by the prescribing practitioner and a change in the prescription label.</p> <p>6. Staff designated by the Director to give medications must complete the Department-approved Medication Administration training and have current annual delegation or more often as determined by the Department-approved Child Care Health Consultant. Delegation must be from the center's current Department-approved Child Care Health Consultant who must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current CPR and First Aid training prior to administering medication with the following exceptions:</p> <p>a. Staff determined by the Director, in consultation with the Department-approved Child Care Health Consultant, to be responsible for providing emergency medications must complete the Department-approved Medication Administration training: Severe Allergy or Asthma. After completing the training, staff must receive delegation from their Department-approved Child Care Health Consultant for those medications only. Staff must then provide those medications to children based on the instructions from the child's individualized health care plan.</p> <p>b. Staff determined by the Director, in consultation</p>		
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	<p>with the Department-approved Child Care Health Consultant, to be responsible for providing medications not covered in the approved medication administration training shall also be permitted to administer medications and/or medical treatments such as emergency seizure medication, insulin, or oxygen with individualized training and delegation from the Department-approved Child Care Health Consultant based on instructions from the child's individualized health care plan.</p> <p>c. Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's Department-approved Child Care Health Consultant. Such training and delegation shall qualify the staff member to provide a rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.</p> <p>7. All medications, except those medications specified in the Department-approved medication administration training as emergency medications, must be locked and inaccessible to children, but available to staff trained in administering medication. Controlled medications must be counted and safely secured, and specific policies regarding their handling require special attention in the center's policies. Access to these medications must be limited.</p> <p>a. Emergency medications are not required to be locked but must be stored in an area inaccessible to children, and easily accessible and identifiable to staff. Emergency medications must be stored in accordance with the Department-approved Child Care Health Consultant's recommendation.</p> <p>b. When away from the classroom, staff assigned to supervise the child must carry the emergency medication.</p> <p>8. The center must have a written policy on the storage and access of inhalers and epinephrine carried by school-age children. The policy must include a written contract with the parent(s)/guardian(s) and child acknowledgement</p>	<p>with the Department-approved Child Care Health Consultant, to be responsible for providing medications not covered in the approved medication administration training shall also be permitted to administer medications and/or medical treatments such as emergency seizure medication, insulin, or oxygen with individualized training and delegation from the Department-approved Child Care Health Consultant based on instructions from the child's individualized health care plan.</p> <p>c. Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's Department-approved Child Care Health Consultant. Such training and delegation shall qualify the staff member to provide a rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.</p> <p>7. All medications, except those medications specified in the Department-approved medication administration training as emergency medications, must be locked and inaccessible to children, but available to staff trained in administering medication. Controlled medications must be counted and safely secured, and specific policies regarding their handling require special attention in the center's policies. Access to these medications must be limited.</p> <p>a. Emergency medications are not required to be locked but must be stored in an area inaccessible to children, and easily accessible and identifiable to staff. Emergency medications must be stored in accordance with the Department-approved Child Care Health Consultant's recommendation.</p> <p>b. When away from the classroom, staff assigned to supervise the child must carry the emergency medication.</p> <p>8. The center must have a written policy on the storage and access of inhalers and epinephrine carried by school-age children. The policy must include a written contract with the parent(s)/guardian(s) and child acknowledgement</p>		
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	<p>assigning levels of responsibility of each individual. This contract includes orders for the medication from a health care provider, along with confirmation from the health care provider and the Department-approved Child Care Health Consultant that the student has been instructed and is capable of self-administration of the prescribed medications.</p> <p>9. Children are not allowed to bring medications to childcare unless accompanied by a responsible adult.</p> <p>10. If a medication is out of date or left over, the parent(s)/guardian(s) is responsible for picking up the medication. If the parent(s)/guardian(s) do not respond, the center must dispose of the medications as required by the Colorado Department of Public Health and Environment.</p> <p>11. Topical preparations such as petroleum jelly, diaper rash ointments, sunscreen, insect repellent, and other ointments may be administered to children with written authorization from the parent(s)/guardian(s). These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing health care provider.</p> <p>12. A written medication log must be kept for each child. This log is part of the child's records. The log must contain the following:</p> <ul style="list-style-type: none"> a. Child's name and birthdate; b. name of the medication, dosage, and route; c. time medication is to be given by written medication authorization; d. time medication is administered to child; e. Special instructions; f. Name and initials of the individuals giving the medication; and, g. Notation if the medication was not given and the reason. <p>C. Sun Protection</p> <p>1. The center must obtain written authorization and instructions from the parent(s)/guardian(s) for the application of sunscreen or the use of another form of parent(s)/guardian(s) approved sun protection</p>	<p>assigning levels of responsibility of each individual. This contract includes orders for the medication from a health care provider, along with confirmation from the health care provider and the Department-approved Child Care Health Consultant that the student has been instructed and is capable of self-administration of the prescribed medications.</p> <p>9. Children are not allowed to bring medications to childcare unless accompanied by a responsible adult.</p> <p>10. If a medication is out of date or left over, the parent(s)/guardian(s) is responsible for picking up the medication. If the parent(s)/guardian(s) do not respond, the center must dispose of the medications as required by the Colorado Department of Public Health and Environment.</p> <p>11. Topical preparations such as petroleum jelly, diaper rash ointments, sunscreen, insect repellent, and other ointments may be administered to children with written authorization from the parent(s)/guardian(s). These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing health care provider.</p> <p>12. A written medication log must be kept for each child. This log is part of the child's records. The log must contain the following:</p> <ul style="list-style-type: none"> a. Child's name and birthdate; b. name of the medication, dosage, and route; c. time medication is to be given by written medication authorization; d. time medication is administered to child; e. Special instructions; f. Name and initials of the individuals giving the medication; and, g. Notation if the medication was not given and the reason. <p>C. Sun Protection</p> <p>1. The center must obtain written authorization and instructions from the parent(s)/guardian(s) for the application of sunscreen or the use of another form of parent(s)/guardian(s) approved sun protection</p>		
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		<p>with a full-spectrum UVA/UVB rating of SPF thirty (30) or greater to their children's exposed skin prior to outside play year-round. a doctor's permission is not needed to use sunscreen at the center.</p> <p>2. The center must apply sunscreen, have the parent(s)/guardian(s) apply sunscreen, or use another form of parent/guardian approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label.</p> <p>a. When the parent(s)/guardian(s) applies sunscreen, the center must have a mechanism for documenting application times to ensure sunscreen is reapplied as directed by the product label. If documentation of application time is not available, the center must ensure that sunscreen is applied thirty (30) minutes before going outdoors. If the child will be outside for more than one hour, sunscreen must be reapplied every two hours.</p> <p>3. When supplied for an individual child, the sunscreen must be labeled with the child's first and last name.</p> <p>4. If sunscreen is provided by the center, parent(s)/guardian(s) must be notified in advance, in writing, of the type of sunscreen the center will use.</p> <p>5. Children over four (4) years of age may apply sunscreen to themselves under the direct supervision of a staff member.</p> <p>6. Infants under six (6) months must be kept out of direct sunlight while outdoors.</p>	<p>with a full-spectrum UVA/UVB rating of SPF thirty (30) or greater to their children's exposed skin prior to outside play year-round. a doctor's permission is not needed to use sunscreen at the center.</p> <p>2. The center must apply sunscreen, have the parent(s)/guardian(s) apply sunscreen, or use another form of parent/guardian approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label.</p> <p>a. When the parent(s)/guardian(s) applies sunscreen, the center must have a mechanism for documenting application times to ensure sunscreen is reapplied as directed by the product label. If documentation of application time is not available, the center must ensure that sunscreen is applied thirty (30) minutes before going outdoors. If the child will be outside for more than one hour, sunscreen must be reapplied every two hours.</p> <p>3. When supplied for an individual child, the sunscreen must be labeled with the child's first and last name.</p> <p>4. If sunscreen is provided by the center, parent(s)/guardian(s) must be notified in advance, in writing, of the type of sunscreen the center will use.</p> <p>5. Children over four (4) years of age may apply sunscreen to themselves under the direct supervision of a staff member.</p> <p>6. Infants under six (6) months must be kept out of direct sunlight while outdoors.</p>	
7.702.6 CHILD CARE SERVICES	REPEAL	7.702.6 CHILD CARE SERVICES	7.702.6 CHILD CARE SERVICES	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.
7.702.61 Personal Hygiene	REPEAL	7.702.61 Personal Hygiene A. Diapering 1. All diaper change areas must:	7.702.61 Personal Hygiene A. Diapering 1. All diaper change areas must:	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022.

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		<p>a. Be a minimum of thirty-six (36) by eighteen (18) inches in size and large enough to accommodate the size of the child;</p> <p>b. Have a place inaccessible to children for storing all diaper change supplies and disinfecting solutions and products;</p> <p>c. Have a sufficient supply of diapers at all times; and,</p> <p>d. Be located and arranged to provide privacy for older children in need of diaper changing.</p> <p>2. Children being diapered must be within arm's reach of the staff member and actively supervised throughout the diapering process.</p> <p>3. One (1) diaper change area is required in every infant and toddler classroom.</p> <p>4. One (1) designated diaper change area is required for every twenty-four (24) preschool age children.</p> <p>B. Toileting</p> <p>1. There must be no attempt to toilet train children until they are able to communicate or otherwise indicate need, help manage their own clothing, and be able to access toileting facilities.</p> <p>2. For each child who is learning to use a toilet, the child's individual developmental abilities and needs must be accommodated as stated in the written policies and procedures for the center.</p>	<p>a. Be a minimum of thirty-six (36) by eighteen (18) inches in size and large enough to accommodate the size of the child;</p> <p>b. Have a place inaccessible to children for storing all diaper change supplies and disinfecting solutions and products;</p> <p>c. Have a sufficient supply of diapers at all times; and,</p> <p>d. Be located and arranged to provide privacy for older children in need of diaper changing.</p> <p>2. Children being diapered must be within arm's reach of the staff member and actively supervised throughout the diapering process.</p> <p>3. One (1) diaper change area is required in every infant and toddler classroom.</p> <p>4. One (1) designated diaper change area is required for every twenty-four (24) preschool age children.</p> <p>B. Toileting</p> <p>1. There must be no attempt to toilet train children until they are able to communicate or otherwise indicate need, help manage their own clothing, and be able to access toileting facilities.</p> <p>2. For each child who is learning to use a toilet, the child's individual developmental abilities and needs must be accommodated as stated in the written policies and procedures for the center.</p>	<p>CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
7.702.62 Physical Care and Supervision	REPEAL	<p>7.702.62 Physical Care and Supervision</p> <p>A. General</p> <p>1. All children must be under the direct supervision at all times of a qualified adult who has been assigned the responsibility to supervise.</p> <p>2. The time a child arrives and leaves the center each day must be recorded. Staff members must complete written attendance verification periodically throughout the day, including during transitions.</p> <p>3. Staff must be awake, alert, and actively supervising all children.</p> <p>4. Staff must directly supervise children and maintain staff to child ratio during special activities that occur with an outside vendor or provider and where the vendor uses their expert staff to facilitate</p>	<p>7.702.62 Physical Care and Supervision</p> <p>A. General</p> <p>1. All children must be under the direct supervision at all times of a qualified adult who has been assigned the responsibility to supervise.</p> <p>2. The time a child arrives and leaves the center each day must be recorded. Staff members must complete written attendance verification periodically throughout the day, including during transitions.</p> <p>3. Staff must be awake, alert, and actively supervising all children.</p> <p>4. Staff must directly supervise children and maintain staff to child ratio during special activities that occur with an outside vendor or provider and where the vendor uses their expert staff to facilitate</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

		<p>the activity.</p> <p>5. The staff must ensure that children are dressed appropriately for the weather before going outside.</p> <p>B. Infant and Toddler Programs</p> <p>1. Outside of mealtimes, children who are awake must not be confined for more than fifteen (15) minutes at a time to cribs, playpens, swings, highchairs, infant seats, or other equipment that confines movement. Children must have the opportunity for freedom of gross motor movement.</p> <p>2. Throughout the day, each child must have frequent, individual, personal contact, and attention from an adult, such as being held, rocked, taken on walks inside and outside the center, talked to, read to, and sung to.</p> <p>3. Staff must investigate whenever children cry, scream, or appear to withdraw and must try to verbally or physically soothe the child. When putting infants to sleep, staff may allow for a period of no longer than ten (10) minutes without verbally or physically soothing the child to enable the infant to try to self soothe and fall asleep.</p> <p>4. Children must be allowed to form and observe their own pattern of sleep and waking periods. Special provision must be made so that children requiring a morning nap time have a separate area for their nap apart from space used for play.</p> <p>a. Children must be allowed to leave their sleeping area immediately upon waking.</p> <p>C. Safe Sleep Environments for Infants</p> <p>1. Each infant up to eighteen (18) months of age and enrolled in the infant program must be provided with an individual crib, futon approved for infants, or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards. Individual cribs or futons must provide each infant with sufficient space for the infant's length, size, and movement.</p> <p>2. In the infant room, soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants, or other approved sleep/rest equipment. Soft bedding means, but is</p>	<p>the activity.</p> <p>5. The staff must ensure that children are dressed appropriately for the weather before going outside.</p> <p>B. Infant and Toddler Programs</p> <p>1. Outside of mealtimes, children who are awake must not be confined for more than fifteen (15) minutes at a time to cribs, playpens, swings, highchairs, infant seats, or other equipment that confines movement. Children must have the opportunity for freedom of gross motor movement.</p> <p>2. Throughout the day, each child must have frequent, individual, personal contact, and attention from an adult, such as being held, rocked, taken on walks inside and outside the center, talked to, read to, and sung to.</p> <p>3. Staff must investigate whenever children cry, scream, or appear to withdraw and must try to verbally or physically soothe the child. When putting infants to sleep, staff may allow for a period of no longer than ten (10) minutes without verbally or physically soothing the child to enable the infant to try to self soothe and fall asleep.</p> <p>4. Children must be allowed to form and observe their own pattern of sleep and waking periods. Special provision must be made so that children requiring a morning nap time have a separate area for their nap apart from space used for play.</p> <p>a. Children must be allowed to leave their sleeping area immediately upon waking.</p> <p>C. Safe Sleep Environments for Infants</p> <p>1. Each infant up to eighteen (18) months of age and enrolled in the infant program must be provided with an individual crib, futon approved for infants, or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards. Individual cribs or futons must provide each infant with sufficient space for the infant's length, size, and movement.</p> <p>2. In the infant room, soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants, or other approved sleep/rest equipment. Soft bedding means, but is</p>		
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	<p>not limited to, any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diaper bibs, plush toys, pacifiers with stuffed animals attached, and stuffed animals.</p> <p>a. Mattresses for cribs and futons must have a properly fitted, clean sheet.</p> <p>3. Approved sleeping equipment must be firm and mattresses must fit snugly ensuring no more than two fingers are able to be inserted between the mattress and the side of the approved sleeping equipment.</p> <p>4. Toys, including mobiles and other types of play equipment that are designed to be attached to any part of sleeping equipment, must be kept away from sleeping infants and out of sleep environments, including hanging toys. Blankets and other items must not be hung from or draped over the sides or any part of sleeping equipment.</p> <p>5. All sleep/rest equipment must be safe, sturdy, and free from hazards including, but not limited to broken or loose slats, torn mattress, chipping paint or loose screws.</p> <p>6. Drop side and stacking cribs are prohibited.</p> <p>7. Bassinets and playpens are prohibited in childcare centers.</p> <p>8. Other sleep equipment not manufactured for commercial use is prohibited.</p> <p>9. An infant must be placed on his/her back for sleeping.</p> <p>10. Alternative sleep positions for infants must only be allowed with a health care plan completed and signed by the child's physician.</p> <p>11. Swaddling of infants must only be allowed with a health care plan completed and signed by the child's health care provider.</p> <p>12. Each infant up to twelve (12) months of age who uses a pacifier must have the pacifier offered when being put down to sleep unless the parent(s)/guardian(s) direct(s) otherwise.</p> <p>13. Infant sound monitors must be used in separate sleeping rooms for infants unless qualified staff</p>	<p>not limited to, any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diaper bibs, plush toys, pacifiers with stuffed animals attached, and stuffed animals.</p> <p>a. Mattresses for cribs and futons must have a properly fitted, clean sheet.</p> <p>3. Approved sleeping equipment must be firm and mattresses must fit snugly ensuring no more than two fingers are able to be inserted between the mattress and the side of the approved sleeping equipment.</p> <p>4. Toys, including mobiles and other types of play equipment that are designed to be attached to any part of sleeping equipment, must be kept away from sleeping infants and out of sleep environments, including hanging toys. Blankets and other items must not be hung from or draped over the sides or any part of sleeping equipment.</p> <p>5. All sleep/rest equipment must be safe, sturdy, and free from hazards including, but not limited to broken or loose slats, torn mattress, chipping paint or loose screws.</p> <p>6. Drop side and stacking cribs are prohibited.</p> <p>7. Bassinets and playpens are prohibited in childcare centers.</p> <p>8. Other sleep equipment not manufactured for commercial use is prohibited.</p> <p>9. An infant must be placed on his/her back for sleeping.</p> <p>10. Alternative sleep positions for infants must only be allowed with a health care plan completed and signed by the child's physician.</p> <p>11. Swaddling of infants must only be allowed with a health care plan completed and signed by the child's health care provider.</p> <p>12. Each infant up to twelve (12) months of age who uses a pacifier must have the pacifier offered when being put down to sleep unless the parent(s)/guardian(s) direct(s) otherwise.</p> <p>13. Infant sound monitors must be used in separate sleeping rooms for infants unless qualified staff</p>		
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	<p>remain in the room with sleeping infants at all times. When monitors are used, the following conditions must be met:</p> <ul style="list-style-type: none"> a. The sound monitoring equipment is able to pick up the sounds of all sleeping infants; b. The receiver of the sound monitoring equipment is actively monitored by staff at all times; c. All sleeping infants must be physically observed at least every ten (10) minutes by a staff member; d. Sound monitoring equipment must be regularly checked to ensure it is working correctly; and, e. The monitor must be out of reach of children. <p>14. Separate sleep rooms are prohibited in new construction, change of governing body, and change of capacity in childcare centers.</p> <p>15. Infants who fall asleep in a piece of equipment not approved for sleep must immediately be moved to their approved sleep area and placed on their back to sleep.</p> <p>16. Cribs must be used for sleeping, not extended play nor confinement.</p> <p>17. If music is played in the infant sleep area, the music must not be played at a loud volume that would prevent infants from being heard by staff. Music equipment must not be placed under a crib or within three (3) feet of the sleeping infant.</p> <p>18. Supervised tummy time must be offered to infants one (1) month of age or older at least four (4) times per day for full day programs for short periods (3-5 minutes) and increase the amount of time as the infant shows they enjoy the activity. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.</p> <p>19. When staff place infants in approved sleeping equipment for sleep, they must check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed (not overheated or sweaty), and that bibs, necklaces, and garments with ties or hoods are removed.</p> <p>a. Clothing sacks or other clothing designed for</p>	<p>remain in the room with sleeping infants at all times. When monitors are used, the following conditions must be met:</p> <ul style="list-style-type: none"> a. The sound monitoring equipment is able to pick up the sounds of all sleeping infants; b. The receiver of the sound monitoring equipment is actively monitored by staff at all times; c. All sleeping infants must be physically observed at least every ten (10) minutes by a staff member; d. Sound monitoring equipment must be regularly checked to ensure it is working correctly; and, e. The monitor must be out of reach of children. <p>14. Separate sleep rooms are prohibited in new construction, change of governing body, and change of capacity in childcare centers.</p> <p>15. Infants who fall asleep in a piece of equipment not approved for sleep must immediately be moved to their approved sleep area and placed on their back to sleep.</p> <p>16. Cribs must be used for sleeping, not extended play nor confinement.</p> <p>17. If music is played in the infant sleep area, the music must not be played at a loud volume that would prevent infants from being heard by staff. Music equipment must not be placed under a crib or within three (3) feet of the sleeping infant.</p> <p>18. Supervised tummy time must be offered to infants one (1) month of age or older at least four (4) times per day for full day programs for short periods (3-5 minutes) and increase the amount of time as the infant shows they enjoy the activity. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.</p> <p>19. When staff place infants in approved sleeping equipment for sleep, they must check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed (not overheated or sweaty), and that bibs, necklaces, and garments with ties or hoods are removed.</p> <p>a. Clothing sacks or other clothing designed for</p>	
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	<p>sleep must be worn in lieu of blankets if needed for additional warmth. clothing must not restrict the movement of the child's arms or legs.</p> <p>20. Infants must not be placed to sleep in the same crib or futon as another infant or child at the same time.</p> <p>D. Rest Time and Equipment</p> <ol style="list-style-type: none">1. Children must not be forced to sleep.2. In rooms used for napping, the lighting must be dim at nap time to promote an atmosphere conducive to sleep but must be bright enough for supervision of children.3. When the room provided for rest is used for other program activities, the cots, pads, and linens must be stored in an area that is not included in the required square footage assigned for play space.4. In the toddler room, a crib, sleeping cot, or two (2) inch mat must be provided for each child, and there must be a minimum of two (2) feet between each crib or cot. Aisles between cots or cribs must be kept free of all obstructions while cribs are occupied. No child less than the age of two (2) years should use a cot for sleeping without written permission of the parent or guardian.<ol style="list-style-type: none">a. Individual cribs must provide each toddler with sufficient space for the toddler's length, size, and movement, and must meet federal Consumer Product Safety Commission standards. Each crib must be fitted with a firm, comfortable mattress. If individual cribs are used, they must be separated by a sturdy divider from the area used for activities.b. Sleeping cots and mats must be of firm construction and in good repair.c. A fitted sheet and a blanket, or suitable covering, must be provided for each child to be used only by that child.5. If preschool-age children are in care for longer than five (5) hours, the center must provide at least a thirty (30) minute rest period meeting the following:<ol style="list-style-type: none">a. A firm cot or two (2) inch mat with a sheet and blanket, or other suitable covering, must be provided for each child;	<p>sleep must be worn in lieu of blankets if needed for additional warmth. clothing must not restrict the movement of the child's arms or legs.</p> <p>20. Infants must not be placed to sleep in the same crib or futon as another infant or child at the same time.</p> <p>D. Rest Time and Equipment</p> <ol style="list-style-type: none">1. Children must not be forced to sleep.2. In rooms used for napping, the lighting must be dim at nap time to promote an atmosphere conducive to sleep but must be bright enough for supervision of children.3. When the room provided for rest is used for other program activities, the cots, pads, and linens must be stored in an area that is not included in the required square footage assigned for play space.4. In the toddler room, a crib, sleeping cot, or two (2) inch mat must be provided for each child, and there must be a minimum of two (2) feet between each crib or cot. Aisles between cots or cribs must be kept free of all obstructions while cribs are occupied. No child less than the age of two (2) years should use a cot for sleeping without written permission of the parent or guardian.<ol style="list-style-type: none">a. Individual cribs must provide each toddler with sufficient space for the toddler's length, size, and movement, and must meet federal Consumer Product Safety Commission standards. Each crib must be fitted with a firm, comfortable mattress. If individual cribs are used, they must be separated by a sturdy divider from the area used for activities.b. Sleeping cots and mats must be of firm construction and in good repair.c. A fitted sheet and a blanket, or suitable covering, must be provided for each child to be used only by that child.5. If preschool-age children are in care for longer than five (5) hours, the center must provide at least a thirty (30) minute rest period meeting the following:<ol style="list-style-type: none">a. A firm cot or two (2) inch mat with a sheet and blanket, or other suitable covering, must be provided for each child;		
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		<p>1. Cots or pads must be spaced at least two (2) feet apart on all sides during rest time. Children must have a safe area in which to rest that is easily supervised, out of the path of traffic, and free of hazards.</p> <p>b. Quiet activities must be available for children who do not sleep during the thirty (30) minute period. Older children requiring a rest time must be given one;</p> <p>c. Children who do not sleep after thirty (30) minutes must be allowed to move to another area and be provided with quiet toys and equipment to play with such as puzzles or books; and,</p> <p>d. Children who fall asleep must be allowed to leave their napping area within ten (10) minutes of waking.</p>	<p>1. Cots or pads must be spaced at least two (2) feet apart on all sides during rest time. Children must have a safe area in which to rest that is easily supervised, out of the path of traffic, and free of hazards.</p> <p>b. Quiet activities must be available for children who do not sleep during the thirty (30) minute period. Older children requiring a rest time must be given one;</p> <p>c. Children who do not sleep after thirty (30) minutes must be allowed to move to another area and be provided with quiet toys and equipment to play with such as puzzles or books; and,</p> <p>d. Children who fall asleep must be allowed to leave their napping area within ten (10) minutes of waking.</p>		
7.702.63 Food and Nutrition	REPEAL	<p>7.702.63 Food and Nutrition</p> <p>A. Meals and Snacks provided by the center</p> <p>1. All meals and snacks provided by the center must meet current United States Department of Agriculture (USDA) Child and Adult Care Food Program (CACFP) meal pattern requirements and be offered at suitable intervals not more than three (3) hours apart. Children who are at the center for more than four (4) hours, day or evening, must be offered a meal. Arrangements must be made for feeding children who are in care before 6 a.m. or after 6 p.m.</p> <p>2. If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than two (2) times per week.</p> <p>3. Centers must not provide sugar sweetened beverages to children. These are beverages that have been sweetened with various forms of sugars that add calories and include, but are not limited to: soda, fruitades, fruit drinks, flavored milks, and sports and energy drinks.</p> <p>4. The size of servings must be suitable for the child's age and sufficient time must be allowed so that meals are unhurried.</p> <p>5. Foods offered shall be age appropriate and not pose a choking hazard.</p>	<p>7.702.63 Food and Nutrition</p> <p>A. Meals and Snacks provided by the center</p> <p>1. All meals and snacks provided by the center must meet current United States Department of Agriculture (USDA) Child and Adult Care Food Program (CACFP) meal pattern requirements and be offered at suitable intervals not more than three (3) hours apart. Children who are at the center for more than four (4) hours, day or evening, must be offered a meal. Arrangements must be made for feeding children who are in care before 6 a.m. or after 6 p.m.</p> <p>2. If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than two (2) times per week.</p> <p>3. Centers must not provide sugar sweetened beverages to children. These are beverages that have been sweetened with various forms of sugars that add calories and include, but are not limited to: soda, fruitades, fruit drinks, flavored milks, and sports and energy drinks.</p> <p>4. The size of servings must be suitable for the child's age and sufficient time must be allowed so that meals are unhurried.</p> <p>5. Foods offered shall be age appropriate and not pose a choking hazard.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>6. In centers that do not regularly provide a meal, if a child brings a meal from home that does not appear to meet current USDA Child and Adult Care Food Program meal pattern requirements, the center must have foods available to offer as a supplement to that meal.</p> <p>7. Staff members must sit with the children and encourage them to try a variety of food served. During meals, children should be encouraged to engage in conversation and to express their independence.</p> <p>8. Children must not be given foods that are contrary to the religious beliefs of their families or that are known to cause an allergic reaction or a health hazard.</p> <p>9. Food and beverages are not to be used as a reward.</p> <p>10. Meal menus must be planned at least one week in advance, dated, and posted in a place visible to parents. After use, menus must be filed and retained for three (3) months.</p> <p>11. A table, counter, or shelf, separate from the diaper changing area, must be available for preparing infants' and toddlers' food.</p> <p>B. Feeding the Infant</p> <p>1. An individualized diet and feeding schedule must be provided according to a written plan submitted by the parent or by the child's physician with the knowledge and consent of the parent. A change of diet and schedule must be noted on each child's daily activity schedule and posted in an area clearly visible to the staff.</p> <p>2. All infants less than six (6) months of age must be held for bottle feeding. Bottles must not be propped. Older infants must not be allowed to hold their own bottles when lying flat. Bottles must not be allowed in a crib with the infant.</p> <p>3. Older infants must be provided with suitable solid foods that encourage freedom in self-feeding and must be fed in safe chairs such as highchairs or baby-feeding tables.</p> <p>4. When the infant program provides food other than</p>	<p>6. In centers that do not regularly provide a meal, if a child brings a meal from home that does not appear to meet current USDA Child and Adult Care Food Program meal pattern requirements, the center must have foods available to offer as a supplement to that meal.</p> <p>7. Staff members must sit with the children and encourage them to try a variety of food served. During meals, children should be encouraged to engage in conversation and to express their independence.</p> <p>8. Children must not be given foods that are contrary to the religious beliefs of their families or that are known to cause an allergic reaction or a health hazard.</p> <p>9. Food and beverages are not to be used as a reward.</p> <p>10. Meal menus must be planned at least one week in advance, dated, and posted in a place visible to parents. After use, menus must be filed and retained for three (3) months.</p> <p>11. A table, counter, or shelf, separate from the diaper changing area, must be available for preparing infants' and toddlers' food.</p> <p>B. Feeding the Infant</p> <p>1. An individualized diet and feeding schedule must be provided according to a written plan submitted by the parent or by the child's physician with the knowledge and consent of the parent. A change of diet and schedule must be noted on each child's daily activity schedule and posted in an area clearly visible to the staff.</p> <p>2. All infants less than six (6) months of age must be held for bottle feeding. Bottles must not be propped. Older infants must not be allowed to hold their own bottles when lying flat. Bottles must not be allowed in a crib with the infant.</p> <p>3. Older infants must be provided with suitable solid foods that encourage freedom in self-feeding and must be fed in safe chairs such as highchairs or baby-feeding tables.</p> <p>4. When the infant program provides food other than</p>		
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		<p>breast milk or formula, food must be varied and include food from cereal, vegetable, fruit, and protein sources. When the center does not provide solid food, it must supply any additional foods and/or monitor the infant's total nutritional intake.</p> <p>5. A staff member may not mix cereal with breast milk or formula and feed it to an infant from a bottle or infant feeder unless there are written instructions from the child's health care provider.</p> <p>6. In infant nurseries, an adequate number of highchairs, or other suitable pieces of equipment that meet federal Consumer Product Safety Commission standards, must be provided for infant feeding.</p> <p>7. Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved once feeding is complete.</p> <p>C. Feeding the Toddler</p> <p>1. Staff members must either feed toddlers or supervise them when they are eating, and children must be encouraged to try a variety of food served.</p> <p>2. Toddlers must be sitting when eating or drinking.</p> <p>3. Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved away from the feeding location once feeding is complete.</p>	<p>breast milk or formula, food must be varied and include food from cereal, vegetable, fruit, and protein sources. When the center does not provide solid food, it must supply any additional foods and/or monitor the infant's total nutritional intake.</p> <p>5. A staff member may not mix cereal with breast milk or formula and feed it to an infant from a bottle or infant feeder unless there are written instructions from the child's health care provider.</p> <p>6. In infant nurseries, an adequate number of highchairs, or other suitable pieces of equipment that meet federal Consumer Product Safety Commission standards, must be provided for infant feeding.</p> <p>7. Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved once feeding is complete.</p> <p>C. Feeding the Toddler</p> <p>1. Staff members must either feed toddlers or supervise them when they are eating, and children must be encouraged to try a variety of food served.</p> <p>2. Toddlers must be sitting when eating or drinking.</p> <p>3. Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved away from the feeding location once feeding is complete.</p>		
<p>7.702.64 Guidance</p>	<p>REPEAL</p>	<p>7.702.64 Guidance</p> <p>A. Guidance used at the center must be appropriate to the development of the child and is used as an opportunity to teach children social-emotional skills, such as self-regulation, problem-solving, and empathy for others.</p> <p>B. Children must not be subjected to physical or emotional harm, humiliation, or threats.</p> <p>C. The Director must not use, or permit a staff person or child to use, corporal or other harsh punishment.</p> <p>D. Guidance must not be associated with food, rest, or toileting. No child should be punished for toileting accidents. Food must not be denied to or forced</p>	<p>7.702.64 Guidance</p> <p>A. Guidance used at the center must be appropriate to the development of the child and is used as an opportunity to teach children social-emotional skills, such as self-regulation, problem-solving, and empathy for others.</p> <p>B. Children must not be subjected to physical or emotional harm, humiliation, or threats.</p> <p>C. The Director must not use, or permit a staff person or child to use, corporal or other harsh punishment.</p> <p>D. Guidance must not be associated with food, rest, or toileting. No child should be punished for toileting accidents. Food must not be denied to or forced</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		<p>upon a child as a disciplinary measure. E. Physical activity and outdoor time must not be withheld as a disciplinary measure. F. Separation, when used for guidance, must not exceed five (5) minutes and must be appropriate for the child's development. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked, closed room, or closet. G. Verbal abuse and derogatory remarks about the child are not permitted. H. Any form of restraint is not permitted. I. Physical redirection may be used to keep a child from immediate imminent danger. The child must be immediately released once removed from imminent danger.</p>	<p>upon a child as a disciplinary measure. E. Physical activity and outdoor time must not be withheld as a disciplinary measure. F. Separation, when used for guidance, must not exceed five (5) minutes and must be appropriate for the child's development. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked, closed room, or closet. G. Verbal abuse and derogatory remarks about the child are not permitted. H. Any form of restraint is not permitted. I. Physical redirection may be used to keep a child from immediate imminent danger. The child must be immediately released once removed from imminent danger.</p>		
7.702.65 Activities	REPEAL	<p>7.702.65 Activities A. Activity Schedules 1. The center must carry out a planned program suitable to the needs of the children. This program must be described in writing and be available for review when requested by the department or by parents or guardians of children in care. 2. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather, to children toddler age and older for no less than sixty (60) minutes total for full day programs. Activities do not have to occur all at once. a. Programs who qualify for an outdoor space hardship per Section 7.702.74, B,1, must provide daily physical gross motor activities indoors or outdoors. 3. Children's access to outdoor space must be provided daily, except during inclement weather. 4. Infants must be provided access to outdoor play at least three (3) times per week, weather permitting. 5. If the center takes children on routine short excursions, such activities and locations must be posted at the center. 6. Portable first aid kits must be available to staff at</p>	<p>7.702.65 Activities A. Activity Schedules 1. The center must carry out a planned program suitable to the needs of the children. This program must be described in writing and be available for review when requested by the department or by parents or guardians of children in care. 2. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather, to children toddler age and older for no less than sixty (60) minutes total for full day programs. Activities do not have to occur all at once. a. Programs who qualify for an outdoor space hardship per Section 7.702.74, B,1, must provide daily physical gross motor activities indoors or outdoors. 3. Children's access to outdoor space must be provided daily, except during inclement weather. 4. Infants must be provided access to outdoor play at least three (3) times per week, weather permitting. 5. If the center takes children on routine short excursions, such activities and locations must be posted at the center. 6. Portable first aid kits must be available to staff at</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>all times, including field trips and short excursions, and must be checked and restocked on at least a monthly basis.</p> <p>7. If a child participates in activities away from the facility, the center must obtain the parent or guardian's written permission for the child to participate in the activity at a specific location and day. Staff ratios found at Section 7.702.46 must be maintained.</p> <p>B. Screen Time and Media Use</p> <p>1. Screen time, which includes, television, recorded media, computer, tablet, cell phones, video games, and other media devices, is prohibited for children less than two (2) years of age.</p> <p>2. Screen time is prohibited during snack or meal times.</p> <p>3. All media that children are exposed to must not contain explicit language or topics.</p> <p>4. For children two (2) to five (5) years of age, screen time must be limited to no more than thirty (30) minutes per day.</p> <p>5. For children two (2) years of age and older, screen time may only exceed sixty (60) minutes for a special occasion and must not occur more than once every two (2) weeks.</p> <p>6. All children must be provided with a developmentally appropriate alternative activity once the child(ren) loses interest in the media activity.</p> <p>7. There is no time restriction for children using personal adaptive equipment or assistive technology or participating in mandatory school activities.</p> <p>C. Field Trips</p> <p>1. The center must notify the children's parents or guardians in advance of any field trip. The staff-child ratio found at Section 7.702.46 must be maintained at all times.</p> <p>2. All groups of children must be actively supervised by a qualified Early Childhood Teacher at all times.</p> <p>3. Children must be actively supervised at all times.</p> <p>4. An accurate itinerary must remain at the center.</p> <p>5. When taking children on a field trip, staff must have the following information about each child:</p>	<p>all times, including field trips and short excursions, and must be checked and restocked on at least a monthly basis.</p> <p>7. If a child participates in activities away from the facility, the center must obtain the parent or guardian's written permission for the child to participate in the activity at a specific location and day. Staff ratios found at Section 7.702.46 must be maintained.</p> <p>B. Screen Time and Media Use</p> <p>1. Screen time, which includes, television, recorded media, computer, tablet, cell phones, video games, and other media devices, is prohibited for children less than two (2) years of age.</p> <p>2. Screen time is prohibited during snack or meal times.</p> <p>3. All media that children are exposed to must not contain explicit language or topics.</p> <p>4. For children two (2) to five (5) years of age, screen time must be limited to no more than thirty (30) minutes per day.</p> <p>5. For children two (2) years of age and older, screen time may only exceed sixty (60) minutes for a special occasion and must not occur more than once every two (2) weeks.</p> <p>6. All children must be provided with a developmentally appropriate alternative activity once the child(ren) loses interest in the media activity.</p> <p>7. There is no time restriction for children using personal adaptive equipment or assistive technology or participating in mandatory school activities.</p> <p>C. Field Trips</p> <p>1. The center must notify the children's parents or guardians in advance of any field trip. The staff-child ratio found at Section 7.702.46 must be maintained at all times.</p> <p>2. All groups of children must be actively supervised by a qualified Early Childhood Teacher at all times.</p> <p>3. Children must be actively supervised at all times.</p> <p>4. An accurate itinerary must remain at the center.</p> <p>5. When taking children on a field trip, staff must have the following information about each child:</p>		
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Office, Division, & Program: Rule Author: Logan Ellett Phone: 720.245.1195
E-Mail: logan.ellett@state.co.us

		name, address, and phone number of the child's physician or other appropriate health care professional and the written authorization from the parent or guardian for emergency medical care. 6. If children attending the field trip require routine medications be administered during the field trip or have special health needs, a staff member with current medication administration training and delegation must attend on the field trip. 7. A list of all children and staff on a field trip must be kept at the center.	name, address, and phone number of the child's physician or other appropriate health care professional and the written authorization from the parent or guardian for emergency medical care. 6. If children attending the field trip require routine medications be administered during the field trip or have special health needs, a staff member with current medication administration training and delegation must attend on the field trip. 7. A list of all children and staff on a field trip must be kept at the center.		
7.702.66 Transportation	REPEAL	7.702.66 Transportation A. Transportation Provided by the Center 1. The center is responsible for any children it transports. 2. The center must obtain written permission from the parent(s)/guardian(s) for any transportation of their child(ren) while in care. 3. The number of staff members who accompany children when being transported in the vehicle must meet the childcare staff ratio found at Section 7.702.46. The driver of the vehicle is considered a staff member. 4. Children must not be permitted to ride in the front seat of a vehicle and must remain seated while the vehicle is in motion. All children must be secured in a child restraint system that is appropriate for the age and development of that child. The child restraint must conform to all applicable Federal Motor Vehicle Safety Standards and Colorado child passenger safety laws. 5. Children must be loaded and unloaded out of the path of moving vehicles. 6. Children must not be permitted to stand or sit on the floor of a moving vehicle, and their arms, legs, and heads must remain inside the vehicle at all times. 7. Children must not be left unattended in the vehicle. 8. Transportation arrangements for school-age children must be by agreement between the center and the children's parents, i.e., whether the child	7.702.66 Transportation A. Transportation Provided by the Center 1. The center is responsible for any children it transports. 2. The center must obtain written permission from the parent(s)/guardian(s) for any transportation of their child(ren) while in care. 3. The number of staff members who accompany children when being transported in the vehicle must meet the childcare staff ratio found at Section 7.702.46. The driver of the vehicle is considered a staff member. 4. Children must not be permitted to ride in the front seat of a vehicle and must remain seated while the vehicle is in motion. All children must be secured in a child restraint system that is appropriate for the age and development of that child. The child restraint must conform to all applicable Federal Motor Vehicle Safety Standards and Colorado child passenger safety laws. 5. Children must be loaded and unloaded out of the path of moving vehicles. 6. Children must not be permitted to stand or sit on the floor of a moving vehicle, and their arms, legs, and heads must remain inside the vehicle at all times. 7. Children must not be left unattended in the vehicle. 8. Transportation arrangements for school-age children must be by agreement between the center and the children's parents, i.e., whether the child	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>can walk, ride a bicycle, or travel in a car. The center must monitor the children to be sure they arrive at the center when expected and follow up on their whereabouts if they are late. Written permission from parents or guardians for their children to attend community functions after school hours must include agreements regarding transportation.</p> <p>9. Prior to a field trip or other excursion, the center must obtain information on liability insurance from parents and staff who transport children in their own cars and verify that all drivers have valid driver's licenses.</p> <p>10. Attendance must be verified as children enter and exit the vehicle to ensure all children are accounted for.</p> <p>B. Requirements for Vehicles</p> <p>1. Any vehicle used for the transportation of children to and from the center or during center activities must meet the following requirements:</p> <p>a. The vehicle must be enclosed and have working door locks;</p> <p>b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;</p> <p>c. The vehicle must be kept in satisfactory condition to ensure the safety of occupants. Vehicle tires, brakes, and lights must meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division;</p> <p>d. Seating must be comfortable with a seat of at least ten (10) inches wide for each child;</p> <p>e. The provider must not transport more children than any vehicle is able to safely accommodate when child restraint systems and seat belts are properly installed in the vehicle. Two (2) or more children must never be restrained in one (1) seat belt or child restraint system; and,</p> <p>f. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation</p>	<p>can walk, ride a bicycle, or travel in a car. The center must monitor the children to be sure they arrive at the center when expected and follow up on their whereabouts if they are late. Written permission from parents or guardians for their children to attend community functions after school hours must include agreements regarding transportation.</p> <p>9. Prior to a field trip or other excursion, the center must obtain information on liability insurance from parents and staff who transport children in their own cars and verify that all drivers have valid driver's licenses.</p> <p>10. Attendance must be verified as children enter and exit the vehicle to ensure all children are accounted for.</p> <p>B. Requirements for Vehicles</p> <p>1. Any vehicle used for the transportation of children to and from the center or during center activities must meet the following requirements:</p> <p>a. The vehicle must be enclosed and have working door locks;</p> <p>b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;</p> <p>c. The vehicle must be kept in satisfactory condition to ensure the safety of occupants. Vehicle tires, brakes, and lights must meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division;</p> <p>d. Seating must be comfortable with a seat of at least ten (10) inches wide for each child;</p> <p>e. The provider must not transport more children than any vehicle is able to safely accommodate when child restraint systems and seat belts are properly installed in the vehicle. Two (2) or more children must never be restrained in one (1) seat belt or child restraint system; and,</p> <p>f. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation</p>		
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		<p>of such modifications must be available for review.</p> <p>2. In passenger vehicles, which include automobiles, station wagons, and vans with a manufacturer's established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:</p> <ol style="list-style-type: none"> a. Each child must be restrained in an individual seat belt; b. Two (2) or more children must never be restrained in one (1) seat belt; c. Lap belts must be secured low and tight across the upper thighs and under the belly; and, d. Children must be instructed and encouraged to keep the seat belt properly fastened and adjusted. <p>3. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required.</p> <p>C. Requirements for Drivers of Vehicles</p> <ol style="list-style-type: none"> 1. All drivers of vehicles transporting children must comply with applicable laws of the Colorado Department of Revenue, Motor Vehicle Division, and ordinances of the municipality in which the center operates. 2. All drivers of vehicles owned or leased by the center in which children are transported must have a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children. 3. In each vehicle used to transport children, drivers must have access to a First Aid kit. 4. The driver must ensure that all doors are secured at all times when the vehicle is moving. 5. The driver must make a good faith effort to ensure that each child is properly belted throughout the trip. 6. The driver must not eat, smoke, or use a cellular device while driving. 7. The required staff to child ratio must be maintained at all times. 8. All drivers must be at least twenty (20) years of age. 9. Drivers must complete a minimum of four (4) hours of Department-approved driver training. The Department's approval will be based on the review 	<p>of such modifications must be available for review.</p> <p>2. In passenger vehicles, which include automobiles, station wagons, and vans with a manufacturer's established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:</p> <ol style="list-style-type: none"> a. Each child must be restrained in an individual seat belt; b. Two (2) or more children must never be restrained in one (1) seat belt; c. Lap belts must be secured low and tight across the upper thighs and under the belly; and, d. Children must be instructed and encouraged to keep the seat belt properly fastened and adjusted. <p>3. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required.</p> <p>C. Requirements for Drivers of Vehicles</p> <ol style="list-style-type: none"> 1. All drivers of vehicles transporting children must comply with applicable laws of the Colorado Department of Revenue, Motor Vehicle Division, and ordinances of the municipality in which the center operates. 2. All drivers of vehicles owned or leased by the center in which children are transported must have a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children. 3. In each vehicle used to transport children, drivers must have access to a First Aid kit. 4. The driver must ensure that all doors are secured at all times when the vehicle is moving. 5. The driver must make a good faith effort to ensure that each child is properly belted throughout the trip. 6. The driver must not eat, smoke, or use a cellular device while driving. 7. The required staff to child ratio must be maintained at all times. 8. All drivers must be at least twenty (20) years of age. 9. Drivers must complete a minimum of four (4) hours of Department-approved driver training. The Department's approval will be based on the review 		
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		<p>of a training curriculum that includes at a minimum: behind the wheel training; participant transport attendance procedures including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedure; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and vehicle evacuation.</p> <p>D. Transporting Infants and Toddlers</p> <ol style="list-style-type: none"> 1. Children must be properly fastened into a child restraint system that conforms to all applicable Federal Motor Vehicle Safety Standards pursuant to Colorado law. 2. There must be at least one (1) adult, in addition to the driver, for each five (5) or fewer infants/toddlers being transported. Each adult must have a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children. 3. An adult must accompany each child to and from the vehicle. 4. Infants and toddlers must not be transported in the front seat of a vehicle. 	<p>of a training curriculum that includes at a minimum: behind the wheel training; participant transport attendance procedures including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedure; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and vehicle evacuation.</p> <p>D. Transporting Infants and Toddlers</p> <ol style="list-style-type: none"> 1. Children must be properly fastened into a child restraint system that conforms to all applicable Federal Motor Vehicle Safety Standards pursuant to Colorado law. 2. There must be at least one (1) adult, in addition to the driver, for each five (5) or fewer infants/toddlers being transported. Each adult must have a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children. 3. An adult must accompany each child to and from the vehicle. 4. Infants and toddlers must not be transported in the front seat of a vehicle. 		
7.702.67 Overnight Care	REPEAL	<p>7.702.67 Overnight Care</p> <p>A. All of the provisions required in Section 7.702 of these rules for childcare centers apply to centers offering overnight care of children which includes care that extends beyond midnight. In addition, centers must observe the following provisions:</p> <ol style="list-style-type: none"> 1. A nutritious evening meal must be made available to children. If provided by the center, the meal must meet current USDA Child and Adult Care Food Program meal pattern requirements. 2. Quiet activities must immediately precede the children's bedtime. 3. Children's faces and hands must be washed, children's teeth must be brushed according to the child's age, and children must be changed into comfortable clothing for sleeping. 4. Each child must be provided with a comfortable separate bed, crib, or cot suitable for the child's age or a two (2) inch sleeping mat or mattress. Each 	<p>7.702.67 Overnight Care</p> <p>A. All of the provisions required in Section 7.702 of these rules for childcare centers apply to centers offering overnight care of children which includes care that extends beyond midnight. In addition, centers must observe the following provisions:</p> <ol style="list-style-type: none"> 1. A nutritious evening meal must be made available to children. If provided by the center, the meal must meet current USDA Child and Adult Care Food Program meal pattern requirements. 2. Quiet activities must immediately precede the children's bedtime. 3. Children's faces and hands must be washed, children's teeth must be brushed according to the child's age, and children must be changed into comfortable clothing for sleeping. 4. Each child must be provided with a comfortable separate bed, crib, or cot suitable for the child's age or a two (2) inch sleeping mat or mattress. Each 	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>child must also be provided with sheets and a clean, washable covering. If mats or mattresses are used, the room temperature at floor level must be 68 to 72 degrees. Pads and mattresses must be fitted with a clean, washable, removable covering. Permission of parents/guardians must be obtained for each child who uses a sleeping mat or mattress placed on the floor.</p> <p>5. Staff must be awake, alert, and actively supervising all children.</p> <p>6. The staff-child ratio for sleeping children is one (1) adult to every six (6) or fewer children in attendance. Once one (1) child is awake, the staff-child ratio as defined in Section 7.702.46 must be maintained.</p>	<p>child must also be provided with sheets and a clean, washable covering. If mats or mattresses are used, the room temperature at floor level must be 68 to 72 degrees. Pads and mattresses must be fitted with a clean, washable, removable covering. Permission of parents/guardians must be obtained for each child who uses a sleeping mat or mattress placed on the floor.</p> <p>5. Staff must be awake, alert, and actively supervising all children.</p> <p>6. The staff-child ratio for sleeping children is one (1) adult to every six (6) or fewer children in attendance. Once one (1) child is awake, the staff-child ratio as defined in Section 7.702.46 must be maintained.</p>		
7.702.7 CHILD CARE EQUIPMENT AND MATERIALS	REPEAL	7.702.7 CHILD CARE EQUIPMENT AND MATERIALS	7.702.7 CHILD CARE EQUIPMENT AND MATERIALS	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.702.71 General Requirements	REPEAL	<p>7.702.71 General Requirements</p> <p>A. Durable furniture such as tables and chairs must be child-sized or appropriately adapted for children's use.</p> <p>B. Window blind cords must be secured out of children's reach to prevent strangulation.</p> <p>C. Items labeled "keep out of reach of children" must be inaccessible to children.</p> <p>D. Staples must be inaccessible to children less than three (3) years of age.</p> <p>E. Thumb tacks must not be used in areas accessible to children less than three (3) years of age.</p> <p>F. Glitter must not be used with children under three (3) years of age.</p> <p>G. Loose plastic bags must be stored in areas inaccessible to children.</p> <p>H. Sharp tools and instruments must be stored in areas inaccessible to children.</p>	<p>7.702.71 General Requirements</p> <p>A. Durable furniture such as tables and chairs must be child-sized or appropriately adapted for children's use.</p> <p>B. Window blind cords must be secured out of children's reach to prevent strangulation.</p> <p>C. Items labeled "keep out of reach of children" must be inaccessible to children.</p> <p>D. Staples must be inaccessible to children less than three (3) years of age.</p> <p>E. Thumb tacks must not be used in areas accessible to children less than three (3) years of age.</p> <p>F. Glitter must not be used with children under three (3) years of age.</p> <p>G. Loose plastic bags must be stored in areas inaccessible to children.</p> <p>H. Sharp tools and instruments must be stored in areas inaccessible to children.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>I. For every five (5) infants for which the center is licensed, there must be at least one (1) piece of sturdy mobile equipment that is easily accessible to safely and effectively evacuate infants.</p> <p>J. If using a crib is not designed for emergency evacuation, the crib must be reinforced with a kit manufactured for this purpose.</p> <p>K. Evacuation equipment must not block exit routes. Nothing may be stored in or under any evacuation equipment.</p> <p>Evacuation equipment must:</p> <ol style="list-style-type: none">1. Be located in the room or immediately outside the interior classroom door;2. Be labeled for easy identification;3. Be ready for use; and,4. Fit through doorways. <p>L. Toys, toy parts, furnishings, equipment, and any materials accessible to children under than three (3) years of age must not be a choke hazard or able to be inhaled. Any area of the facility accessible to children less than three (3) years of age must be free of any choke or inhalation hazards.</p> <p>M. Toys, toy parts, furnishings, equipment, and materials made of brittle, easily breakable plastic or glass are not permitted for children less than five (5) years of age.</p> <p>N. The infant program must have an adult rocking chair.</p> <p>O. In the infant program, some play equipment from the following list must be provided: rubber washable toys, rattles, blocks, balls, and music player.</p> <p>P. Some sand or equivalent dry material or water play should be offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year-round.</p> <p>Q. At least three (3) examples of materials must be available to the children that are developmentally appropriate, culturally sensitive, and represent diversity in ethnicity, race, gender, age, and abilities. Variety must exist in toys, books, and pictures.</p> <p>R. The center must have enough play materials and equipment so that at any one time each child for</p>	<p>I. For every five (5) infants for which the center is licensed, there must be at least one (1) piece of sturdy mobile equipment that is easily accessible to safely and effectively evacuate infants.</p> <p>J. If using a crib is not designed for emergency evacuation, the crib must be reinforced with a kit manufactured for this purpose.</p> <p>K. Evacuation equipment must not block exit routes. Nothing may be stored in or under any evacuation equipment.</p> <p>Evacuation equipment must:</p> <ol style="list-style-type: none">1. Be located in the room or immediately outside the interior classroom door;2. Be labeled for easy identification;3. Be ready for use; and,4. Fit through doorways. <p>L. Toys, toy parts, furnishings, equipment, and any materials accessible to children under than three (3) years of age must not be a choke hazard or able to be inhaled. Any area of the facility accessible to children less than three (3) years of age must be free of any choke or inhalation hazards.</p> <p>M. Toys, toy parts, furnishings, equipment, and materials made of brittle, easily breakable plastic or glass are not permitted for children less than five (5) years of age.</p> <p>N. The infant program must have an adult rocking chair.</p> <p>O. In the infant program, some play equipment from the following list must be provided: rubber washable toys, rattles, blocks, balls, and music player.</p> <p>P. Some sand or equivalent dry material or water play should be offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year-round.</p> <p>Q. At least three (3) examples of materials must be available to the children that are developmentally appropriate, culturally sensitive, and represent diversity in ethnicity, race, gender, age, and abilities. Variety must exist in toys, books, and pictures.</p> <p>R. The center must have enough play materials and equipment so that at any one time each child for</p>		
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		<p>which the center is licensed for can be individually involved. Separate play rooms or separate interest centers must be provided for each category of equipment required for the program. A variety of material and equipment from the following categories must be available:</p> <ol style="list-style-type: none"> 1. Art; 2. Blocks and accessories; 3. Books and pictures; 4. Dramatic play; 5. Gross motor; 6. Manipulatives; 7. Music; and, 8. Science and math. <p>S. In the toddler program, some play materials and equipment easily accessible to children must be provided from each of the following categories:</p> <ol style="list-style-type: none"> 1. Books and pictures; 2. Dramatic play; 3. Gross motor; 4. Manipulatives; and, 5. Music. <p>T. If the center serves school-age children, it must have some age-appropriate materials and equipment from each of the following categories:</p> <ol style="list-style-type: none"> 1. Arts and crafts; 2. Games; 3. Sports; 4. Science and math; and, 5. Literature. <p>U. An appropriate supply of play materials must be readily accessible to children and must be arranged in an orderly manner so that children can select, remove, and replace the play materials either independently or with minimum assistance.</p>	<p>which the center is licensed for can be individually involved. Separate play rooms or separate interest centers must be provided for each category of equipment required for the program. A variety of material and equipment from the following categories must be available:</p> <ol style="list-style-type: none"> 1. Art; 2. Blocks and accessories; 3. Books and pictures; 4. Dramatic play; 5. Gross motor; 6. Manipulatives; 7. Music; and, 8. Science and math. <p>S. In the toddler program, some play materials and equipment easily accessible to children must be provided from each of the following categories:</p> <ol style="list-style-type: none"> 1. Books and pictures; 2. Dramatic play; 3. Gross motor; 4. Manipulatives; and, 5. Music. <p>T. If the center serves school-age children, it must have some age-appropriate materials and equipment from each of the following categories:</p> <ol style="list-style-type: none"> 1. Arts and crafts; 2. Games; 3. Sports; 4. Science and math; and, 5. Literature. <p>U. An appropriate supply of play materials must be readily accessible to children and must be arranged in an orderly manner so that children can select, remove, and replace the play materials either independently or with minimum assistance.</p>		
<p>7.702.72 Indoor/Outdoor Equipment, Materials, and Surfaces</p>	<p>REPEAL</p>	<p>7.702.72 Indoor/Outdoor Equipment, Materials, and Surfaces</p> <p>A. A variety of play equipment and materials appropriate for children's age, size, developmental needs, and activities must be provided for both indoor and outdoor structured and free play.</p> <ol style="list-style-type: none"> 1. Programs who qualify for an outdoor space 	<p>7.702.72 Indoor/Outdoor Equipment, Materials, and Surfaces</p> <p>A. A variety of play equipment and materials appropriate for children's age, size, developmental needs, and activities must be provided for both indoor and outdoor structured and free play.</p> <ol style="list-style-type: none"> 1. Programs who qualify for an outdoor space 	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are</p>	

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	<p>hardship per Section 7.702.74, B, 1 are not required to provide equipment and materials for outdoor play.</p> <p>B. Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.</p> <p>C. All other indoor or outdoor playground facilities, with permanently installed or portable climbing equipment, without an annually certified playground inspection must meet the following requirements:</p> <p>1. Resilient Surfacing</p> <p>a. All climbing equipment eighteen (18) inches or higher must have resilient surfacing of at least six (6) inches in the use zone surrounding the equipment.</p> <p>b. Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and Astroturf with built in resilient pad.</p> <p>c. Loose fill resilient surface must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches.</p> <p>d. Any newly installed solid unitary materials used for resilient materials must have written documentation from manufacturer stating the material meet current federal safety standards. The documentation must be available for review at all times.</p> <p>2. Maximum Height of Equipment</p> <p>a. The maximum height for toddler climbing equipment cannot exceed thirty-two (32) inches.</p> <p>b. The maximum height for preschool and school-age climbing equipment must not exceed six (6) feet in height with six (6) inches of Department-approved resilient surfacing.</p> <p>3. Use Zone</p> <p>a. Toddler climbing equipment must have a three (3) foot use zone surrounding the equipment. Toddler slides require a six (6) foot use zone extending out from the base of the slide.</p>	<p>hardship per Section 7.702.74, B, 1 are not required to provide equipment and materials for outdoor play.</p> <p>B. Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.</p> <p>C. All other indoor or outdoor playground facilities, with permanently installed or portable climbing equipment, without an annually certified playground inspection must meet the following requirements:</p> <p>1. Resilient Surfacing</p> <p>a. All climbing equipment eighteen (18) inches or higher must have resilient surfacing of at least six (6) inches in the use zone surrounding the equipment.</p> <p>b. Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and Astroturf with built in resilient pad.</p> <p>c. Loose fill resilient surface must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches.</p> <p>d. Any newly installed solid unitary materials used for resilient materials must have written documentation from manufacturer stating the material meet current federal safety standards. The documentation must be available for review at all times.</p> <p>2. Maximum Height of Equipment</p> <p>a. The maximum height for toddler climbing equipment cannot exceed thirty two (32) inches.</p> <p>b. The maximum height for preschool and school-age climbing equipment must not exceed six (6) feet in height with six (6) inches of Department-approved resilient surfacing.</p> <p>3. Use Zone</p> <p>a. Toddler climbing equipment must have a three (3) foot use zone surrounding the equipment. Toddler slides require a six (6) foot use zone extending out from the base of the slide.</p>	<p>duplicate regulations that must be repealed.</p>
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	<p>b. The use zone for swings used by toddlers is determined by measuring the distance from the top of the swing to the bottom of the bucket seat. This measured distance must extend from both the front and the back of the swing.</p> <p>c. Preschool and school-age climbing equipment must have a six (6) foot use zone surrounding the equipment. For slides exceeding six (6) feet in height, the use zone from the base of the slide must be as long as the slide height.</p> <p>d. The use zone for swings used by children preschool age and older is determined by measuring the distance from the top of the swing to the ground. This measured distance must extend from both the front and the back of the swing.</p> <p>4. Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.</p> <p>5. Metal equipment must be placed in the shade.</p> <p>6. All pieces of playground equipment must be designed to guard against entrapment and strangulation. Any openings in gross motor equipment above ground must be smaller than three and one half (3 ½) inches or greater than nine (9) inches to prevent entrapment.</p> <p>7. Swings must have seats made of a flexible material and all "S" hooks must be secured.</p> <p>8. All outdoor play areas used for children's activities must be checked daily and kept safe and free from hazardous materials or debris by removal of debris, dilapidated structures, and broken or worn play equipment. The staff must identify hazardous, high-risk areas; those areas must be made inaccessible to children to reduce the possibility of injuries and accidents.</p> <p>D. For purposes of a playground facility inspection, the Department shall accept as satisfactory proof of valid certification of the playground facility, certification, or a copy of certification, from an individual who is licensed or certified to perform playground safety inspections through the National</p>	<p>b. The use zone for swings used by toddlers is determined by measuring the distance from the top of the swing to the bottom of the bucket seat. This measured distance must extend from both the front and the back of the swing.</p> <p>c. Preschool and school-age climbing equipment must have a six (6) foot use zone surrounding the equipment. For slides exceeding six (6) feet in height, the use zone from the base of the slide must be as long as the slide height.</p> <p>d. The use zone for swings used by children preschool age and older is determined by measuring the distance from the top of the swing to the ground. This measured distance must extend from both the front and the back of the swing.</p> <p>4. Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.</p> <p>5. Metal equipment must be placed in the shade.</p> <p>6. All pieces of playground equipment must be designed to guard against entrapment and strangulation. Any openings in gross motor equipment above ground must be smaller than three and one half (3 ½) inches or greater than nine (9) inches to prevent entrapment.</p> <p>7. Swings must have seats made of a flexible material and all "S" hooks must be secured.</p> <p>8. All outdoor play areas used for children's activities must be checked daily and kept safe and free from hazardous materials or debris by removal of debris, dilapidated structures, and broken or worn play equipment. The staff must identify hazardous, high-risk areas; those areas must be made inaccessible to children to reduce the possibility of injuries and accidents.</p> <p>D. For purposes of a playground facility inspection, the Department shall accept as satisfactory proof of valid certification of the playground facility, certification, or a copy of certification, from an individual who is licensed or certified to perform playground safety inspections through the National</p>		
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Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft
CDHS Tracking #: 25-06-17-01
Office, Division, & Program: Rule Author: Logan Ellett Phone: 720.245.1195
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		<p>Recreation and Park Association, or other nationally recognized playground facility safety organization. The Department shall not require a duplicate inspection if there is a satisfactory inspection report.</p> <p>1. All playground facilities who hold a certified playground safety inspection must maintain resilient surfacing in compliance with the certification.</p> <p>E. Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading. The helmet must be removed after the activity.</p> <p>Motorized riding toys are not permitted.</p> <p>F. Trampolines and inflatable bouncers are prohibited.</p>	<p>Recreation and Park Association, or other nationally recognized playground facility safety organization. The Department shall not require a duplicate inspection if there is a satisfactory inspection report.</p> <p>1. All playground facilities who hold a certified playground safety inspection must maintain resilient surfacing in compliance with the certification.</p> <p>E. Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading. The helmet must be removed after the activity.</p> <p>Motorized riding toys are not permitted.</p> <p>F. Trampolines and inflatable bouncers are prohibited.</p>		
7.702.73 Indoor Learning Environment	REPEAL	<p>7.702.73 Indoor Learning Environment</p> <p>A. Indoor Space Requirements</p> <p>1. There must be open, indoor play space of at least thirty (30) square feet of floor space per child, including space for movable furniture and equipment. For space to be counted in the square footage calculation, the space must be accessible and used by children.</p> <p>2. Indoor play areas must be uncluttered, safe, and allow for freedom of movement.</p> <p>3. Adequate storage space must be provided for indoor and outdoor equipment and supplies.</p> <p>4. Number of Children Allowed in One (1) Room</p> <p>AGE OF CHILDREN</p> <p>MAXIMUM NUMBER OF CHILDREN IN A ROOM</p> <p>6 weeks to 18 months</p> <p>10 infants</p> <p>12 months to 18 months</p> <p>10 infants</p> <p>12 months to 36 months</p> <p>20 toddlers</p> <p>18 months to 24 months</p> <p>20 toddlers</p> <p>24 months to 36 months</p> <p>28 toddlers</p> <p>30 months to 36 months</p> <p>28 toddlers</p> <p>5. Square Footage Requirement per Child</p> <p>AGE OF CHILD</p>	<p>7.702.73 Indoor Learning Environment</p> <p>A. Indoor Space Requirements</p> <p>1. There must be open, indoor play space of at least thirty (30) square feet of floor space per child, including space for movable furniture and equipment. For space to be counted in the square footage calculation, the space must be accessible and used by children.</p> <p>2. Indoor play areas must be uncluttered, safe, and allow for freedom of movement.</p> <p>3. Adequate storage space must be provided for indoor and outdoor equipment and supplies.</p> <p>4. Number of Children Allowed in One (1) Room</p> <p>AGE OF CHILDREN</p> <p>MAXIMUM NUMBER OF CHILDREN IN A ROOM</p> <p>6 weeks to 18 months</p> <p>10 infants</p> <p>12 months to 18 months</p> <p>10 infants</p> <p>12 months to 36 months</p> <p>20 toddlers</p> <p>18 months to 24 months</p> <p>20 toddlers</p> <p>24 months to 36 months</p> <p>28 toddlers</p> <p>30 months to 36 months</p> <p>28 toddlers</p> <p>5. Square Footage Requirement per Child</p> <p>AGE OF CHILD</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		<p>SEPARATE FREE PLAY AREA SEPARATE SLEEP AREA COMBINED SLEEP AND PLAY AREA 6 weeks to 18 months (infants) 35 square feet Adequate space to accommodate size of cribs and needs of infant and staff 50 square feet 12 months to 36 months (toddlers) 30 square feet 30 square feet 45 square feet 2-1/2 years to 5 years (preschool) N/A N/A 30 square feet 5 years and over (school-age) N/A N/A 30 square feet 6. In the infant program, the minimum indoor space per infant for sleep and activities is fifty (50) square feet. 1. In a combination sleep/activity rooms, the sleep area must be separated by a sturdy divider from the area used for activities, and cribs must be arranged so that all infants and cribs are easily accessible to staff members.</p>	<p>SEPARATE FREE PLAY AREA SEPARATE SLEEP AREA COMBINED SLEEP AND PLAY AREA 6 weeks to 18 months (infants) 35 square feet Adequate space to accommodate size of cribs and needs of infant and staff 50 square feet 12 months to 36 months (toddlers) 30 square feet 30 square feet 45 square feet 2-1/2 years to 5 years (preschool) N/A N/A 30 square feet 5 years and over (school-age) N/A N/A 30 square feet 6. In the infant program, the minimum indoor space per infant for sleep and activities is fifty (50) square feet. 1. In a combination sleep/activity rooms, the sleep area must be separated by a sturdy divider from the area used for activities, and cribs must be arranged so that all infants and cribs are easily accessible to staff members.</p>		
7.702.74 Outdoor Learning Environment	REPEAL	<p>7.702.74 Outdoor Learning Environment A. Outdoor Space Requirements 1. Readily accessible gross motor play space and access to outdoor space must be provided. 2. The outdoor learning environment for preschool age and older must provide a minimum of seventy-five (75) square feet of space per child for a group of children using the total play area at any one time. the total play area must accommodate at least thirty-three percent (33%) of the licensed capacity for children preschool age and older or a minimum of 1500 square feet, whichever is greater. a. Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must meet the</p>	<p>7.702.74 Outdoor Learning Environment A. Outdoor Space Requirements 1. Readily accessible gross motor play space and access to outdoor space must be provided. 2. The outdoor learning environment for preschool age and older must provide a minimum of seventy-five (75) square feet of space per child for a group of children using the total play area at any one time. the total play area must accommodate at least thirty-three percent (33%) of the licensed capacity for children preschool age and older or a minimum of 1500 square feet, whichever is greater. a. Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must meet the</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>minimum outdoor learning environment square footage requirements indoors or through a combination of indoor and outdoor space.</p> <p>3. The play area must be fenced or have natural barriers, such as hedges or stationary walls at least four (4) feet high, to restrict children from unsafe areas.</p> <p>a. Centers licensed to provide care for preschool-age children only may use the centers perimeter fencing if they maintain a ratio of one (1) staff member to eight (8) children.</p> <p>4. The play area must be designed so that it is easily supervised.</p> <p>5. A minimum of one hundred fifty (150) square feet of shaded area in the fenced play area must be provided to guard children against the hazards of excessive sun and heat. Shaded areas must be provided year-round.</p> <p>6 In the infant program, the outdoor play area must be a minimum of four hundred (400) square feet.</p> <p>7. In the infant program, the outdoor area can be used by other age groups at the center, but it must not be used by any other group of children while infants are using it.</p> <p>8. The total outdoor play area for toddler age groups must be a minimum of seven hundred fifty (750) square feet if licensed for ten (10) toddlers and one thousand fifty (1,050) square feet if licensed for fourteen (14) or more toddlers, or seventy-five (75) square feet per child for the largest group size for which the program is licensed.</p> <p>9. In the toddler program, the outdoor play area can be shared by infants, but infants and toddlers must not be allowed to use the play area at the same time.</p> <p>B. Outdoor Space Hardship</p> <p>1. If an outdoor play space is not directly attached to the facility or accessible via secure access, or the childcare facility cannot meet outdoor space requirements due to a hardship based on the location of the facility, the facility must develop a site-specific plan, which will be submitted to the</p>	<p>minimum outdoor learning environment square footage requirements indoors or through a combination of indoor and outdoor space.</p> <p>3. The play area must be fenced or have natural barriers, such as hedges or stationary walls at least four (4) feet high, to restrict children from unsafe areas.</p> <p>a. Centers licensed to provide care for preschool-age children only may use the centers perimeter fencing if they maintain a ratio of one (1) staff member to eight (8) children.</p> <p>4. The play area must be designed so that it is easily supervised.</p> <p>5. A minimum of one hundred fifty (150) square feet of shaded area in the fenced play area must be provided to guard children against the hazards of excessive sun and heat. Shaded areas must be provided year-round.</p> <p>6 In the infant program, the outdoor play area must be a minimum of four hundred (400) square feet.</p> <p>7. In the infant program, the outdoor area can be used by other age groups at the center, but it must not be used by any other group of children while infants are using it.</p> <p>8. The total outdoor play area for toddler age groups must be a minimum of seven hundred fifty (750) square feet if licensed for ten (10) toddlers and one thousand fifty (1,050) square feet if licensed for fourteen (14) or more toddlers, or seventy-five (75) square feet per child for the largest group size for which the program is licensed.</p> <p>9. In the toddler program, the outdoor play area can be shared by infants, but infants and toddlers must not be allowed to use the play area at the same time.</p> <p>B. Outdoor Space Hardship</p> <p>1. If an outdoor play space is not directly attached to the facility or accessible via secure access, or the childcare facility cannot meet outdoor space requirements due to a hardship based on the location of the facility, the facility must develop a site-specific plan, which will be submitted to the</p>		
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		<p>Department for review and approval, that includes the following:</p> <p>a. Identification of an accessible (appropriate for the age group of children served) alternate outdoor space including a description and approximate square footage of the space;</p> <p>b. A diagram outlining how children will safely travel to and from this location;</p> <p>c. A plan for supervision, including any special staffing requirements, to safely access and utilize the alternate outdoor space that includes:</p> <p>(1) Attendance tracking upon arrival to the outdoor space and return to the facility;</p> <p>(2) Children’s toileting and diapering needs;</p> <p>(3) Children’s routine and emergency medical needs including the use of first aid kits and accessibility of emergency contact information when not on site at the childcare facility;</p> <p>(4) Plans for alternate activities if the outdoor space is unavailable; and,</p> <p>(5) If play equipment or climbing structures are present in the outdoor space, a plan for assessing safety of equipment and supervising age-appropriate play;</p> <p>d. An emergency evacuation plan including the location of a secondary site for reunification with parents in the case of an emergency while at the offsite location and plans for accessing shelter in the case of emergency; and,</p> <p>e. A policy that notifies the parent(s)/guardian(s) of the alternate outdoor space.</p> <p>2.If the outdoor space becomes unusable or the program cannot maintain what was approved in the plan, the program must submit a new plan to the Department within ten (10) calendar days of a change in the usability of such outdoor space.</p> <p>3. Childcare facilities licensed prior to December 1, 2021 may not reduce or eliminate existing licensed outdoor space to qualify for the outdoor space hardship.</p>	<p>Department for review and approval, that includes the following:</p> <p>a. Identification of an accessible (appropriate for the age group of children served) alternate outdoor space including a description and approximate square footage of the space;</p> <p>b. A diagram outlining how children will safely travel to and from this location;</p> <p>c. A plan for supervision, including any special staffing requirements, to safely access and utilize the alternate outdoor space that includes:</p> <p>(1) Attendance tracking upon arrival to the outdoor space and return to the facility;</p> <p>(2) Children’s toileting and diapering needs;</p> <p>(3) Children’s routine and emergency medical needs including the use of first aid kits and accessibility of emergency contact information when not on site at the childcare facility;</p> <p>(4) Plans for alternate activities if the outdoor space is unavailable; and,</p> <p>(5) If play equipment or climbing structures are present in the outdoor space, a plan for assessing safety of equipment and supervising age-appropriate play;</p> <p>d. An emergency evacuation plan including the location of a secondary site for reunification with parents in the case of an emergency while at the offsite location and plans for accessing shelter in the case of emergency; and,</p> <p>e. A policy that notifies the parent(s)/guardian(s) of the alternate outdoor space.</p> <p>2.If the outdoor space becomes unusable or the program cannot maintain what was approved in the plan, the program must submit a new plan to the Department within ten (10) calendar days of a change in the usability of such outdoor space.</p> <p>3. Childcare facilities licensed prior to December 1, 2021 may not reduce or eliminate existing licensed outdoor space to qualify for the outdoor space hardship.</p>		
<p>7.702.8 BUILDINGS AND</p>	<p>REPEAL</p>	<p>7.702.8 BUILDINGS AND FACILITIES</p>	<p>7.702.8 BUILDINGS AND FACILITIES</p>	<p>HB22-1295 was codified into law 4/25/22, creating</p>	

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FACILITIES				CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.702.81 Building Site	REPEAL	<p>7.702.81 Building Site A. General 1. Centers can be located in a private residence only when that portion of the residence to which children have access is used exclusively for the care of children during the hours the center is in operation or is separate from the living quarters of the family. 2. No other business can operate in the rooms used by the center during the hours of childcare. 3. Rooms licensed for specific ages of children cannot be used for other ages of children without the prior written approval of the licensing authority. 4. Prior to licensure, if the infant or toddler program is located on a floor above or below the main floor of egress leading directly outside, the childcare facility must develop and submit an alternate location plan for approval by the department that includes following: a. Fire department and building department approval per the locally adopted fire and building codes; b. An emergency evacuation plan with identified primary and secondary areas of refuge; c. Any special equipment necessary to operate in and evacuate safely from the alternate location; and, d. Any special staffing and training requirements to ensure the ability to safely evacuate the alternate location. B. Infant Programs 1. If the infant program is in the same building as a facility caring for children of other ages, the infant program must be physically separated in different rooms by walls no less than eight (8) feet and full doors. C. Toddler Program 1. If the toddler program is in the same building as a</p>	<p>7.702.81 Building Site A. General 1. Centers can be located in a private residence only when that portion of the residence to which children have access is used exclusively for the care of children during the hours the center is in operation or is separate from the living quarters of the family. 2. No other business can operate in the rooms used by the center during the hours of childcare. 3. Rooms licensed for specific ages of children cannot be used for other ages of children without the prior written approval of the licensing authority. 4. Prior to licensure, if the infant or toddler program is located on a floor above or below the main floor of egress leading directly outside, the childcare facility must develop and submit an alternate location plan for approval by the department that includes following: a. Fire department and building department approval per the locally adopted fire and building codes; b. An emergency evacuation plan with identified primary and secondary areas of refuge; c. Any special equipment necessary to operate in and evacuate safely from the alternate location; and, d. Any special staffing and training requirements to ensure the ability to safely evacuate the alternate location. B. Infant Programs 1. If the infant program is in the same building as a facility caring for children of other ages, the infant program must be physically separated in different rooms by walls no less than eight (8) feet and full doors. C. Toddler Program 1. If the toddler program is in the same building as a</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>facility caring for children of other ages, the toddler program must be physically separated in different rooms by walls no less than eight (8) feet and full doors.</p> <p>2. If the toddler program is combined with a large childcare center or an infant program, toddler facilities, both indoor and outdoor, must be completely separate from facilities for other age groups, except as allowed by Section 7.702.74, A, 6 and 8. If the facility wishes to provide opportunities for a toddler to have occasional contact with siblings, plans must be approved by the Department licensing representative.</p>	<p>facility caring for children of other ages, the toddler program must be physically separated in different rooms by walls no less than eight (8) feet and full doors.</p> <p>2. If the toddler program is combined with a large childcare center or an infant program, toddler facilities, both indoor and outdoor, must be completely separate from facilities for other age groups, except as allowed by Section 7.702.74, A, 6 and 8. If the facility wishes to provide opportunities for a toddler to have occasional contact with siblings, plans must be approved by the Department licensing representative.</p>		
7.702.82 Building Plans and Construction	REPEAL	<p>7.702.82 Building Plans and Construction</p> <p>A. The center must comply with applicable state and local building and fire codes.</p> <p>B. Prior to construction, architectural plans for new buildings or for remodeling of existing buildings must be submitted for review and approval by the Department, the local fire department, and the local building department as to appropriateness, adequacy, and suitability for childcare functions.</p>	<p>7.702.82 Building Plans and Construction</p> <p>A. The center must comply with applicable state and local building and fire codes.</p> <p>B. Prior to construction, architectural plans for new buildings or for remodeling of existing buildings must be submitted for review and approval by the Department, the local fire department, and the local building department as to appropriateness, adequacy, and suitability for childcare functions.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.702.83 Toilet Facilities	REPEAL	<p>7.702.83 Toilet Facilities</p> <p>A. Toilet facilities for the staff and other adults must be in separate restrooms or be separated by a partition from children's facilities, except in centers licensed for thirty (30) or fewer children and in centers with programs of four (4) hours or less.</p> <p>1. In toilet facilities where the adult and children's facilities are separated by a partition, adults and children must not use the facilities at the same time.</p> <p>2. After January 1, 2022, staff and children toilet facilities must be separate in new construction.</p> <p>B. Toilet facilities for children must be separate from rooms used for other purposes and must be located on the same floor as the inside play area.</p> <p>C. A minimum of one (1) sink and one (1) flush toilet must be provided for each fifteen (15) or fewer children.</p> <p>D. The same toilet facilities must not be used simultaneously by school-age children of all genders, and toilets for school-age children must be</p>	<p>7.702.83 Toilet Facilities</p> <p>A. Toilet facilities for the staff and other adults must be in separate restrooms or be separated by a partition from children's facilities, except in centers licensed for thirty (30) or fewer children and in centers with programs of four (4) hours or less.</p> <p>1. In toilet facilities where the adult and children's facilities are separated by a partition, adults and children must not use the facilities at the same time.</p> <p>2. After January 1, 2022, staff and children toilet facilities must be separate in new construction.</p> <p>B. Toilet facilities for children must be separate from rooms used for other purposes and must be located on the same floor as the inside play area.</p> <p>C. A minimum of one (1) sink and one (1) flush toilet must be provided for each fifteen (15) or fewer children.</p> <p>D. The same toilet facilities must not be used simultaneously by school-age children of all genders, and toilets for school-age children must be</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		separated by partitions to provide privacy. 1. School-age children must be allowed the use of toilet facilities that correspond with their gender identity. E. Toilet facilities must be provided for children two (2) years of age and older. F. Toilet facilities for toddlers must be located within their classroom.	separated by partitions to provide privacy. 1. School-age children must be allowed the use of toilet facilities that correspond with their gender identity. E. Toilet facilities must be provided for children two (2) years of age and older. F. Toilet facilities for toddlers must be located within their classroom.		
7.702.84 Office Facilities	REPEAL	7.702.84 Office Facilities A. Office space separate from areas used by children must be provided for staff to perform administrative duties. 1. If the office space is accessible to children, it must be free of hazards. B. The office must have sufficient space for maintenance and safe storage of children's and staff records and the center's business records.	7.702.84 Office Facilities A. Office space separate from areas used by children must be provided for staff to perform administrative duties. 1. If the office space is accessible to children, it must be free of hazards. B. The office must have sufficient space for maintenance and safe storage of children's and staff records and the center's business records.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.702.9 SAFETY REQUIREMENTS	REPEAL	7.702.9 SAFETY REQUIREMENTS	7.702.9 SAFETY REQUIREMENTS	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.702.91 General Requirements	REPEAL	7.702.91 General Requirements A. Firearms as defined in § 18-1-901(3)(h), C.R.S., are prohibited on the premises, both indoor and outdoor, and in any vehicle in which children are transported. B. Buildings must be kept in good repair and maintained in a safe condition. C. Major cleaning is prohibited in rooms occupied by children. D. Volatile substances such as gasoline, kerosene, fuel oil, oil-based paints, firearms, explosives, and other hazardous items must not be stored in any area of the building used for childcare. E. Combustibles such as cleaning rags, mops, and cleaning compounds must be stored in well-ventilated areas, separated from flammable	7.702.91 General Requirements A. Firearms as defined in § 18-1-901(3)(h), C.R.S., are prohibited on the premises, both indoor and outdoor, and in any vehicle in which children are transported. B. Buildings must be kept in good repair and maintained in a safe condition. C. Major cleaning is prohibited in rooms occupied by children. D. Volatile substances such as gasoline, kerosene, fuel oil, oil-based paints, firearms, explosives, and other hazardous items must not be stored in any area of the building used for childcare. E. Combustibles such as cleaning rags, mops, and cleaning compounds must be stored in well-ventilated areas, separated from flammable	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>materials, and stored in areas inaccessible to children.</p> <p>F. All heating units, gas or electric, must be installed and maintained per the manufacturer's specifications with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them.</p> <p>G. Combustible materials must not be stored in hallways, stairways, boiler rooms, mechanical rooms, or electrical equipment rooms.</p> <p>H. In rooms used by children, all electrical outlets that are accessible to children must have protective covers, or safety outlets must be installed.</p> <p>I. Permanently located battery-powered lights must be provided in locations readily accessible to staff in the event of electric power failure. Batteries must be checked regularly.</p> <p>J. Closets, attics, basements, cellars, and furnace rooms must be kept free from accumulation of extraneous materials such as furnishings, newspapers, and magazines.</p> <p>K. Kitchens, including all hazardous items, must be inaccessible to children at all times.</p>	<p>materials, and stored in areas inaccessible to children.</p> <p>F. All heating units, gas or electric, must be installed and maintained per the manufacturer's specifications with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them.</p> <p>G. Combustible materials must not be stored in hallways, stairways, boiler rooms, mechanical rooms, or electrical equipment rooms.</p> <p>H. In rooms used by children, all electrical outlets that are accessible to children must have protective covers, or safety outlets must be installed.</p> <p>I. Permanently located battery-powered lights must be provided in locations readily accessible to staff in the event of electric power failure. Batteries must be checked regularly.</p> <p>J. Closets, attics, basements, cellars, and furnace rooms must be kept free from accumulation of extraneous materials such as furnishings, newspapers, and magazines.</p> <p>K. Kitchens, including all hazardous items, must be inaccessible to children at all times.</p>		
7.702.92 Fire Safety	REPEAL	<p>7.702.92 Fire Safety</p> <p>Centers must comply with the locally adopted fire code, including but not limited to the following:</p> <p>A. Every building and structure must have the minimum required number of exits to permit the prompt escape of occupants in case of fire or other emergency. Additional safeguards must be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.</p> <p>B. Every building or structure must be constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably</p>	<p>7.702.92 Fire Safety</p> <p>Centers must comply with the locally adopted fire code, including but not limited to the following:</p> <p>A. Every building and structure must have the minimum required number of exits to permit the prompt escape of occupants in case of fire or other emergency. Additional safeguards must be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.</p> <p>B. Every building or structure must be constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>necessary for escape from the building or structure in case of fire or other emergency.</p> <p>C. In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building can be installed. Only panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.</p> <p>D. No children younger than school age can be cared for in areas above or below the main floor of exit unless in compliance with all Codes and Standards as adopted by the local jurisdiction and approved by the local fire department, or except as provided in the location exception in Section 7.702.81, A, 4.</p> <p>E. One (1) exit from each room must be directly to the exterior of the building or to a common hallway leading to the exterior. The exit path must not go through an intervening room such as a bathroom, another classroom, storage room, or kitchen.</p> <p>F. All stairways, interior and exterior, that are used by children must be provided with handrails within reach of the children.</p> <p>G. Regardless of the number of staff and children, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Dead bolts may be installed on the main exit door, but the lock cannot be used during business hours, and there must a sign indicating that "this door must remain unlocked during business hours."</p> <p>H. Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path of escape must be clearly marked.</p> <p>I. Fire alarm and fire sprinklers must be provided in accordance with the locally adopted fire code. If a fire alarm system is installed, it must be used to warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.</p>	<p>necessary for escape from the building or structure in case of fire or other emergency.</p> <p>C. In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building can be installed. Only panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.</p> <p>D. No children younger than school age can be cared for in areas above or below the main floor of exit unless in compliance with all Codes and Standards as adopted by the local jurisdiction and approved by the local fire department, or except as provided in the location exception in Section 7.702.81, A, 4.</p> <p>E. One (1) exit from each room must be directly to the exterior of the building or to a common hallway leading to the exterior. The exit path must not go through an intervening room such as a bathroom, another classroom, storage room, or kitchen.</p> <p>F. All stairways, interior and exterior, that are used by children must be provided with handrails within reach of the children.</p> <p>G. Regardless of the number of staff and children, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Dead bolts may be installed on the main exit door, but the lock cannot be used during business hours, and there must a sign indicating that "this door must remain unlocked during business hours."</p> <p>H. Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path of escape must be clearly marked.</p> <p>I. Fire alarm and fire sprinklers must be provided in accordance with the locally adopted fire code. If a fire alarm system is installed, it must be used to warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.</p>		
7.702.100 DROP-	REPEAL	7.702.100 DROP-IN, PART DAY, MOBILE PART-	7.702.100 DROP-IN, PART DAY, MOBILE PART-	HB22-1295 was codified	

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<p>IN, PART DAY, MOBILE PART-DAY PRESCHOOL, TEEN PARENT PROGRAMS, AND OTHER PROGRAMS OPERATED BY PUBLIC SCHOOL DISTRICTS</p>		<p>DAY PRESCHOOL, TEEN PARENT PROGRAMS, AND OTHER PROGRAMS OPERATED BY PUBLIC SCHOOL DISTRICTS</p>	<p>DAY PRESCHOOL, TEEN PARENT PROGRAMS, AND OTHER PROGRAMS OPERATED BY PUBLIC SCHOOL DISTRICTS</p>	<p>into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
<p>7.702.101 Drop-In Programs</p>	<p>REPEAL</p>	<p>7.702.101 Drop-In Programs A. Director Requirements 1. The Director or Assistant Director of an extended hour drop-in childcare center operating at least six (6) calendar days per week must be present at the center or involved in director activities at least fifty percent (50%) of the hours of operation of any day the center is in operation. a. If the Director is not on site at the center for a portion of any day that center is in operation, the Director must be available by phone. b. The Director must be present in the center at least thirty (30) hours each week. 2. Whenever the Director of a drop-in childcare center cannot be present fifty percent (50%) of any day the center is in operation, an Assistant Director that meets one (1) of the following qualifications must be present: a. At least one (1) year of experience as a qualified Early Childhood Teacher at the drop-in child care center; b. Eighteen (18) months of experience as a qualified Early Childhood Teacher with children less than twelve (12) years of age and at least six (6) months experience at the drop-in child care center; c. A Bachelor's, Master's, or Doctorate degree from an accredited college or university in one (1) of the human services field below: (1) Child Development; (2) Child Psychology; (3) Early Childhood Education;</p>	<p>7.702.101 Drop-In Programs A. Director Requirements 1. The Director or Assistant Director of an extended hour drop-in childcare center operating at least six (6) calendar days per week must be present at the center or involved in director activities at least fifty percent (50%) of the hours of operation of any day the center is in operation. a. If the Director is not on site at the center for a portion of any day that center is in operation, the Director must be available by phone. b. The Director must be present in the center at least thirty (30) hours each week. 2. Whenever the Director of a drop-in childcare center cannot be present fifty percent (50%) of any day the center is in operation, an Assistant Director that meets one (1) of the following qualifications must be present: a. At least one (1) year of experience as a qualified Early Childhood Teacher at the drop-in child care center; b. Eighteen (18) months of experience as a qualified Early Childhood Teacher with children less than twelve (12) years of age and at least six (6) months experience at the drop-in child care center; c. A Bachelor's, Master's, or Doctorate degree from an accredited college or university in one (1) of the human services field below: (1) Child Development; (2) Child Psychology; (3) Early Childhood Education;</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>(4) Early Childhood Special Education; (5) Educational Leadership and Administration; (6) Elementary Education; (7) Family and Human Development; (8) Family Studies; (9) Special Education; or, D. Qualification as an Early Childhood Teacher and completion of at least half of the required coursework for Director qualifications, including one (1) of the following administration classes: (1) Administration Of Early Childhood Care and Education Programs; or, (2) Administration Human Relations for Early Childhood Professions or Introduction to Business. B. Staff to Child Ratios 1. Drop-in child care centers may follow a ratio of one (1) adult for every eight (8) children for children in a mixed age group of two (2) years of age to twelve (12) years. 2. One (1) to two (2) children, one (1) year of age to two (2) years of age, may join the preschool age group of children for short periods of time for structured activities. C. Health Care 1. For children attending a drop-in center, the parent(s)/guardian(s) of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a health care provider within thirty (30) calendar days or by the second visit, whichever is longer. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2 ½) years of age. Subsequent statements are not required if there have been no health changes in the child and the parent(s)/guardian(s) attest in writing to the health status of the child on an annual basis. Children attending drop-in childcare with special medical needs must have the statement from a health care provider as indicated in Section 7.702.51, A, 2, b-e.</p>	<p>(4) Early Childhood Special Education; (5) Educational Leadership and Administration; (6) Elementary Education; (7) Family and Human Development; (8) Family Studies; (9) Special Education; or, D. Qualification as an Early Childhood Teacher and completion of at least half of the required coursework for Director qualifications, including one (1) of the following administration classes: (1) Administration Of Early Childhood Care and Education Programs; or, (2) Administration Human Relations for Early Childhood Professions or Introduction to Business. B. Staff to Child Ratios 1. Drop-in child care centers may follow a ratio of one (1) adult for every eight (8) children for children in a mixed age group of two (2) years of age to twelve (12) years. 2. One (1) to two (2) children, one (1) year of age to two (2) years of age, may join the preschool age group of children for short periods of time for structured activities. C. Health Care 1. For children attending a drop-in center, the parent(s)/guardian(s) of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a health care provider within thirty (30) calendar days or by the second visit, whichever is longer. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2 ½) years of age. Subsequent statements are not required if there have been no health changes in the child and the parent(s)/guardian(s) attest in writing to the health status of the child on an annual basis. Children attending drop-in childcare with special medical needs must have the statement from a health care provider as indicated in Section 7.702.51, A, 2, b-e.</p>		
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		<p>D. Rest Time Equipment 1. Drop-in child care centers must provide mats or cots for at least fifty percent (50%) of the licensed capacity of the center.</p> <p>E. Play-Equipment and Materials 1. Drop-in child care centers must provide indoor gross motor equipment, including, but not limited to, an indoor climbing structure, an open area for indoor, and must provide gross activities at least two (2) times during each six (6) hour period of time.</p> <p>F. Building Site- Toddler Program 1. A toddler program located in a drop-in child care center licensed for five (5) or fewer toddlers may be separated from the rest of the center by a five (5) foot wall. 2. Drop-in child care centers must provide a minimum of one (1) sink and one (1) toilet for each twenty (20) or fewer children. 3. Toilet facilities are not required to be located in the toddler classroom for drop-in child care centers licensed for ten (10) or fewer toddlers.</p>	<p>D. Rest Time Equipment 1. Drop-in child care centers must provide mats or cots for at least fifty percent (50%) of the licensed capacity of the center.</p> <p>E. Play-Equipment and Materials 1. Drop-in child care centers must provide indoor gross motor equipment, including, but not limited to, an indoor climbing structure, an open area for indoor, and must provide gross activities at least two (2) times during each six (6) hour period of time.</p> <p>F. Building Site- Toddler Program 1. A toddler program located in a drop-in child care center licensed for five (5) or fewer toddlers may be separated from the rest of the center by a five (5) foot wall. 2. Drop-in child care centers must provide a minimum of one (1) sink and one (1) toilet for each twenty (20) or fewer children. 3. Toilet facilities are not required to be located in the toddler classroom for drop-in child care centers licensed for ten (10) or fewer toddlers.</p>		
7.702.102 PART-DAY PROGRAMS	REPEAL	<p>7.702.102 PART-DAY PROGRAMS</p> <p>A. Safe Sleep Environment 1. Supervised tummy time must be offered to infants one (1) month of age or older at least two (2) times per day for part day programs for short periods (3-5 minutes) and increase the amount of time as the infant shows they enjoy the activity. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.</p> <p>B. Gross Motor Activities 1. Daily gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather. Activities do not have to occur all at once. a. Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must provide daily physical gross motor activities indoors or outdoors. 2. Daily physical gross motor activities must be provided for children toddler age and older based on</p>	<p>7.702.102 PART-DAY PROGRAMS</p> <p>A. Safe Sleep Environment 1. Supervised tummy time must be offered to infants one (1) month of age or older at least two (2) times per day for part day programs for short periods (3-5 minutes) and increase the amount of time as the infant shows they enjoy the activity. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.</p> <p>B. Gross Motor Activities 1. Daily gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather. Activities do not have to occur all at once. a. Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must provide daily physical gross motor activities indoors or outdoors. 2. Daily physical gross motor activities must be provided for children toddler age and older based on</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>the program's hours of operation:</p> <p>a. For programs operating up to three (3) hours per day, fifteen (15) minutes of gross motor activities is required.</p> <p>b. For programs operating between three (3) and five (5) hours per day, thirty (30) minutes of gross motor activities is required.</p>	<p>the program's hours of operation:</p> <p>a. For programs operating up to three (3) hours per day, fifteen (15) minutes of gross motor activities is required.</p> <p>b. For programs operating between three (3) and five (5) hours per day, thirty (30) minutes of gross motor activities is required.</p>		
7.702.103 Mobile Part-Day Preschool Programs	REPEAL	<p>7.702.103 Mobile Part-Day Preschool Programs</p> <p>A. Policies</p> <p>1. Written schedules must be provided to parent(s)/guardian(s) and the department. Any changes to location must be provided to parent(s)/guardian(s) and the department in advance.</p> <p>2. The program must have an emergency evacuation plan and location.</p> <p>a. The program must develop a plan for transporting children, specific to each mobile unit, in the case of an emergency. The plan must be approved by the Department prior to caring for children.</p> <p>B. Staff Qualifications</p> <p>1. There must be a large childcare center qualified Director available during operating hours. A Director can oversee multiple mobile preschool programs under the same governing body.</p> <p>2. Each mobile preschool program must have a qualified Early Childhood Teacher on site.</p> <p>C. Supervision</p> <p>1. Children must be directly supervised when entering and exiting the mobile preschool.</p> <p>D. Child Care Equipment and Materials</p> <p>1. A variety of developmentally appropriate materials, equipment, and learning activities from the following categories must be available so that for any one time at least half of the children for which the program is licensed can be individually involved:</p> <p>a. Art;</p> <p>b. Blocks and accessories;</p> <p>c. Books and pictures;</p> <p>d. Imaginative play;</p> <p>e. Manipulatives;</p> <p>f. Music; and</p>	<p>7.702.103 Mobile Part-Day Preschool Programs</p> <p>A. Policies</p> <p>1. Written schedules must be provided to parent(s)/guardian(s) and the department. Any changes to location must be provided to parent(s)/guardian(s) and the department in advance.</p> <p>2. The program must have an emergency evacuation plan and location.</p> <p>a. The program must develop a plan for transporting children, specific to each mobile unit, in the case of an emergency. The plan must be approved by the Department prior to caring for children.</p> <p>B. Staff Qualifications</p> <p>1. There must be a large childcare center qualified Director available during operating hours. A Director can oversee multiple mobile preschool programs under the same governing body.</p> <p>2. Each mobile preschool program must have a qualified Early Childhood Teacher on site.</p> <p>C. Supervision</p> <p>1. Children must be directly supervised when entering and exiting the mobile preschool.</p> <p>D. Child Care Equipment and Materials</p> <p>1. A variety of developmentally appropriate materials, equipment, and learning activities from the following categories must be available so that for any one time at least half of the children for which the program is licensed can be individually involved:</p> <p>a. Art;</p> <p>b. Blocks and accessories;</p> <p>c. Books and pictures;</p> <p>d. Imaginative play;</p> <p>e. Manipulatives;</p> <p>f. Music; and</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		<p>g. Science and math. E. Facility Requirements 1. The mobile unit must be parked and appropriately secured prior to children arriving for care. 2. The use of handwashing sinks and toilets not located within the facility must be approved by the Colorado Department of Public Health and Environment. 3. If the mobile preschool is approved by the Colorado Department of Public Health and Environment to use a toilet located outside of the facility, there must be one (1) additional staff member, who is an Assistant Early Childhood Teacher or an Early Childhood Teacher, to properly supervise and accompany the children to the toilet facilities. 4. If the Colorado Department of Public Health and Environment approves the use of a public restroom, the restroom must not be shared with the public during the hours the preschool is in operation. 5. There must be a minimum of fifteen (15) square feet per child in the mobile classroom. 6. The mobile preschool must be capable of maintaining a draft-free temperature of a minimum of sixty-eight (68) degrees Fahrenheit. 7. The program must have safely accessible access to an outdoor area for daily planned activities, during inclement weather, an indoor space must be available for gross motor activities. a. Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must provide daily physical gross motor activities indoors. F. Safety 1. Space heaters must have screens, a safety overheat protection, a safety trip-over switch, and be inaccessible to children. 2. The mobile preschool must have two (2) means of emergency egress.</p>	<p>g. Science and math. E. Facility Requirements 1. The mobile unit must be parked and appropriately secured prior to children arriving for care. 2. The use of handwashing sinks and toilets not located within the facility must be approved by the Colorado Department of Public Health and Environment. 3. If the mobile preschool is approved by the Colorado Department of Public Health and Environment to use a toilet located outside of the facility, there must be one (1) additional staff member, who is an Assistant Early Childhood Teacher or an Early Childhood Teacher, to properly supervise and accompany the children to the toilet facilities. 4. If the Colorado Department of Public Health and Environment approves the use of a public restroom, the restroom must not be shared with the public during the hours the preschool is in operation. 5. There must be a minimum of fifteen (15) square feet per child in the mobile classroom. 6. The mobile preschool must be capable of maintaining a draft-free temperature of a minimum of sixty-eight (68) degrees Fahrenheit. 7. The program must have safely accessible access to an outdoor area for daily planned activities, during inclement weather, an indoor space must be available for gross motor activities. a. Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must provide daily physical gross motor activities indoors. F. Safety 1. Space heaters must have screens, a safety overheat protection, a safety trip-over switch, and be inaccessible to children. 2. The mobile preschool must have two (2) means of emergency egress.</p>		
7.702.104 Teen Parent Programs Operated by a Public School	REPEAL	7.702.104 Teen Parent Programs Operated by a Public School District A. Infant programs affiliated with Teen Parent Programs that are operated by accredited public	7.702.104 Teen Parent Programs Operated by a Public School District A. Infant programs affiliated with Teen Parent Programs that are operated by accredited public	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules	

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District		<p>school systems and on school premises may substitute the following age requirements for those at Section 7.702.1, B, 3:</p> <ol style="list-style-type: none"> 1. The minimum age of infants in care is seven (7) days. 2. ts between the ages of seven (7) and thirteen (13) days may be accepted for care only with written approval from a health care provider and if there are no medical complications for the infant and/or teen mother. 3. Infants fourteen (14) days of age and over may be accepted for care if there are no medical complications for the infant and/or teen mother. 4. The maximum age of infants in care may be extended only in those situations where no teen parent toddler program exists. In this circumstance, an infant may remain in the infant program until the end of the school semester in which the infant becomes eighteen (18) months old. <p>B. Infant and toddler programs affiliated with teen parent programs that are operated by accredited public school systems on school premises may substitute the following staff requirements for those at Section 7.702.45 B, C:</p> <ol style="list-style-type: none"> 1. The Director must be present in the infant program classroom or adjacent teen parent classroom at least sixty percent (60%) of any day the center is open. 2. If the Director cannot be present sixty percent (60%) of any day, an individual who meets Assistant Director qualifications must substitute for the Director. 3. Infant staff aides must be at least fifteen (15) years of age and may be parents-to-be, parents of enrolled infants, or students enrolled in a childcare related course with the sponsoring school system. 4. Substitutes for infant program staff must be from the sponsoring school system's list of approved substitute staff members. Substitutes who do not meet minimum staff qualifications can work no more than ten (10) consecutive business days per assignment. The dates and times must be recorded 	<p>school systems and on school premises may substitute the following age requirements for those at Section 7.702.1, B, 3:</p> <ol style="list-style-type: none"> 1. The minimum age of infants in care is seven (7) days. 2. ts between the ages of seven (7) and thirteen (13) days may be accepted for care only with written approval from a health care provider and if there are no medical complications for the infant and/or teen mother. 3. Infants fourteen (14) days of age and over may be accepted for care if there are no medical complications for the infant and/or teen mother. 4. The maximum age of infants in care may be extended only in those situations where no teen parent toddler program exists. In this circumstance, an infant may remain in the infant program until the end of the school semester in which the infant becomes eighteen (18) months old. <p>B. Infant and toddler programs affiliated with teen parent programs that are operated by accredited public school systems on school premises may substitute the following staff requirements for those at Section 7.702.45 B, C:</p> <ol style="list-style-type: none"> 1. The Director must be present in the infant program classroom or adjacent teen parent classroom at least sixty percent (60%) of any day the center is open. 2. If the Director cannot be present sixty percent (60%) of any day, an individual who meets Assistant Director qualifications must substitute for the Director. 3. Infant staff aides must be at least fifteen (15) years of age and may be parents-to-be, parents of enrolled infants, or students enrolled in a childcare related course with the sponsoring school system. 4. Substitutes for infant program staff must be from the sponsoring school system's list of approved substitute staff members. Substitutes who do not meet minimum staff qualifications can work no more than ten (10) consecutive business days per assignment. The dates and times must be recorded 	<p>from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>
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		and made available for review at all times. 5. Substitutes for infant program staff must hold a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children. C. Rest Time Equipment 1. Bassinets and playpens are allowed for use in a teen parent program when the teen parent(s) remain(s) on site.	and made available for review at all times. 5. Substitutes for infant program staff must hold a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children. C. Rest Time Equipment 1. Bassinets and playpens are allowed for use in a teen parent program when the teen parent(s) remain(s) on site.		
7.702.105 Child Care Programs and Preschools Operated by a Public School District	REPEAL	7.702.105 Child Care Programs and Preschools Operated by a Public School District A. The administration of medical marijuana must comply with policies listed in Sections §12-255-120, 12-255-127, and 2-30-116. C.R.S. B. Director Requirements 1. Preschool age classrooms that are operated by public school districts are not required to have a Large Center Director qualified staff member assigned to each program when they have an organizational structure that includes at least ten (10) administrative support elements from the following: a. Colorado Preschool Program Coordinator; b. Parent Educational Specialist; c. Principal; d. Health Coordinator; e. Nurse; f. Health Technician; g. Food Service Director; h. A Registered Dietitian or an individual with a Master's level or higher education in Nutrition; i. Fire/Health/Safety Inspector; j. Mental Health Team; k. Speech Language Pathologist; l. Occupational/Physical Therapist; m. School Psychologist; n. Family Outreach Worker; o. Human Resource Specialist; or, p. Transportation Manager. 2. The program must obtain a director who meets Large Center Director qualifications if substantial evidence has been found leading to an adverse licensing action for any of the following:	7.702.105 Child Care Programs and Preschools Operated by a Public School District A. The administration of medical marijuana must comply with policies listed in Sections §12-255-120, 12-255-127, and 2-30-116. C.R.S. B. Director Requirements 1. Preschool age classrooms that are operated by public school districts are not required to have a Large Center Director qualified staff member assigned to each program when they have an organizational structure that includes at least ten (10) administrative support elements from the following: a. Colorado Preschool Program Coordinator; b. Parent Educational Specialist; c. Principal; d. Health Coordinator; e. Nurse; f. Health Technician; g. Food Service Director; h. A Registered Dietitian or an individual with a Master's level or higher education in Nutrition; i. Fire/Health/Safety Inspector; j. Mental Health Team; k. Speech Language Pathologist; l. Occupational/Physical Therapist; m. School Psychologist; n. Family Outreach Worker; o. Human Resource Specialist; or, p. Transportation Manager. 2. The program must obtain a director who meets Large Center Director qualifications if substantial evidence has been found leading to an adverse licensing action for any of the following:	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft
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		<p>a. Lack of supervision; b. Operating out of the approved staff member to child ratio; c. Operating without sufficient qualified staff. 3. Programs who have their Director privileges revoked may submit a request for consideration after a period of two (2) years from successful completion of the adverse licensing action. C. Substitutes 1. Substitutes for Directors of part-day public school preschools may be from the sponsoring school system's list of approved substitutes. Substitutes who do not meet director qualifications must consult with a qualified director on administering the center in accordance with early childhood principles and practices and licensing rules. 2. In licensed programs operated by public school districts, substitutes may be from the sponsoring school system's list of approved substitutes. Substitutes who do not meet qualifications for the position that they are substituting for can be used up to ten (10) calendar days per year. The dates and times must be recorded and made available for review at all times. D. Outdoor Space Requirements 1. Licensed preschool programs operated by public school districts who do not meet fencing or barrier requirements in Section 7.702.74, A, 3 may use the school's perimeter fencing if they maintain a ratio of one (1) staff member to eight (8) children.</p>	<p>a. Lack of supervision; b. Operating out of the approved staff member to child ratio; c. Operating without sufficient qualified staff. 3. Programs who have their Director privileges revoked may submit a request for consideration after a period of two (2) years from successful completion of the adverse licensing action. C. Substitutes 1. Substitutes for Directors of part-day public school preschools may be from the sponsoring school system's list of approved substitutes. Substitutes who do not meet director qualifications must consult with a qualified director on administering the center in accordance with early childhood principles and practices and licensing rules. 2. In licensed programs operated by public school districts, substitutes may be from the sponsoring school system's list of approved substitutes. Substitutes who do not meet qualifications for the position that they are substituting for can be used up to ten (10) calendar days per year. The dates and times must be recorded and made available for review at all times. D. Outdoor Space Requirements 1. Licensed preschool programs operated by public school districts who do not meet fencing or barrier requirements in Section 7.702.74, A, 3 may use the school's perimeter fencing if they maintain a ratio of one (1) staff member to eight (8) children.</p>		
7.707 RULES REGULATING FAMILY CHILD CARE HOMES	REPEAL	7.707 RULES REGULATING FAMILY CHILD CARE HOMES All family child care homes must comply with the "General Rules for Child Care Facilities", "Rules Regulating Special Activities", and the "Rules Regulating Family Child Care Homes."	7.707 RULES REGULATING FAMILY CHILD CARE HOMES All family child care homes must comply with the "General Rules for Child Care Facilities", "Rules Regulating Special Activities", and the "Rules Regulating Family Child Care Homes."	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.707.1 (None)	REPEAL	7.707.1 (None)	7.707.1 (None)	HB22-1295 was codified into law 4/25/22, creating	

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				CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.
7.707.2 DEFINITIONS AND TYPES OF FAMILY CHILD CARE HOMES	REPEAL	7.707.2 DEFINITIONS AND TYPES OF FAMILY CHILD CARE HOMES	7.707.2 DEFINITIONS AND TYPES OF FAMILY CHILD CARE HOMES	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.
7.707.21 Definitions	REPEAL	<p>7.707.21 Definitions</p> <p>“AAP” means the American Academy of Pediatrics.</p> <p>“ASTM” means the American Society for Testing and Materials. ASTM is an organization that coordinates the development of voluntary industry standards that supplement mandatory standards such as information to the public on Standard Consumer Safety Specification on Toy Safety (ASTM F-963) and other voluntary standards that cover specific children’s products.</p> <p>“Accessible” means children being able to obtain equipment and materials without adult aid, may be age/development specific.</p> <p>“Adverse or negative licensing action” means a final agency action resulting in the denial of an application, the imposition of fines, or the suspension or revocation of a license or the demotion of such a license to a probationary license.</p> <p>“Age of child(ren) in child care” means any child(ren) that will count towards provider’s license capacity, is between the age of birth to eighteen years of age, is in care for supervision in the parent(s) absence for a part or the whole of any day, and is not the provider’s own child(ren).</p> <p>“Age of provider’s own child(ren) that counts towards license capacity” means any birth, adopted,</p>	<p>7.707.21 Definitions</p> <p>“AAP” means the American Academy of Pediatrics.</p> <p>“ASTM” means the American Society for Testing and Materials. ASTM is an organization that coordinates the development of voluntary industry standards that supplement mandatory standards such as information to the public on Standard Consumer Safety Specification on Toy Safety (ASTM F-963) and other voluntary standards that cover specific children’s products.</p> <p>“Accessible” means children being able to obtain equipment and materials without adult aid, may be age/development specific.</p> <p>“Adverse or negative licensing action” means a final agency action resulting in the denial of an application, the imposition of fines, or the suspension or revocation of a license or the demotion of such a license to a probationary license.</p> <p>“Age of child(ren) in child care” means any child(ren) that will count towards provider’s license capacity, is between the age of birth to eighteen years of age, is in care for supervision in the parent(s) absence for a part or the whole of any day, and is not the provider’s own child(ren).</p> <p>“Age of provider’s own child(ren) that counts towards license capacity” means any birth, adopted,</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.

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	<p>step or foster child(ren) of a provider whose age ranges from birth to twelve years of age. "Aide or staff aide" means an individual who assists the provider or substitute provider in the care of children at a family child care home. An aide or staff aide must never be allowed to supervise a child(ren) alone. The provider or substitute provider must always be present at all times when the aide or staff aide is providing care for a child(ren). "Approved sleeping equipment" means equipment that is appropriate for the age of the child, is intended for sleep or rest, and allows the child freedom of movement in a safe and sanitary manner. "Available" means materials or equipment that is not immediately accessible to children, but which may be introduced with adult aid. "Blocked telephone" means a telephone that will not accept telephone calls when caller ID says "unavailable". This does not include telephones that require the caller to enter a ten digit telephone number from the telephone that is being called from or require the provider to have their name listed in a telephone directory. "Choking hazard" means an item that presents the possibility of restriction or elimination of airflow into the lungs. "CPR training" means cardiopulmonary resuscitation for adult, infant, and child. "Clean" means to be free of visible dirt and debris or to remove dirt and debris by vacuuming or scrubbing and washing with soap and water. "Complaint severity level" means the level of seriousness (zero to five) the State Department assigns to a complaint reported against a family child care home based on the severity of the allegation(s). The severity level assigned determines the timeframe in which the allegation(s) must be investigated by the licensing specialist. "Compromise" means to expose to possible loss or danger. "Culturally sensitive" means to encourage, share</p>	<p>step or foster child(ren) of a provider whose age ranges from birth to twelve years of age. "Aide or staff aide" means an individual who assists the provider or substitute provider in the care of children at a family child care home. An aide or staff aide must never be allowed to supervise a child(ren) alone. The provider or substitute provider must always be present at all times when the aide or staff aide is providing care for a child(ren). "Approved sleeping equipment" means equipment that is appropriate for the age of the child, is intended for sleep or rest, and allows the child freedom of movement in a safe and sanitary manner. "Available" means materials or equipment that is not immediately accessible to children, but which may be introduced with adult aid. "Blocked telephone" means a telephone that will not accept telephone calls when caller ID says "unavailable". This does not include telephones that require the caller to enter a ten digit telephone number from the telephone that is being called from or require the provider to have their name listed in a telephone directory. "Choking hazard" means an item that presents the possibility of restriction or elimination of airflow into the lungs. "CPR training" means cardiopulmonary resuscitation for adult, infant, and child. "Clean" means to be free of visible dirt and debris or to remove dirt and debris by vacuuming or scrubbing and washing with soap and water. "Complaint severity level" means the level of seriousness (zero to five) the State Department assigns to a complaint reported against a family child care home based on the severity of the allegation(s). The severity level assigned determines the timeframe in which the allegation(s) must be investigated by the licensing specialist. "Compromise" means to expose to possible loss or danger. "Culturally sensitive" means to encourage, share</p>		
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	<p>and explore the differences and similarities of heritage and culture, and its effect on learning, values, and behavior.</p> <p>“Custodial or control speech” means using speech to direct or influence authority over a child(ren) by the use of directive speech to change a behavior.</p> <p>“Danger” means exposure to harm or injury.</p> <p>“Decorative pond” means an artificially confined body of water which is usually smaller than a lake. The pond can be decorated with large and small rocks, water lilies, pond plants, tadpole, fish, and have features such as lights, waterfalls and fast moving water.</p> <p>“Derogatory” means to belittle, diminish, and express criticism or a low opinion of.</p> <p>“Developmentally appropriate” means to provide an environment where learning experiences are meaningful, relevant, and are based upon a child’s individually identified strengths and weaknesses, interests, cultural background, family history and structure.</p> <p>“Director” means an individual that has been evaluated and received a written letter that verifies that he/she meets the Colorado State Director qualification requirements for a large child care center.</p> <p>“Discipline” means to punish in order to bring a child’s behavior under control.</p> <p>“Disinfect” means to eliminate germs from inanimate surfaces through the use of chemicals (e.g., products registered with the U.S. Environmental Protection Agency as “disinfectant”) or a solution of household liquid chlorine bleach and water.</p> <p>“Early Childhood Mental Health Consultant” (ECMHC) means a consultant who provides culturally sensitive and primarily indirect services for children, birth through six years of age in group care and early education settings.</p> <p>“Early Childhood Mental Health Consultation services” means the provision of services that promote social and emotional development in children and transform children’s challenging</p>	<p>and explore the differences and similarities of heritage and culture, and its effect on learning, values, and behavior.</p> <p>“Custodial or control speech” means using speech to direct or influence authority over a child(ren) by the use of directive speech to change a behavior.</p> <p>“Danger” means exposure to harm or injury.</p> <p>“Decorative pond” means an artificially confined body of water which is usually smaller than a lake. The pond can be decorated with large and small rocks, water lilies, pond plants, tadpole, fish, and have features such as lights, waterfalls and fast moving water.</p> <p>“Derogatory” means to belittle, diminish, and express criticism or a low opinion of.</p> <p>“Developmentally appropriate” means to provide an environment where learning experiences are meaningful, relevant, and are based upon a child’s individually identified strengths and weaknesses, interests, cultural background, family history and structure.</p> <p>“Director” means an individual that has been evaluated and received a written letter that verifies that he/she meets the Colorado State Director qualification requirements for a large child care center.</p> <p>“Discipline” means to punish in order to bring a child’s behavior under control.</p> <p>“Disinfect” means to eliminate germs from inanimate surfaces through the use of chemicals (e.g., products registered with the U.S. Environmental Protection Agency as “disinfectant”) or a solution of household liquid chlorine bleach and water.</p> <p>“Early Childhood Mental Health Consultant” (ECMHC) means a consultant who provides culturally sensitive and primarily indirect services for children, birth through six years of age in group care and early education settings.</p> <p>“Early Childhood Mental Health Consultation services” means the provision of services that promote social and emotional development in children and transform children’s challenging</p>		
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	<p>behaviors. This includes capacity building for providers and family members; directly observing and interacting with children and the care giving environment; and, designing and modeling interventions that involve changes in the behaviors of family members and caregivers. It also includes collaboration with providers, employees, volunteers, and family members and caregivers who intervene directly with children in group care, early education and/or home settings.</p> <p>“EQ I/T” means the Department approved Expanding Quality Infant/Toddler training for child care providers.</p> <p>“Emergency” means a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action.</p> <p>“Emergency or urgent situation” means a personal or family situation that is critical in nature, which requires the provider to take immediate action; and leave the home to handle the emergency situation.</p> <p>“Employee” means paid or unpaid individual that cares for or assists with the care of children.</p> <p>“Equally qualified” means that the employee or substitute provider has the same required training and qualifications as the primary provider as specified in the Rules Regulating Family Child Care Homes.</p> <p>“Extreme weather” means weather conditions that require unusual or immediate action to reduce exposure to harm or injury.</p> <p>“Fall zone” means the distance that a child can fall from elevated equipment based upon the child’s age and size.</p> <p>“First Aid training” means training in which a person reacts to injuries and performs simple emergency medical care procedures before emergency medical professionals are available as necessary.</p> <p>“Flexibility” means the provider has the ready capability to adapt to new, different, or changing requirements of parent(s) or guardian(s) for child care.</p> <p>“Frequently” means to occur often; many times and</p>	<p>behaviors. This includes capacity building for providers and family members; directly observing and interacting with children and the care giving environment; and, designing and modeling interventions that involve changes in the behaviors of family members and caregivers. It also includes collaboration with providers, employees, volunteers, and family members and caregivers who intervene directly with children in group care, early education and/or home settings.</p> <p>“EQ I/T” means the Department approved Expanding Quality Infant/Toddler training for child care providers.</p> <p>“Emergency” means a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action.</p> <p>“Emergency or urgent situation” means a personal or family situation that is critical in nature, which requires the provider to take immediate action; and leave the home to handle the emergency situation.</p> <p>“Employee” means paid or unpaid individual that cares for or assists with the care of children.</p> <p>“Equally qualified” means that the employee or substitute provider has the same required training and qualifications as the primary provider as specified in the Rules Regulating Family Child Care Homes.</p> <p>“Extreme weather” means weather conditions that require unusual or immediate action to reduce exposure to harm or injury.</p> <p>“Fall zone” means the distance that a child can fall from elevated equipment based upon the child’s age and size.</p> <p>“First Aid training” means training in which a person reacts to injuries and performs simple emergency medical care procedures before emergency medical professionals are available as necessary.</p> <p>“Flexibility” means the provider has the ready capability to adapt to new, different, or changing requirements of parent(s) or guardian(s) for child care.</p> <p>“Frequently” means to occur often; many times and</p>		
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	<p>at short intervals. “Gentle physical holding” means to carefully hold a child with the arms, without force. “Guidance” means a way of teaching that empowers children to make decisions that are ethical, intelligent, and socially responsible. “Guidance approach” means the use of guidance, distinct from discipline, to reduce the need for and resolve the occurrence of mistaken behavior in ways that are non-punitive. “Harsh treatment” means treatment that is ungentle and unpleasant in action or effect; unpleasantly severe; stern; or cruel. “HealthCare Plan” means the document contains written instructions about a specific health condition including the 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. Health Care Plans can be collaboratively created by the child care health consultant, the child’s parents, 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 child returning to care with a cast, or after a surgical intervention. “Health care professional” means an organization or person who delivers proper health care in a systematic way professionally to any individual in need of health care services. “Health care provider’s scope of practice” means the boundaries and rules within which a fully qualified medical practitioner, with substantial and appropriate training, knowledge, and experience, may practice in a field of medicine or other specifically defined field. Such practice is governed by requirements for professional accountability. “Home remedy” means a non-medical treatment to attempt to cure or treat an ailment with common</p>	<p>at short intervals. “Gentle physical holding” means to carefully hold a child with the arms, without force. “Guidance” means a way of teaching that empowers children to make decisions that are ethical, intelligent, and socially responsible. “Guidance approach” means the use of guidance, distinct from discipline, to reduce the need for and resolve the occurrence of mistaken behavior in ways that are non-punitive. “Harsh treatment” means treatment that is ungentle and unpleasant in action or effect; unpleasantly severe; stern; or cruel. “HealthCare Plan” means the document contains written instructions about a specific health condition including the 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. Health Care Plans can be collaboratively created by the child care health consultant, the child’s parents, 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 child returning to care with a cast, or after a surgical intervention. “Health care professional” means an organization or person who delivers proper health care in a systematic way professionally to any individual in need of health care services. “Health care provider’s scope of practice” means the boundaries and rules within which a fully qualified medical practitioner, with substantial and appropriate training, knowledge, and experience, may practice in a field of medicine or other specifically defined field. Such practice is governed by requirements for professional accountability. “Home remedy” means a non-medical treatment to attempt to cure or treat an ailment with common</p>		
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	<p>household items or foods.</p> <p>“If applicable” means if the rule should be applied depending on the circumstances of the situation.</p> <p>“Immediately” means without delay or hesitation, without any interval of time.</p> <p>“Interactive learning” means a method of learning through hands on activities that help a child gain knowledge and skills by connecting with information and experiences provided by the provider.</p> <p>“Intoxicated” means that a person is under the influence of drugs or alcohol to the point that his/her actions and/or behavior presents an immediate danger to her/himself or others.</p> <p>“Language development materials” means materials that focus on the development of listening and speaking skills, and contains experiences which familiarize children with pre-reading and pre-writing activities.</p> <p>“Lead poisoning” means poisoning by a toxic metal that is found in and around homes, in lead-based paint, chipping paint, or lead dust from deteriorated paint. Lead may cause a range of health effects, from behavior problems and learning disabilities, to seizures and death.</p> <p>“Legal signature” means the parent’s full signature that includes both the first and last name.</p> <p>“Lockdown drill” means a drill in which the occupants of a building are restricted to the interior of the building and the building is secured.</p> <p>“Lost child” means the provider is unable to find the child. The child is no longer in the care or supervision of the provider.</p> <p>“Mental Health Practitioner” means a mental health professional who offers services for the purpose of improving an individual’s mental health or to treat mental illness.</p> <p>“Nationally recognized” means to be known in the majority of businesses or residential areas of the United States and that may meet local or national accreditation standards.</p> <p>“Offered” means materials, equipment or activities, including meals, which are presented as options to</p>	<p>household items or foods.</p> <p>“If applicable” means if the rule should be applied depending on the circumstances of the situation.</p> <p>“Immediately” means without delay or hesitation, without any interval of time.</p> <p>“Interactive learning” means a method of learning through hands on activities that help a child gain knowledge and skills by connecting with information and experiences provided by the provider.</p> <p>“Intoxicated” means that a person is under the influence of drugs or alcohol to the point that his/her actions and/or behavior presents an immediate danger to her/himself or others.</p> <p>“Language development materials” means materials that focus on the development of listening and speaking skills, and contains experiences which familiarize children with pre-reading and pre-writing activities.</p> <p>“Lead poisoning” means poisoning by a toxic metal that is found in and around homes, in lead-based paint, chipping paint, or lead dust from deteriorated paint. Lead may cause a range of health effects, from behavior problems and learning disabilities, to seizures and death.</p> <p>“Legal signature” means the parent’s full signature that includes both the first and last name.</p> <p>“Lockdown drill” means a drill in which the occupants of a building are restricted to the interior of the building and the building is secured.</p> <p>“Lost child” means the provider is unable to find the child. The child is no longer in the care or supervision of the provider.</p> <p>“Mental Health Practitioner” means a mental health professional who offers services for the purpose of improving an individual’s mental health or to treat mental illness.</p> <p>“Nationally recognized” means to be known in the majority of businesses or residential areas of the United States and that may meet local or national accreditation standards.</p> <p>“Offered” means materials, equipment or activities, including meals, which are presented as options to</p>	
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	<p>children but are not required or forced, to be utilized or engaged. "On occasion" means from time to time, a special event or ceremony, or irregularly. "Organic materials" means materials relating to, or derived from living organisms. "Pattern" means repeating an activity at regular intervals. "Pedodontist" means a pediatric dentist, specializing in children from birth to four years of age. "Periodically" means an ongoing event or activity that occurs without an established pattern. "Permanent climbing equipment" means climbing equipment installed that is stable, cannot be overturned or displaced, and cannot be moved or relocated to another area without assistance. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement; except that physical restraint does not include the holding of a child by one adult for the purposes of calming or comforting the child. "Place of residence" means the place or abode where a person actually lives and provides child care on a regular, ongoing basis. "Potential threat" means the possible exposure to harm or injury. "Prescriptive authority" means the legal right of a medical person to prescribe medications under Colorado law. "Protective equipment" means the use of protective head, knee, elbow and ankle equipment to protect a child riding on a scooter, bicycle, skateboard or rollerblades. "Protective surfacing" means an approved material that is used beneath climbing equipment and is designed to protect a child who falls from the highest designated play surface on a piece of equipment to the protective surfacing below. "Provider" means the person that resides in the home and provides direct care, supervision and education to child(ren) in care at least 60% of the daily hours of operation of the family child care</p>	<p>children but are not required or forced, to be utilized or engaged. "On occasion" means from time to time, a special event or ceremony, or irregularly. "Organic materials" means materials relating to, or derived from living organisms. "Pattern" means repeating an activity at regular intervals. "Pedodontist" means a pediatric dentist, specializing in children from birth to four years of age. "Periodically" means an ongoing event or activity that occurs without an established pattern. "Permanent climbing equipment" means climbing equipment installed that is stable, cannot be overturned or displaced, and cannot be moved or relocated to another area without assistance. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement; except that physical restraint does not include the holding of a child by one adult for the purposes of calming or comforting the child. "Place of residence" means the place or abode where a person actually lives and provides child care on a regular, ongoing basis. "Potential threat" means the possible exposure to harm or injury. "Prescriptive authority" means the legal right of a medical person to prescribe medications under Colorado law. "Protective equipment" means the use of protective head, knee, elbow and ankle equipment to protect a child riding on a scooter, bicycle, skateboard or rollerblades. "Protective surfacing" means an approved material that is used beneath climbing equipment and is designed to protect a child who falls from the highest designated play surface on a piece of equipment to the protective surfacing below. "Provider" means the person that resides in the home and provides direct care, supervision and education to child(ren) in care at least 60% of the daily hours of operation of the family child care</p>		
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	<p>home.</p> <p>“Psittacine birds”, means all birds commonly known as parrots, cockatoos, cockatiels, macaws, parakeets, lovebirds, lorries or lorikeets, and other birds of the order psittaciforme, may also be called hookbills because the upper beak is turned downward.</p> <p>“Punished” means to impose a penalty on a person. The causes for punishment may be for a fault, offense or violation.</p> <p>“Regionally accredited” means colleges and universities which earn regional accreditation status by meeting acceptable levels of quality and performance. The accrediting bodies for higher education are Middle States Association of Colleges and Schools, Northwest Association of Colleges and Schools, North Central Association of College and Schools, New England Association of Colleges and Schools, Southern Association of Colleges and Schools, and Western Association of Colleges and Schools.</p> <p>“Regular basis” means occurring with normal frequency or routine schedule.</p> <p>“Relative” means any of the following direct relationships by blood to the first degree, marriage, or adoption: parent, grandparent, son, daughter, grandson, granddaughter, brother, sister, stepparent, stepbrother, stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew or first cousin.</p> <p>“Reside” means to be in a residence, to dwell permanently or continuously, to occupy a place as one’s legal domicile.</p> <p>“Restraint” means any method or device used to involuntarily limit freedom of movement including, but not limited to, bodily physical force, mechanical devices, or chemicals.</p> <p>“Reverse evacuation drill” means a drill in which persons seek shelter and safety inside a building when said persons are outside the building and are faced with a threat, such as an armed individual or a dangerous animal.</p>	<p>home.</p> <p>“Psittacine birds”, means all birds commonly known as parrots, cockatoos, cockatiels, macaws, parakeets, lovebirds, lorries or lorikeets, and other birds of the order psittaciforme, may also be called hookbills because the upper beak is turned downward.</p> <p>“Punished” means to impose a penalty on a person. The causes for punishment may be for a fault, offense or violation.</p> <p>“Regionally accredited” means colleges and universities which earn regional accreditation status by meeting acceptable levels of quality and performance. The accrediting bodies for higher education are Middle States Association of Colleges and Schools, Northwest Association of Colleges and Schools, North Central Association of College and Schools, New England Association of Colleges and Schools, Southern Association of Colleges and Schools, and Western Association of Colleges and Schools.</p> <p>“Regular basis” means occurring with normal frequency or routine schedule.</p> <p>“Relative” means any of the following direct relationships by blood to the first degree, marriage, or adoption: parent, grandparent, son, daughter, grandson, granddaughter, brother, sister, stepparent, stepbrother, stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew or first cousin.</p> <p>“Reside” means to be in a residence, to dwell permanently or continuously, to occupy a place as one’s legal domicile.</p> <p>“Restraint” means any method or device used to involuntarily limit freedom of movement including, but not limited to, bodily physical force, mechanical devices, or chemicals.</p> <p>“Reverse evacuation drill” means a drill in which persons seek shelter and safety inside a building when said persons are outside the building and are faced with a threat, such as an armed individual or a dangerous animal.</p>		
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Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft

CDHS Tracking #: 25-06-17-01

Office, Division, & Program: Rule Author: Logan Ellett

Phone: 720.245.1195

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	<p>"Routine medications" means any prescribed oral, topical, or inhaled medication, or unit dose epinephrine, that is administered pursuant to Section 26-6-119, C.R.S.</p> <p>"Safe" means free of hazards posing danger of injury including, but not limited to, "keep out of reach" items, protrusions, broken items, areas of entrapment, strangulation or choking hazards, insufficient cushioning, poisonous chemicals, etc.</p> <p>"Sanitized or sanitary" means to remove filth or soil and some small bacteria. For an inanimate surface to be considered sanitary the surface must be clean and the number of germs must be reduced to such a level that disease transmission by that surface is unlikely. This procedure is less rigorous than disinfection and is applicable to a wide variety of routine housekeeping procedures.</p> <p>"Satisfactory experience" means the adequate practical knowledge, skill or practice necessary.</p> <p>"Serious" means an injury or illness of an urgent nature needing immediate emergency attention.</p> <p>"Serving" means an amount of food or beverage that is appropriate to meet a child's nutritional and developmental needs.</p> <p>"Severe weather drill" means a drill in which occupants of a building seek shelter appropriate to the severe weather threat, such as a blizzard, electrical storm, flood or tornado.</p> <p>"Shelter-in-place drill" means a drill in which the occupants of a building seek shelter in the building from an external threat.</p> <p>"Social-emotional development" means the development of self-awareness and self-regulation as reflected in the desire and growing ability to connect with others and the ability to experience, express and regulate a full range of emotions, to pay attention, make transitions from one activity to another, and cooperate in the context of relationships with others.</p> <p>"Soft bedding" means, but is not limited to, any soft sleep surface like a water bed, sofa, pillows, bumper pads, soft materials like fluffy blankets, thick</p>	<p>"Routine medications" means any prescribed oral, topical, or inhaled medication, or unit dose epinephrine, that is administered pursuant to Section 26-6-119, C.R.S.</p> <p>"Safe" means free of hazards posing danger of injury including, but not limited to, "keep out of reach" items, protrusions, broken items, areas of entrapment, strangulation or choking hazards, insufficient cushioning, poisonous chemicals, etc.</p> <p>"Sanitized or sanitary" means to remove filth or soil and some small bacteria. For an inanimate surface to be considered sanitary the surface must be clean and the number of germs must be reduced to such a level that disease transmission by that surface is unlikely. This procedure is less rigorous than disinfection and is applicable to a wide variety of routine housekeeping procedures.</p> <p>"Satisfactory experience" means the adequate practical knowledge, skill or practice necessary.</p> <p>"Serious" means an injury or illness of an urgent nature needing immediate emergency attention.</p> <p>"Serving" means an amount of food or beverage that is appropriate to meet a child's nutritional and developmental needs.</p> <p>"Severe weather drill" means a drill in which occupants of a building seek shelter appropriate to the severe weather threat, such as a blizzard, electrical storm, flood or tornado.</p> <p>"Shelter-in-place drill" means a drill in which the occupants of a building seek shelter in the building from an external threat.</p> <p>"Social-emotional development" means the development of self-awareness and self-regulation as reflected in the desire and growing ability to connect with others and the ability to experience, express and regulate a full range of emotions, to pay attention, make transitions from one activity to another, and cooperate in the context of relationships with others.</p> <p>"Soft bedding" means, but is not limited to, any soft sleep surface like a water bed, sofa, pillows, bumper pads, soft materials like fluffy blankets, thick</p>		
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	<p>blankets and/or comforters, sheep skins, plush toys, and stuffed animals.</p> <p>“Special need” means a child may have mild learning disabilities or profound developmental disabilities of mental functioning and/or bodily movement; food allergies or terminal illness; developmental delays that catch up quickly or remain entrenched; occasional panic attacks or serious psychiatric problems.</p> <p>“Substitute provider” means a paid, volunteer or contract individual responsible for caring for the children in the capacity of the provider during the provider’s absence.</p> <p>“Sweet foods” means a sweet bread or grain product that is high in fat and /or sugar.</p> <p>“Under the influence” means that a person is under the influence of drugs or alcohol to the point that his/her actions and/or behavior present an immediate danger to her/himself or others.</p> <p>“Universal precautions” means safe work practices to prevent exposure to blood and bodily fluids.</p> <p>“Urgent” means an unforeseen combination of circumstances that requires immediate attention.</p> <p>“USDA” means the United States Department of Agriculture.</p> <p>“Varying” means to be at different times or different days; to give variety to activities; to bear no resemblance to a prior activity.</p> <p>“Verbal abuse” means abusive behavior involving the use of language that is demeaning and is intended to insult, manipulate, ridicule, or offend. Harmful acts and the use of harsh or coarse language often characterize it.</p> <p>“Volunteer” means a person who performs a service willingly and without pay.</p> <p>“Written medication order” means a document for a specific medication for a specific child signed by the child’s health care provider. This must be a person with prescriptive authority. The order shall include the child’s name, medication, dose, time, route, and for how long the medicine is to be given. Orders for children over two years of age can only be valid for</p>	<p>blankets and/or comforters, sheep skins, plush toys, and stuffed animals.</p> <p>“Special need” means a child may have mild learning disabilities or profound developmental disabilities of mental functioning and/or bodily movement; food allergies or terminal illness; developmental delays that catch up quickly or remain entrenched; occasional panic attacks or serious psychiatric problems.</p> <p>“Substitute provider” means a paid, volunteer or contract individual responsible for caring for the children in the capacity of the provider during the provider’s absence.</p> <p>“Sweet foods” means a sweet bread or grain product that is high in fat and /or sugar.</p> <p>“Under the influence” means that a person is under the influence of drugs or alcohol to the point that his/her actions and/or behavior present an immediate danger to her/himself or others.</p> <p>“Universal precautions” means safe work practices to prevent exposure to blood and bodily fluids.</p> <p>“Urgent” means an unforeseen combination of circumstances that requires immediate attention.</p> <p>“USDA” means the United States Department of Agriculture.</p> <p>“Varying” means to be at different times or different days; to give variety to activities; to bear no resemblance to a prior activity.</p> <p>“Verbal abuse” means abusive behavior involving the use of language that is demeaning and is intended to insult, manipulate, ridicule, or offend. Harmful acts and the use of harsh or coarse language often characterize it.</p> <p>“Volunteer” means a person who performs a service willingly and without pay.</p> <p>“Written medication order” means a document for a specific medication for a specific child signed by the child’s health care provider. This must be a person with prescriptive authority. The order shall include the child’s name, medication, dose, time, route, and for how long the medicine is to be given. Orders for children over two years of age can only be valid for</p>		
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		<p>a period of up to one year, but may only be for a very brief duration of time as well. Children over two may need written medication orders more frequently since the dosage of the medication will change with the child's weight. Written orders may also include information on the reason the medication is being given, potential side effects and any special instructions for administration.</p>	<p>a period of up to one year, but may only be for a very brief duration of time as well. Children over two may need written medication orders more frequently since the dosage of the medication will change with the child's weight. Written orders may also include information on the reason the medication is being given, potential side effects and any special instructions for administration.</p>		
<p>7.707.22 Types of Family Child Care Homes</p>	<p>REPEAL</p>	<p>7.707.22 Types of Family Child Care Homes All Family Child Care Home licenses, except infant/toddler, are issued with an age range for children from birth to eighteen (18) years of age. This allows for the care of older children with special needs. Each individual provider will determine the age range of children that he/she will enroll in the provider's child care home. The providers own birth, adopted, step or foster children twelve (12) years of age and older do not count in the provider's license capacity. The capacity for a Family Child Care Home (generally referred to within these rules as "the home") is determined by the amount of indoor and outdoor space designated for child care, as well as the following factors. A. A "Family Child Care Home" (FCCH) is a type of family care home that provides less than twenty-four (24) hour care at any time for two (2) or more children that are unrelated to each other or the provider, and are cared for in the provider's place of residence. 1. Licensed family child care homes enrolling children five (5) years of age or younger are required to participate in Colorado Shines, the state quality rating and improvement system. B. In a regular (FCCH) home, care may be provided for six (6) children from birth to eighteen (18) years of age with no more than two (2) children under two (2) years of age. 1. Care also may be provided for no more than two (2) additional children of school age attending full-day school. School-age children include children six (6) years of age and older who are enrolled in the</p>	<p>7.707.22 Types of Family Child Care Homes All Family Child Care Home licenses, except infant/toddler, are issued with an age range for children from birth to eighteen (18) years of age. This allows for the care of older children with special needs. Each individual provider will determine the age range of children that he/she will enroll in the provider's child care home. The providers own birth, adopted, step or foster children twelve (12) years of age and older do not count in the provider's license capacity. The capacity for a Family Child Care Home (generally referred to within these rules as "the home") is determined by the amount of indoor and outdoor space designated for child care, as well as the following factors. A. A "Family Child Care Home" (FCCH) is a type of family care home that provides less than twenty-four (24) hour care at any time for two (2) or more children that are unrelated to each other or the provider, and are cared for in the provider's place of residence. 1. Licensed family child care homes enrolling children five (5) years of age or younger are required to participate in Colorado Shines, the state quality rating and improvement system. B. In a regular (FCCH) home, care may be provided for six (6) children from birth to eighteen (18) years of age with no more than two (2) children under two (2) years of age. 1. Care also may be provided for no more than two (2) additional children of school age attending full-day school. School-age children include children six (6) years of age and older who are enrolled in the</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>first grade or above. A child enrolled in a kindergarten program is not considered a school-age child until the child begins attending kindergarten a year before they enter first grade.</p> <p>2. Residents of the home under twelve (12) years of age who are on the premises and all children on the premises for supervision are counted against the approved capacity, except where specifically indicated otherwise. Residents of the home include, but are not limited to, birth, adopted, step or foster children of the provider.</p> <p>C. A three (3) under two (2) license is a type of license that allows a provider to care for six (6) children from birth to eighteen (18) years of age with no more than three (3) children under two (2) years of age, with no more than two (2) of the three (3) children under twelve (12) months; the capacity includes the provider's own children under twelve (12) years of age. This license type may be approved with the following conditions:</p> <ol style="list-style-type: none">1. The licensee has held a permanent license to operate a family child care home for at least two (2) years in Colorado immediately prior to the issuance of the license that would authorize the care of three (3) children under two (2) years of age;2. The licensee has completed the State Department approved Expanding Quality Infant/Toddler course of training;3. he past two years, the licensee has had no substantiated complaints with a severity level of one (1) to three (3), consistent or willful substantiated rule violations of ratio, supervision, safety, or injury to a child observed during any licensing visit, or adverse licensing action;4. Care of additional children of school age is not authorized;5. Licensees issued a three (3) children under two (2) years of age license are approved for both the three (3) under two (2) and the regular license capacities and may switch between the two (2) capacities without notifying the State Department as long as they are in compliance with all licensing	<p>first grade or above. A child enrolled in a kindergarten program is not considered a school-age child until the child begins attending kindergarten a year before they enter first grade.</p> <p>2. Residents of the home under twelve (12) years of age who are on the premises and all children on the premises for supervision are counted against the approved capacity, except where specifically indicated otherwise. Residents of the home include, but are not limited to, birth, adopted, step or foster children of the provider.</p> <p>C. A three (3) under two (2) license is a type of license that allows a provider to care for six (6) children from birth to eighteen (18) years of age with no more than three (3) children under two (2) years of age, with no more than two (2) of the three (3) children under twelve (12) months; the capacity includes the provider's own children under twelve (12) years of age. This license type may be approved with the following conditions:</p> <ol style="list-style-type: none">1. The licensee has held a permanent license to operate a family child care home for at least two (2) years in Colorado immediately prior to the issuance of the license that would authorize the care of three (3) children under two (2) years of age;2. The licensee has completed the State Department approved Expanding Quality Infant/Toddler course of training;3. he past two years, the licensee has had no substantiated complaints with a severity level of one (1) to three (3), consistent or willful substantiated rule violations of ratio, supervision, safety, or injury to a child observed during any licensing visit, or adverse licensing action;4. Care of additional children of school age is not authorized;5. Licensees issued a three (3) children under two (2) years of age license are approved for both the three (3) under two (2) and the regular license capacities and may switch between the two (2) capacities without notifying the State Department as long as they are in compliance with all licensing		
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	<p>rules.</p> <p>D. An infant/toddler license is a type of family care home that provides less than twenty-four (24) hour care only for children who are between birth and three (3) years old. This license type may be approved with the following conditions:</p> <ol style="list-style-type: none">1. If there is one (1) provider, there may be a maximum of four (4) children, with no more than two (2) of the four (4) children under twelve (12) months of age, including the provider's own children. The provider's own children, under the age of twelve (12), count in the capacity of four (4).2. If there are two (2) equally qualified providers, as specified in Section 7.707.31, B, 3, caring for children at all times when children are present, there may be a maximum of eight (8) children between birth and three (3) years old, and no more than four (4) of those children can be between birth and one (1) year old, including both providers' own children.3. The provider has completed the State Department approved Expanding Quality Infant/Toddler (EQ I/T) course of training; and4. A provider that has also been licensed as a regular and three (3) under two (2) provider in the past, and is approved for an infant/toddler license, has the flexibility to provide care on any given day for the ages and capacities of a regular or three under two license without written approval of the State Department, as long as the provider is in compliance with all applicable rules at all times. <p>E. A large child care home is a family child care home that provides care for seven (7) to twelve (12) children.</p> <ol style="list-style-type: none">1. Child care may be provided to children from birth to eighteen (18) years of age. The provider needs an assistant when the ninth child arrives at the facility.2. Care may be provided to no more than two (2) children under two (2) years of age. <p>F. The Experienced Child Care Provider</p> <ol style="list-style-type: none">1. An Experienced Child Care Provider (ECCP) home is a licensed child care home where care is	<p>rules.</p> <p>D. An infant/toddler license is a type of family care home that provides less than twenty-four (24) hour care only for children who are between birth and three (3) years old. This license type may be approved with the following conditions:</p> <ol style="list-style-type: none">1. If there is one (1) provider, there may be a maximum of four (4) children, with no more than two (2) of the four (4) children under twelve (12) months of age, including the provider's own children. The provider's own children, under the age of twelve (12), count in the capacity of four (4).2. If there are two (2) equally qualified providers, as specified in Section 7.707.31, B, 3, caring for children at all times when children are present, there may be a maximum of eight (8) children between birth and three (3) years old, and no more than four (4) of those children can be between birth and one (1) year old, including both providers' own children.3. The provider has completed the State Department approved Expanding Quality Infant/Toddler (EQ I/T) course of training; and4. A provider that has also been licensed as a regular and three (3) under two (2) provider in the past, and is approved for an infant/toddler license, has the flexibility to provide care on any given day for the ages and capacities of a regular or three under two license without written approval of the State Department, as long as the provider is in compliance with all applicable rules at all times. <p>E. A large child care home is a family child care home that provides care for seven (7) to twelve (12) children.</p> <ol style="list-style-type: none">1. Child care may be provided to children from birth to eighteen (18) years of age. The provider needs an assistant when the ninth child arrives at the facility.2. Care may be provided to no more than two (2) children under two (2) years of age. <p>F. The Experienced Child Care Provider</p> <ol style="list-style-type: none">1. An Experienced Child Care Provider (ECCP) home is a licensed child care home where care is		
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	<p>approved for no more than nine (9) children of different age combinations depending upon which option the home is operating.</p> <p>2. The requirements for an Experienced Child Care Provider are:</p> <p>a. Have been a licensed family child care home provider in Colorado for at least the last six (6) consecutive years; equal experience operating as a licensed military family child care home is acceptable;</p> <p>b. Have completed ninety (90) clock hours of training within the preceding six (6) years, including the State Department approved infant/toddler course. The ninety (90) hours of training does not include licensing training universal precautions, First Aid and CPR, and medication administration training;</p> <p>c. Have had no adverse licensing action;</p> <p>d. Have had no adverse action taken against the provider's license in the preceding two (2) years; and,</p> <p>e. Comply with local zoning restrictions.</p> <p>3. Applying for the Experienced Provider License At least sixty (60) calendar days prior to the proposed date of operation as an experienced provider, the applicant must submit to the State Department a completed and signed experienced provider application form, which:</p> <p>a. Affirms compliance with all the rules for family child care home providers and experienced providers;</p> <p>b. Affirms that the 90 clock hours of training have been completed;</p> <p>c. Includes an agreement to waive the right to appeal rules related to capacity and space requirements; and,</p> <p>d. Affirms the provider understands that the experienced provider's license will immediately revert to a regular license if capacities are exceeded at any time.</p> <p>4. ECCP Options Table</p> <p>The following chart describes the various options</p>	<p>approved for no more than nine (9) children of different age combinations depending upon which option the home is operating.</p> <p>2. The requirements for an Experienced Child Care Provider are:</p> <p>a. Have been a licensed family child care home provider in Colorado for at least the last six (6) consecutive years; equal experience operating as a licensed military family child care home is acceptable;</p> <p>b. Have completed ninety (90) clock hours of training within the preceding six (6) years, including the State Department approved infant/toddler course. The ninety (90) hours of training does not include licensing training universal precautions, First Aid and CPR, and medication administration training;</p> <p>c. Have had no adverse licensing action;</p> <p>d. Have had no adverse action taken against the provider's license in the preceding two (2) years; and,</p> <p>e. Comply with local zoning restrictions.</p> <p>3. Applying for the Experienced Provider License At least sixty (60) calendar days prior to the proposed date of operation as an experienced provider, the applicant must submit to the State Department a completed and signed experienced provider application form, which:</p> <p>a. Affirms compliance with all the rules for family child care home providers and experienced providers;</p> <p>b. Affirms that the 90 clock hours of training have been completed;</p> <p>c. Includes an agreement to waive the right to appeal rules related to capacity and space requirements; and,</p> <p>d. Affirms the provider understands that the experienced provider's license will immediately revert to a regular license if capacities are exceeded at any time.</p> <p>4. ECCP Options Table</p> <p>The following chart describes the various options</p>		
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	<p>available to the experienced family child care home. Providers may change options without notifying the State Department, as long as the home is in compliance with one option at any one time and all licensing rules.</p> <p>Experienced Child Care Provider License All options include provider's own children under twelve (12) years of age.</p> <p>Number of Children Total Children in Care at a Given Time Birth Up to School-Age Additional School-Age Number of Children Under 2 Allowed (Of Those Under 2) Number Under 12 Months Allowed Option 1 9 7 2 2 2 Option 2 9 8 1 2 2 Option 3 9 5 4 2 2 Option 4 9 6 3 3 2 Option 5 4 4</p>	<p>available to the experienced family child care home. Providers may change options without notifying the State Department, as long as the home is in compliance with one option at any one time and all licensing rules.</p> <p>Experienced Child Care Provider License All options include provider's own children under twelve (12) years of age.</p> <p>Number of Children Total Children in Care at a Given Time Birth Up to School-Age Additional School-Age Number of Children Under 2 Allowed (Of Those Under 2) Number Under 12 Months Allowed Option 1 9 7 2 2 2 Option 2 9 8 1 2 2 Option 3 9 5 4 2 2 Option 4 9 6 3 3 2 Option 5 4 4</p>		
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7.707.3 PERSONNEL	REPEAL	7.707.3 PERSONNEL All infant/toddler family child care homes and large family child care homes must meet all of the personnel requirements in Section 7.707.31, except where rules specific to infant/toddler homes and large family homes replace other rules.	7.707.3 PERSONNEL All infant/toddler family child care homes and large family child care homes must meet all of the personnel requirements in Section 7.707.31, except where rules specific to infant/toddler homes and large family homes replace other rules.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.707.31 Requirements for Personnel	REPEAL	7.707.31 Requirements for Personnel A. General Requirements 1. Primary providers must physically reside at the family child care home and must provide the child care. 2. Primary providers and/or substitutes must be at least eighteen (18) years of age. Aides must be at least sixteen (16) years of age. Aides and volunteers shall work under the direct supervision of a primary provider at all times. 3. Providers, employees, substitutes, and volunteers must demonstrate an interest in and knowledge of children and a concern for their proper care and well-being. 4. Children for whom the provider has custody and responsibility must not have been placed in foster care or residential care because the provider or other resident of the home was abusive, neglectful, or a danger to the health, safety, or well-being of those children. 5. Providers must not be under the influence of any substance that impairs their ability to care for children. 6. The primary provider is responsible for ensuring that all employees, substitutes and volunteers are familiar with the children in care, the Rules Regulating Family Child Care Homes rules, the home's policies, and the location of children's files and emergency numbers. 7. The primary provider must plan for the selection,	7.707.31 Requirements for Personnel A. General Requirements 1. Primary providers must physically reside at the family child care home and must provide the child care. 2. Primary providers and/or substitutes must be at least eighteen (18) years of age. Aides must be at least sixteen (16) years of age. Aides and volunteers shall work under the direct supervision of a primary provider at all times. 3. Providers, employees, substitutes, and volunteers must demonstrate an interest in and knowledge of children and a concern for their proper care and well-being. 4. Children for whom the provider has custody and responsibility must not have been placed in foster care or residential care because the provider or other resident of the home was abusive, neglectful, or a danger to the health, safety, or well-being of those children. 5. Providers must not be under the influence of any substance that impairs their ability to care for children. 6. The primary provider is responsible for ensuring that all employees, substitutes and volunteers are familiar with the children in care, the Rules Regulating Family Child Care Homes rules, the home's policies, and the location of children's files and emergency numbers. 7. The primary provider must plan for the selection,	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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CDHS Tracking #: 25-06-17-01

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	<p>orientation, training and/or staff development of any employee, volunteer, or substitute.</p> <p>8. The primary provider must plan for and supervise the care and activities of children.</p> <p>9. All providers and all persons residing in the home must submit to the State Department at time of original application on the form required by the State Department, a health evaluation signed and dated by a licensed physician or other health professional.</p> <p>10. Subsequent health evaluations for the provider and children residing in the home who are less than twelve (12) years of age must be submitted every two (2) years or as required in a written plan signed by a physician or other health professional. A new family member and/or a new resident of the home must submit to the State Department, within thirty (30) days from the date the individual began living in the home, a State Department approved health evaluation form signed and dated by a licensed physician or other health professional.</p> <p>11. If, in the opinion of a physician or mental health practitioner, a physical, medical (including side effects of medication), emotional, or psychological condition exists at any time that may jeopardize the health of children or adversely affect the ability of a provider to care for children, an equally qualified substitute provider must be employed, or child care services must cease until the physician or mental health practitioner states in writing that the health risk has been eliminated.</p> <p>B. Infant/Toddler Home Provider Requirements</p> <p>1. For an infant/toddler home with one (1) provider, that provider must be at least twenty-one (21) years of age.</p> <p>2. For an infant/toddler home with two (2) providers, one (1) provider must be at least twenty-one (21) years of age and the second equally qualified provider must be at least eighteen (18) years of age.</p> <p>3. Each provider must have completed one (1) year of supervised experience caring for children who are younger than three (3) years old. The provider must be able to submit to the State Department official</p>	<p>orientation, training and/or staff development of any employee, volunteer, or substitute.</p> <p>8. The primary provider must plan for and supervise the care and activities of children.</p> <p>9. All providers and all persons residing in the home must submit to the State Department at time of original application on the form required by the State Department, a health evaluation signed and dated by a licensed physician or other health professional.</p> <p>10. Subsequent health evaluations for the provider and children residing in the home who are less than twelve (12) years of age must be submitted every two (2) years or as required in a written plan signed by a physician or other health professional. A new family member and/or a new resident of the home must submit to the State Department, within thirty (30) days from the date the individual began living in the home, a State Department approved health evaluation form signed and dated by a licensed physician or other health professional.</p> <p>11. If, in the opinion of a physician or mental health practitioner, a physical, medical (including side effects of medication), emotional, or psychological condition exists at any time that may jeopardize the health of children or adversely affect the ability of a provider to care for children, an equally qualified substitute provider must be employed, or child care services must cease until the physician or mental health practitioner states in writing that the health risk has been eliminated.</p> <p>B. Infant/Toddler Home Provider Requirements</p> <p>1. For an infant/toddler home with one (1) provider, that provider must be at least twenty-one (21) years of age.</p> <p>2. For an infant/toddler home with two (2) providers, one (1) provider must be at least twenty one (21) years of age and the second equally qualified provider must be at least eighteen (18) years of age.</p> <p>3. Each provider must have completed one (1) year of supervised experience caring for children who are younger than three (3) years old. The provider must be able to submit to the State Department official</p>		
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	<p>written verification of the required experience. The experience may have been obtained as:</p> <ul style="list-style-type: none">a. A Colorado licensed family child care home;b. A military licensed child care home;c. A provider, in a family foster home certified for children younger than three (3) years of age; or,d. An employee in a licensed child care center in an infant and/or toddler program. <p>C. Large Home Provider Requirements</p> <ul style="list-style-type: none">1. The licensee must be at least eighteen (18) years of age, the primary provider, and must reside in the large child care home.2. The primary provider at a large child care home must meet one of the following:<ul style="list-style-type: none">a. A minimum of two (2) years of documented satisfactory experience in the group care of children under the age of six (6) years or as a licensed home provider in Colorado. Equal experience operating as an approved military child care home is accepted; or,b. minimum of two (2) years of college education from a regionally accredited college or university, with at least one (1) college course in early childhood education, plus one (1) year of documented satisfactory experience in the group care of children as:<ul style="list-style-type: none">1) A licensed home provider in Colorado;2) A military licensed child care home;3) A Colorado certified family foster home; or,4) A staff member in a licensed child care center.c. Current certification as a Child Development Associate (CDA); or,d. Completion prior to licensing of the State Department approved Expanding Quality Infant/Toddler course; and,<ul style="list-style-type: none">1) A minimum of two (2) years of experience as a licensed child care provider holding a permanent license in Colorado immediately before becoming a licensee of a large child care home; or,2) A minimum of two (2) years of full-time experience in a licensed program. The group care	<p>written verification of the required experience. The experience may have been obtained as:</p> <ul style="list-style-type: none">a. A Colorado licensed family child care home;b. A military licensed child care home;c. A provider, in a family foster home certified for children younger than three (3) years of age; or,d. An employee in a licensed child care center in an infant and/or toddler program. <p>C. Large Home Provider Requirements</p> <ul style="list-style-type: none">1. The licensee must be at least eighteen (18) years of age, the primary provider, and must reside in the large child care home.2. The primary provider at a large child care home must meet one of the following:<ul style="list-style-type: none">a. A minimum of two (2) years of documented satisfactory experience in the group care of children under the age of six (6) years or as a licensed home provider in Colorado. Equal experience operating as an approved military child care home is accepted; or,b. minimum of two (2) years of college education from a regionally accredited college or university, with at least one (1) college course in early childhood education, plus one (1) year of documented satisfactory experience in the group care of children as:<ul style="list-style-type: none">1) A licensed home provider in Colorado;2) A military licensed child care home;3) A Colorado certified family foster home; or,4) A staff member in a licensed child care center.c. Current certification as a Child Development Associate (CDA); or,d. Completion prior to licensing of the State Department approved Expanding Quality Infant/Toddler course; and,<ul style="list-style-type: none">1) A minimum of two (2) years of experience as a licensed child care provider holding a permanent license in Colorado immediately before becoming a licensee of a large child care home; or,2) A minimum of two (2) years of full-time experience in a licensed program. The group care		
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		<p>shall have been with children who are under the age of six (6) years.</p> <p>3. If the provider was previously licensed to operate a family child care home, there must have been no:</p> <p>a. In the past two years, the licensee has had no substantiated complaints with a severity level of one (1) to three (3), consistent or willful substantiated rule violations of ratio, supervision, safety, or injury to a child observed during any licensing visit, or adverse licensing action; and,</p> <p>b. Adverse action on the license within the last two (2) years; and</p> <p>c. Substantiated specific rule violations of ratios, supervision, safety, or injury to a child observed during any licensing visit in the past two (2) years.</p> <p>4. Staff aides must be at least sixteen (16) years of age and must work directly under the supervision of the primary provider in charge and responsible for the care of the children. If left alone with children, the staff aide or assistant provider must meet all same age and training requirements as the provider.</p>	<p>shall have been with children who are under the age of six (6) years.</p> <p>3. If the provider was previously licensed to operate a family child care home, there must have been no:</p> <p>a. In the past two years, the licensee has had no substantiated complaints with a severity level of one (1) to three (3), consistent or willful substantiated rule violations of ratio, supervision, safety, or injury to a child observed during any licensing visit, or adverse licensing action; and,</p> <p>b. Adverse action on the license within the last two (2) years; and</p> <p>c. Substantiated specific rule violations of ratios, supervision, safety, or injury to a child observed during any licensing visit in the past two (2) years.</p> <p>4. Staff aides must be at least sixteen (16) years of age and must work directly under the supervision of the primary provider in charge and responsible for the care of the children. If left alone with children, the staff aide or assistant provider must meet all same age and training requirements as the provider.</p>		
7.707.32 Training	REPEAL	<p>7.707.32 Training</p> <p>A. Prior to issuance of the license, the licensee and primary provider must complete:</p> <p>1. A State Department approved fifteen (15) clock hour pre-licensing course of training that includes nine (9) core knowledge standards. The content of one of the standards must specifically address appropriate guidance with children and that corporal discipline is never allowed. The clock hours of pre-licensing training do not include certification in First Aid, CPR, and medication administration training;</p> <p>2. A monitored written test or approved alternate method to verify knowledge and comprehension of the content of the training materials must be administered by the trainer to the trainee at the end of the pre-licensing training course. The trainee must have a passing score of no less than 80%. Part of approval of pre-licensing is that the provider must be able to access and understand the Rules Regulating Family Child Care Homes. The provider must take pre-licensing training for any original</p>	<p>7.707.32 Training</p> <p>A. Prior to issuance of the license, the licensee and primary provider must complete:</p> <p>1. A State Department approved fifteen (15) clock hour pre-licensing course of training that includes nine (9) core knowledge standards. The content of one of the standards must specifically address appropriate guidance with children and that corporal discipline is never allowed. The clock hours of pre-licensing training do not include certification in First Aid, CPR, and medication administration training;</p> <p>2. A monitored written test or approved alternate method to verify knowledge and comprehension of the content of the training materials must be administered by the trainer to the trainee at the end of the pre-licensing training course. The trainee must have a passing score of no less than 80%. Part of approval of pre-licensing is that the provider must be able to access and understand the Rules Regulating Family Child Care Homes. The provider must take pre-licensing training for any original</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>application except for change of address; or, 3. Individuals who are currently director qualified or have a two (2) or four (4) year degree in early childhood education from a regionally accredited college or university are exempt from pre-licensing training, except for the one and one-half (1½) hours of universal precautions training, and the section of the pre-licensing training that covers the business requirements for operation of a home; and, 4. A state department approved training in standard precautions that meets current occupational safety and health administration (OSHA) requirements prior to working with children. This training must be renewed annually and may be counted towards ongoing training requirements. This standard precautions training can be included as part of the pre-licensing training, in which case the total number of hours for pre-licensing training required in 7.707.a1 is increased to sixteen (16) clock hours, and standard precautions training may count as no more than one (1) hour of the sixteen (16) clock hours; and, 5. Documentation of this training must include the number of hours of training, completion date, and expiration date. Renewal of standard precautions training can be taken as a part of the first aid training, but must be in addition to the renewal First Aid training; 6. First Aid and CPR training, for all ages of children from infant to twenty-one (21) years of age; and, 7. The State Department approved course of training for medication administration. 8. Effective December 31, 2016 all providers and staff must complete a building and physical premises training prior to working with children. The training must include: a. Identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic; and b. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants. 9. Effective December 31, 2016 each provider or</p>	<p>application except for change of address; or, 3. Individuals who are currently director qualified or have a two (2) or four (4) year degree in early childhood education from a regionally accredited college or university are exempt from pre-licensing training, except for the one and one-half (1½) hours of universal precautions training, and the section of the pre-licensing training that covers the business requirements for operation of a home; and, 4. A state department approved training in standard precautions that meets current occupational safety and health administration (OSHA) requirements prior to working with children. This training must be renewed annually and may be counted towards ongoing training requirements. This standard precautions training can be included as part of the pre-licensing training, in which case the total number of hours for pre-licensing training required in 7.707.a1 is increased to sixteen (16) clock hours, and standard precautions training may count as no more than one (1) hour of the sixteen (16) clock hours; and, 5. Documentation of this training must include the number of hours of training, completion date, and expiration date. Renewal of standard precautions training can be taken as a part of the first aid training, but must be in addition to the renewal First Aid training; 6. First Aid and CPR training, for all ages of children from infant to twenty-one (21) years of age; and, 7. The State Department approved course of training for medication administration. 8. Effective December 31, 2016 all providers and staff must complete a building and physical premises training prior to working with children. The training must include: a. Identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic; and b. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants. 9. Effective December 31, 2016 each provider or</p>		
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	<p>staff member responsible for the collection, review, and maintenance of the child immunization records must complete the Colorado department of public health and environment (CDPHE) immunization course within thirty (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.</p> <p>10. Effective December 31, 2016 each provider, staff member or regular volunteer working with children less than three (3) years of age must complete a department approved prevention of shaken baby/abusive head trauma training prior to working with children less than three (3) years of age. This training must be renewed annually and may count towards ongoing training requirements.</p> <p>11. Effective 12/31/2016 each provider, staff member or regular volunteer must complete a department approved training about child abuse prevention, including common symptoms and signs of child abuse within thirty (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.</p> <p>B. Licensees requesting continuation of a permanent license shall:</p> <ol style="list-style-type: none"> 1. Complete fifteen (15) clock hours of training each year. At least three (3) of the fifteen (15) clock hours must be in social emotional development; and, 2. Ongoing training and courses shall demonstrate a direct connection to one or more of the following competency areas: <ol style="list-style-type: none"> a. Child growth and development and learning courses that align with the competency domains of child growth and development; b. Child observation and assessment; c. Family and community partnership; d. Guidance; e. Health, safety, and nutrition; f. Professional development and leadership; g. Program planning and development; and h. Teaching practices: 	<p>staff member responsible for the collection, review, and maintenance of the child immunization records must complete the Colorado department of public health and environment (CDPHE) immunization course within thirty (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.</p> <p>10. Effective December 31, 2016 each provider, staff member or regular volunteer working with children less than three (3) years of age must complete a department approved prevention of shaken baby/abusive head trauma training prior to working with children less than three (3) years of age. This training must be renewed annually and may count towards ongoing training requirements.</p> <p>11. Effective 12/31/2016 each provider, staff member or regular volunteer must complete a department approved training about child abuse prevention, including common symptoms and signs of child abuse within thirty (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.</p> <p>B. Licensees requesting continuation of a permanent license shall:</p> <ol style="list-style-type: none"> 1. Complete fifteen (15) clock hours of training each year. At least three (3) of the fifteen (15) clock hours must be in social emotional development; and, 2. Ongoing training and courses shall demonstrate a direct connection to one or more of the following competency areas: <ol style="list-style-type: none"> a. Child growth and development and learning courses that align with the competency domains of child growth and development; b. Child observation and assessment; c. Family and community partnership; d. Guidance; e. Health, safety, and nutrition; f. Professional development and leadership; g. Program planning and development; and h. Teaching practices: 		
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		<p>1) Each one (1) semester hour course with a direct connection to the competency area listed in section 7.707.33, b, 2, a-g, taken at a regionally accredited college or university shall count as fifteen (15) clock hours of ongoing training.</p> <p>2) Training hours completed can only be counted during the year taken and cannot be carried over.</p> <p>3) The fifteen (15) clock hours of training do not include recertification in First Aid and CPR.</p> <p>4) To be counted for ongoing training, a provider must receive for each training, a training certificate that includes:</p> <p>a) The title of the training; and,</p> <p>b) The competency area; and,</p> <p>c) The clock hours of the training; and,</p> <p>d) The name and signature of the trainer or another approved method of verifying the name and qualifications of the trainer.</p> <p>e) The trainer must have documentation of the qualifications for each topic of training conducted, which must be available for review by representatives of the State Department.</p>	<p>1) Each one (1) semester hour course with a direct connection to the competency area listed in section 7.707.33, b, 2, a-g, taken at a regionally accredited college or university shall count as fifteen (15) clock hours of ongoing training.</p> <p>2) Training hours completed can only be counted during the year taken and cannot be carried over.</p> <p>3) The fifteen (15) clock hours of training do not include recertification in First Aid and CPR.</p> <p>4) To be counted for ongoing training, a provider must receive for each training, a training certificate that includes:</p> <p>a) The title of the training; and,</p> <p>b) The competency area; and,</p> <p>c) The clock hours of the training; and,</p> <p>d) The name and signature of the trainer or another approved method of verifying the name and qualifications of the trainer.</p> <p>e) The trainer must have documentation of the qualifications for each topic of training conducted, which must be available for review by representatives of the State Department.</p>		
7.707.33 Substitutes	REPEAL	<p>7.707.33 Substitutes All infant/toddler family child care homes and large family child care homes must meet all of the substitute requirements, except where rules specific to infant/toddler homes and large family homes replace other rules.</p>	<p>7.707.33 Substitutes All infant/toddler family child care homes and large family child care homes must meet all of the substitute requirements, except where rules specific to infant/toddler homes and large family homes replace other rules.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.707.331 General Substitute Information	REPEAL	<p>7.707.331 General Substitute Information A. The provider must have a plan for an urgent, emergency, personal or family situation that requires the provider to leave the family child care home immediately. B. Any substitute must be at least eighteen (18) years old and capable of providing care and supervision of children, and handling emergencies in the absence of the provider. C. Prior to caring for children, any substitute, except</p>	<p>7.707.331 General Substitute Information A. The provider must have a plan for an urgent, emergency, personal or family situation that requires the provider to leave the family child care home immediately. B. Any substitute must be at least eighteen (18) years old and capable of providing care and supervision of children, and handling emergencies in the absence of the provider. C. Prior to caring for children, any substitute, except</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>a substitute used in an urgent, emergency, personal or family situation, shall become familiar with:</p> <ol style="list-style-type: none"> 1. The Rules Regulating Family Child Care Homes; 2. The home and provider's policies and procedures; 3. The names, ages and any special needs or health concerns of the children; and, 4. The location of emergency information. <p>D. Parents or guardians must be notified each time a substitute is used to provide supervision of all children in care in the absence of the primary provider.</p> <p>E. Substitutes used in an urgent, emergency, personal or family situation must:</p> <ol style="list-style-type: none"> 1. Be given the names, ages of the children, and any special needs or health concerns; 2. Immediately call each parent(s) or guardian(s) to notify them that the provider has been called away from the family child care home for a personal or family emergency; and, 3. If the substitute does not meet all the requirements for the position, must notify parent(s) or guardian(s) immediately to pick up their children. <p>F. In the infant/toddler family child care home, the substitute for the provider(s) must meet the same age requirements as the provider as specified in Section 7.707.31. C.</p> <p>G. In the large family child care home, the substitute for the:</p> <ol style="list-style-type: none"> 1. Primary provider must be equally qualified, as specified in Section 7.707.31, C, to provide care and supervision of children in the absence of the primary provider; and, 2. Staff aide must be equally qualified, as specified in Section 7.707.31, A, 2, to substitute for the staff aide when necessary. 	<p>a substitute used in an urgent, emergency, personal or family situation, shall become familiar with:</p> <ol style="list-style-type: none"> 1. The Rules Regulating Family Child Care Homes; 2. The home and provider's policies and procedures; 3. The names, ages and any special needs or health concerns of the children; and, 4. The location of emergency information. <p>D. Parents or guardians must be notified each time a substitute is used to provide supervision of all children in care in the absence of the primary provider.</p> <p>E. Substitutes used in an urgent, emergency, personal or family situation must:</p> <ol style="list-style-type: none"> 1. Be given the names, ages of the children, and any special needs or health concerns; 2. Immediately call each parent(s) or guardian(s) to notify them that the provider has been called away from the family child care home for a personal or family emergency; and, 3. If the substitute does not meet all the requirements for the position, must notify parent(s) or guardian(s) immediately to pick up their children. <p>F. In the infant/toddler family child care home, the substitute for the provider(s) must meet the same age requirements as the provider as specified in Section 7.707.31. C.</p> <p>G. In the large family child care home, the substitute for the:</p> <ol style="list-style-type: none"> 1. Primary provider must be equally qualified, as specified in Section 7.707.31, C, to provide care and supervision of children in the absence of the primary provider; and, 2. Staff aide must be equally qualified, as specified in Section 7.707.31, A, 2, to substitute for the staff aide when necessary. 		
7.707.34 Employees	REPEAL	<p>7.707.34 Employees</p> <p>A. Any employee whose activities involve the care or supervision of children; or who has unsupervised access to children must complete:</p> <ol style="list-style-type: none"> 1. A fingerprint based criminal background record check as required at section 7.701.33 and, 2. The State Department mandated automated 	<p>7.707.34 Employees</p> <p>A. Any employee whose activities involve the care or supervision of children; or who has unsupervised access to children must complete:</p> <ol style="list-style-type: none"> 1. A fingerprint based criminal background record check as required at section 7.701.33 and, 2. The State Department mandated automated 	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are	

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		<p>system background check for child abuse and neglect as required at Section 7.701.32. B. Additionally, employees and substitutes for the primary provider, who provide care to children for fourteen (14) days (112 hours) or more per calendar year must complete: 1. Verification of current certification of First Aid and CPR for all ages of children; 2. A statement of a current health evaluation, signed by an approved health care professional, that was completed within the last twenty-four (24) months; 3. Verification of current State Department approved medication administration training; and 4. Verification of current State Department approved universal precaution training.</p>	<p>system background check for child abuse and neglect as required at Section 7.701.32. B. Additionally, employees and substitutes for the primary provider, who provide care to children for fourteen (14) days (112 hours) or more per calendar year must complete: 1. Verification of current certification of First Aid and CPR for all ages of children; 2. A statement of a current health evaluation, signed by an approved health care professional, that was completed within the last twenty-four (24) months; 3. Verification of current State Department approved medication administration training; and 4. Verification of current State Department approved universal precaution training.</p>	<p>duplicate regulations that must be repealed.</p>
7.707.35 Volunteers	REPEAL	<p>7.707.35 Volunteers A. Volunteers cannot be used to meet staff to child ratio. B. Volunteers must be directly supervised by the child care provider, with no unsupervised access to children, and have clearly established written duties. C. Volunteers must be made familiar with the Rules Regulating Family Child Care Homes and the provider's written policies and procedures prior to assisting with the care of children. D. Any volunteer whose activities involve the care or supervision of children, who have unsupervised access to children; or who works more than fourteen (14) days (112 hours) a calendar year must complete: 1. A fingerprint based criminal background record check as required at Section 7.701.33; and, 2. The State Department required automated system background check for child abuse and neglect, as required at Section 7.701.32.</p>	<p>7.707.35 Volunteers A. Volunteers cannot be used to meet staff to child ratio. B. Volunteers must be directly supervised by the child care provider, with no unsupervised access to children, and have clearly established written duties. C. Volunteers must be made familiar with the Rules Regulating Family Child Care Homes and the provider's written policies and procedures prior to assisting with the care of children. D. Any volunteer whose activities involve the care or supervision of children, who have unsupervised access to children; or who works more than fourteen (14) days (112 hours) a calendar year must complete: 1. A fingerprint based criminal background record check as required at Section 7.701.33; and, 2. The State Department required automated system background check for child abuse and neglect, as required at Section 7.701.32.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>
7.707.36 Employee, Volunteer, and Substitute Records	REPEAL	<p>7.707.36 Employee, Volunteer, and Substitute Records A. Personnel files for each employee, substitute, and volunteer must contain all required information within thirty (30) calendar days of the first day of employment, volunteering, or functioning as a substitute.</p>	<p>7.707.36 Employee, Volunteer, and Substitute Records A. Personnel files for each employee, substitute, and volunteer must contain all required information within thirty (30) calendar days of the first day of employment, volunteering, or functioning as a substitute.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are</p>

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		<p>B. The personnel files for each employee, substitute, and volunteer shall be available for review by any representative of the State Department and must include:</p> <ol style="list-style-type: none"> 1. The name, address, telephone number, and birth date of the individual; 2. Information received from the state automated systems check on child abuse; 3. Information received from the fingerprint based criminal record background check as required at Section 7.701.33; 4. A record of the dates and hours of employment, volunteering, or functioning as a substitute, including the first date and the final date; 5. Names, addresses, and telephone numbers of persons to be notified in the event of an emergency; and, 6. A signed statement: <ol style="list-style-type: none"> a. Clearly defining child abuse and neglect pursuant to state law and outlining the employee, substitute, or volunteer's personal responsibility to report all incidents of suspected child abuse or neglect according to state law; and, b. Verifying that the employee, substitute, or volunteer has read and understands the home's policies and procedures. 7. Official written verification of training, completion and expiration dates as required for the position including: <ol style="list-style-type: none"> a. Current First Aid and CPR for all ages of children; b. Universal precautions; and, c. Medication administration training. 8. Official written verification of education, work experience, and previous employment, as applicable for the position; and, 9. If obtained, a copy of a current Colorado Early Childhood Professional Credential. 	<p>B. The personnel files for each employee, substitute, and volunteer shall be available for review by any representative of the State Department and must include:</p> <ol style="list-style-type: none"> 1. The name, address, telephone number, and birth date of the individual; 2. Information received from the state automated systems check on child abuse; 3. Information received from the fingerprint based criminal record background check as required at Section 7.701.33; 4. A record of the dates and hours of employment, volunteering, or functioning as a substitute, including the first date and the final date; 5. Names, addresses, and telephone numbers of persons to be notified in the event of an emergency; and, 6. A signed statement: <ol style="list-style-type: none"> a. Clearly defining child abuse and neglect pursuant to state law and outlining the employee, substitute, or volunteer's personal responsibility to report all incidents of suspected child abuse or neglect according to state law; and, b. Verifying that the employee, substitute, or volunteer has read and understands the home's policies and procedures. 7. Official written verification of training, completion and expiration dates as required for the position including: <ol style="list-style-type: none"> a. Current First Aid and CPR for all ages of children; b. Universal precautions; and, c. Medication administration training. 8. Official written verification of education, work experience, and previous employment, as applicable for the position; and, 9. If obtained, a copy of a current Colorado Early Childhood Professional Credential. 	<p>duplicate regulations that must be repealed.</p>	
<p>7.707.37 Administrative Records and Reports</p>	<p>REPEAL</p>	<p>7.707.37 Administrative Records and Reports A. The provider must report in writing to the State Department any critical incident as defined at Section 7.701.52 and any fire that occurs at the home to which a local fire department has</p>	<p>7.707.37 Administrative Records and Reports A. The provider must report in writing to the State Department any critical incident as defined at Section 7.701.52 and any fire that occurs at the home to which a local fire department has</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8</p>	

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	<p>responded.</p> <p>B. The provider must immediately telephone and also submit to the State Department within twenty-four (24) hours, excluding weekends and holidays, a written report about any child who has been lost from the provider's care and whether authorities have been contacted or not. Such report must indicate:</p> <ol style="list-style-type: none">1. The name, birth date, address, and telephone number of the child;2. The names of the parents or guardians and their address and telephone number if different from those of the child;3. The date, location, time, and circumstances when the child was last seen;4. All actions taken to locate the child, including whether local authorities were notified; and,5. The name of the provider and/or person supervising the child at the time the child was last seen. <p>C. The home must have a written plan and emergency response procedures that explain, at a minimum, the life saving procedures that will be followed, and how the home will function during a fire, severe weather, lockdown, reverse evacuation, or shelter-in-place emergency situation. The plan must include, but not be limited to:</p> <ol style="list-style-type: none">1. Prompt notification of parents or guardians;2. When local authorities will be notified; and3. How emergency transportation will be provided. <p>D. The following records must be kept and maintained in the files at the home for three (3) years after termination of care or employment:</p> <ol style="list-style-type: none">1. A daily attendance sign in/sign out sheet for each child, including the time the child arrives at and departs from the home;2. Children's records per Section 7.707.51.3. A list of current employees, volunteers, and substitutes work schedules;4. Employee, substitute, and volunteer records per Section 7.707.36; and5. A record of visitors and volunteers in the home	<p>responded.</p> <p>B. The provider must immediately telephone and also submit to the State Department within twenty-four (24) hours, excluding weekends and holidays, a written report about any child who has been lost from the provider's care and whether authorities have been contacted or not. Such report must indicate:</p> <ol style="list-style-type: none">1. The name, birth date, address, and telephone number of the child;2. The names of the parents or guardians and their address and telephone number if different from those of the child;3. The date, location, time, and circumstances when the child was last seen;4. All actions taken to locate the child, including whether local authorities were notified; and,5. The name of the provider and/or person supervising the child at the time the child was last seen. <p>C. The home must have a written plan and emergency response procedures that explain, at a minimum, the life saving procedures that will be followed, and how the home will function during a fire, severe weather, lockdown, reverse evacuation, or shelter-in-place emergency situation. The plan must include, but not be limited to:</p> <ol style="list-style-type: none">1. Prompt notification of parents or guardians;2. When local authorities will be notified; and3. How emergency transportation will be provided. <p>D. The following records must be kept and maintained in the files at the home for three (3) years after termination of care or employment:</p> <ol style="list-style-type: none">1. A daily attendance sign in/sign out sheet for each child, including the time the child arrives at and departs from the home;2. Children's records per Section 7.707.51.3. A list of current employees, volunteers, and substitutes work schedules;4. Employee, substitute, and volunteer records per Section 7.707.36; and5. A record of visitors and volunteers in the home	<p>and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
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		during scheduled business hours. E. Confidentiality and Retention 1. Information and records concerning all employees, substitutes, volunteers, children and their families must be maintained confidential and all required records must be stored in a secure location. 2. Employee and children's records must be available, upon request, to authorized representatives of the State Department.	during scheduled business hours. E. Confidentiality and Retention 1. Information and records concerning all employees, substitutes, volunteers, children and their families must be maintained confidential and all required records must be stored in a secure location. 2. Employee and children's records must be available, upon request, to authorized representatives of the State Department.		
7.707.4 POLICIES AND PROCEDURES	REPEAL	7.707.4 POLICIES AND PROCEDURES	7.707.4 POLICIES AND PROCEDURES	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.707.41 Statement of Policies	REPEAL	7.707.41 Statement of Policies A. At the time of enrollment, the provider must give the parent(s) or guardian(s) a written statement of the home's policies and procedures, and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The provider must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures. B. The written policies and procedures must be developed, implemented and followed, which include all updates, changes, and must include at a minimum the following information: 1. Admission and registration procedures; 2. Authorization of parents or other designees to pick up children, including the policy for how the provider will respond to individuals not authorized by parents/guardians to pick up a child and if a parent arrives under the influence of a controlled	7.707.41 Statement of Policies A. At the time of enrollment, the provider must give the parent(s) or guardian(s) a written statement of the home's policies and procedures, and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The provider must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures. B. The written policies and procedures must be developed, implemented and followed, which include all updates, changes, and must include at a minimum the following information: 1. Admission and registration procedures; 2. Authorization of parents or other designees to pick up children, including the policy for how the provider will respond to individuals not authorized by parents/guardians to pick up a child and if a parent arrives under the influence of a controlled	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>substance; 3. An itemized fee schedule or individual fee agreement; fee expectations when fees may be reimbursed, when child does not attend program; when child is requested to leave the program; and, authorization for field trips; 4. Procedure, including fees, when a child arrives or departs other than expected agreed upon care hours; 5. Parent and provider responsibilities for special activities or programs outside of the licensed facility, such as inclusion and/or exclusion of children and the payment of additional fees; 6. Hours of operation or individual hours agreement to include regularly closed days and applicable special program hours; policy on closure due to provider illness or family emergency and unscheduled closures; 7. Procedure for managing a situation where children remain after the scheduled closure of the facility and the parent, guardian or other emergency contacts cannot be reached. This may include notification of the local county department of social services or police, if necessary. In the event that the provider has not been approved for overnight care, the provider cannot keep the children in care beyond midnight; 8. Activities and snacks for children who remain at the home after closing; 9. Services offered for children with special needs in compliance with the Americans with Disabilities Act; 10. Acceptance of non-immunized children and notification if the provider's own birth, adopted, or step children have not been immunized; 11. Substitute care, and the clarification of responsibility for obtaining back-up care; 12. How and by whom children are supplied with appropriate clothing and equipment necessary to participate in indoor and outdoor activities, including helmets, wrist protection, and knee and elbow pads when riding a scooter, bicycle, skateboard or rollerblades;</p>	<p>substance; 3. An itemized fee schedule or individual fee agreement; fee expectations when fees may be reimbursed, when child does not attend program; when child is requested to leave the program; and, authorization for field trips; 4. Procedure, including fees, when a child arrives or departs other than expected agreed upon care hours; 5. Parent and provider responsibilities for special activities or programs outside of the licensed facility, such as inclusion and/or exclusion of children and the payment of additional fees; 6. Hours of operation or individual hours agreement to include regularly closed days and applicable special program hours; policy on closure due to provider illness or family emergency and unscheduled closures; 7. Procedure for managing a situation where children remain after the scheduled closure of the facility and the parent, guardian or other emergency contacts cannot be reached. This may include notification of the local county department of social services or police, if necessary. In the event that the provider has not been approved for overnight care, the provider cannot keep the children in care beyond midnight; 8. Activities and snacks for children who remain at the home after closing; 9. Services offered for children with special needs in compliance with the Americans with Disabilities Act; 10. Acceptance of non-immunized children and notification if the provider's own birth, adopted, or step children have not been immunized; 11. Substitute care, and the clarification of responsibility for obtaining back-up care; 12. How and by whom children are supplied with appropriate clothing and equipment necessary to participate in indoor and outdoor activities, including helmets, wrist protection, and knee and elbow pads when riding a scooter, bicycle, skateboard or rollerblades;</p>		
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	<p>13. Storage, loss, damage or theft of provider's or child's personal belongings;</p> <p>14. Scheduled and unscheduled trips away from the family child care home; the requirement of notification of the excursion prior to the event and need for signed permission from the parent(s) or guardian(s) for the excursion and a phone number where the provider can be reached during a field trip;</p> <p>15. Transportation availability, vehicle restraint requirements, and seating capacities;</p> <p>16. Written authorization or denial for media use including, but not limited to, television shows, video, music, software used at the facility and time limits for all media use;</p> <p>17. Meals, snacks, and parental notification of menus, and how children with food allergies are accommodated;</p> <p>18. Policy on transitioning a child from either breast feeding to a bottle and/or cup, or from a bottle to a cup;</p> <p>19. Behavior guidance and discipline appropriate to the age and development the child, including positive instruction, supporting positive behavior, discipline and consequences. Policies shall include how the provider will:</p> <p>a. Cultivate positive child, provider, staff (if applicable) and family relationships;</p> <p>b. Create and maintain a socially and emotionally respectful early learning and care environment;</p> <p>c. Implement strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children;</p> <p>d. Provide individualized social emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions; and,</p> <p>E. Access an early childhood mental health consultant or other specialist as needed.</p>	<p>13. Storage, loss, damage or theft of provider's or child's personal belongings;</p> <p>14. Scheduled and unscheduled trips away from the family child care home; the requirement of notification of the excursion prior to the event and need for signed permission from the parent(s) or guardian(s) for the excursion and a phone number where the provider can be reached during a field trip;</p> <p>15. Transportation availability, vehicle restraint requirements, and seating capacities;</p> <p>16. Written authorization or denial for media use including, but not limited to, television shows, video, music, software used at the facility and time limits for all media use;</p> <p>17. Meals, snacks, and parental notification of menus, and how children with food allergies are accommodated;</p> <p>18. Policy on transitioning a child from either breast feeding to a bottle and/or cup, or from a bottle to a cup;</p> <p>19. Behavior guidance and discipline appropriate to the age and development the child, including positive instruction, supporting positive behavior, discipline and consequences. Policies shall include how the provider will:</p> <p>a. Cultivate positive child, provider, staff (if applicable) and family relationships;</p> <p>b. Create and maintain a socially and emotionally respectful early learning and care environment;</p> <p>c. Implement strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children;</p> <p>d. Provide individualized social emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions; and,</p> <p>E. Access an early childhood mental health consultant or other specialist as needed.</p>		
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	<p>20. Rest time and equipment; 21. Diapering and toilet training, including, but not limited to, process, communication, time frames, supplies, and expectation; 22. Provision of daily outside play time; 23. Use of and how often sunscreen is applied, including authorization for use of sunscreen, and how infants are protected from sun exposure without the use of sunscreen; 24. Protection of children from exposure to second hand smoke; 25. Notification of parents or guardians for handling children's illnesses, accidents, injuries, or other emergencies; 26. Specific circumstances and symptoms for not admitting ill children and conditions for re-admittance; 27. Storing, administering, recording and disposing children's medicines in compliance with the State Department approved medication administration course; 28. Adverse weather precautions to include temperature extremes; inclement weather expectations and procedures, and fee expectations if home is closed during inclement weather and notification of how to find out; 29. Emergency response procedures that explain, at a minimum, the life saving procedure that will be followed and how the home will function during a fire, severe weather, lockdown, reverse evacuation, or shelter-in-place emergency situation; 30. Reporting of child abuse, including the name of the county department of social/human services and phone number of where a child abuse report should be made; 31. Filing a complaint about a family child care home, including the name, address and telephone number of the Colorado Department of Human Services, Division of Child Care, where a complaint may be filed; 32. Where a parent may obtain the official Rules Regulating Family Child Care Homes, including the</p>	<p>20. Rest time and equipment; 21. Diapering and toilet training, including, but not limited to, process, communication, time frames, supplies, and expectation; 22. Provision of daily outside play time; 23. Use of and how often sunscreen is applied, including authorization for use of sunscreen, and how infants are protected from sun exposure without the use of sunscreen; 24. Protection of children from exposure to second hand smoke; 25. Notification of parents or guardians for handling children's illnesses, accidents, injuries, or other emergencies; 26. Specific circumstances and symptoms for not admitting ill children and conditions for re-admittance; 27. Storing, administering, recording and disposing children's medicines in compliance with the State Department approved medication administration course; 28. Adverse weather precautions to include temperature extremes; inclement weather expectations and procedures, and fee expectations if home is closed during inclement weather and notification of how to find out; 29. Emergency response procedures that explain, at a minimum, the life saving procedure that will be followed and how the home will function during a fire, severe weather, lockdown, reverse evacuation, or shelter-in-place emergency situation; 30. Reporting of child abuse, including the name of the county department of social/human services and phone number of where a child abuse report should be made; 31. Filing a complaint about a family child care home, including the name, address and telephone number of the Colorado Department of Human Services, Division of Child Care, where a complaint may be filed; 32. Where a parent may obtain the official Rules Regulating Family Child Care Homes, including the</p>		
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		Secretary of State's website; 33. What steps are taken prior to the suspension, expulsion or request to parents or guardians to withdraw a child from care due to concerns about the child's behavioral issues, these procedures must be consistent with the policy on guidance, positive instruction, discipline and consequences, and include documentation of the steps taken to understand and respond to challenging behavior; and 34. Regularly identifying on a routine basis recalled toys, equipment, and furnishings and developing a plan to remove the recalled items from the home.	Secretary of State's website; 33. What steps are taken prior to the suspension, expulsion or request to parents or guardians to withdraw a child from care due to concerns about the child's behavioral issues, these procedures must be consistent with the policy on guidance, positive instruction, discipline and consequences, and include documentation of the steps taken to understand and respond to challenging behavior; and 34. Regularly identifying on a routine basis recalled toys, equipment, and furnishings and developing a plan to remove the recalled items from the home.		
7.707.5 ADMISSION PROCEDURE	REPEAL	7.707.5 ADMISSION PROCEDURE A. An admission process must be completed prior to the child's attendance at the home and must include: 1. A pre-admission interview, by telephone or in person, with the child's parent(s) or guardian(s) to determine whether the services offered by the home will meet the needs of the child and the parent(s) or guardian(s); 2. An explanation of the provider's written policies and procedures. The child's parent(s) or guardian(s) must sign a statement indicating that they have read, received, and understand the provider's current policies and procedures; 3. A plan for payment of fees; 4. Completion of the registration information and authorizations required for inclusion in the child's record. B. At the time of admission, the provider must obtain: 1. Contact information for parents or guardians; 2. Contact information for other responsible adults; 3. Where the parent or guardian and can be reached in the event of an accident, illness or other emergency; and, 4. The telephone number of the child's health care provider; 5. Written authority to arrange for medical care in the event of an emergency; and	7.707.5 ADMISSION PROCEDURE A. An admission process must be completed prior to the child's attendance at the home and must include: 1. A pre-admission interview, by telephone or in person, with the child's parent(s) or guardian(s) to determine whether the services offered by the home will meet the needs of the child and the parent(s) or guardian(s); 2. An explanation of the provider's written policies and procedures. The child's parent(s) or guardian(s) must sign a statement indicating that they have read, received, and understand the provider's current policies and procedures; 3. A plan for payment of fees; 4. Completion of the registration information and authorizations required for inclusion in the child's record. B. At the time of admission, the provider must obtain: 1. Contact information for parents or guardians; 2. Contact information for other responsible adults; 3. Where the parent or guardian and can be reached in the event of an accident, illness or other emergency; and, 4. The telephone number of the child's health care provider; 5. Written authority to arrange for medical care in the event of an emergency; and	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		6. Names of individuals authorized to take the child from the home.	6. Names of individuals authorized to take the child from the home.	
7.707.51 Children's Records	REPEAL	<p>7.707.51 Children's Records A. An admission record must be completed for each child prior to or at the time of the child's admission and updated annually, unless otherwise specified in these rules. The admission record must include:</p> <ol style="list-style-type: none"> 1. The child's full name, date of birth, current address, and date of enrollment; 2. Family member names; 3. Parent(s) and guardian(s) home and e-mail addresses; telephone numbers, including home, work, cell and pager numbers, if the parent chooses to provide those numbers; employer name and work address; and, any special instructions as to how the parent(s) or guardian(s) may be reached during the hours that the child is in care at the child care home; 4. Names and telephone numbers of persons other than parent(s) or guardians(s) who are authorized to take the child from the family child care home; 5. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if the parent(s) or guardian(s) cannot be reached immediately; 6. Names, addresses, and telephone numbers of the child's health care provider, dentist, pedadontist, and hospital of choice, if applicable; 7. Health admission information, including a health care plan, chronic medical conditions, allergies, and immunization history, shall be provided to the child care provider the first day the child attends the family child care home; 8. A dated, written authorization for emergency medical care signed and updated annually by the parent(s) or guardian(s); 9. A written record of any serious accident, illness, or injury occurring during care must be retained in each child's record, with a copy provided to the parent or guardian; 10. Written authorization, obtained in advance of the event from a parent or guardian, for a child to participate in field trips or excursions, whether 	<p>7.707.51 Children's Records A. An admission record must be completed for each child prior to or at the time of the child's admission and updated annually, unless otherwise specified in these rules. The admission record must include:</p> <ol style="list-style-type: none"> 1. The child's full name, date of birth, current address, and date of enrollment; 2. Family member names; 3. Parent(s) and guardian(s) home and e-mail addresses; telephone numbers, including home, work, cell and pager numbers, if the parent chooses to provide those numbers; employer name and work address; and, any special instructions as to how the parent(s) or guardian(s) may be reached during the hours that the child is in care at the child care home; 4. Names and telephone numbers of persons other than parent(s) or guardians(s) who are authorized to take the child from the family child care home; 5. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if the parent(s) or guardian(s) cannot be reached immediately; 6. Names, addresses, and telephone numbers of the child's health care provider, dentist, pedadontist, and hospital of choice, if applicable; 7. Health admission information, including a health care plan, chronic medical conditions, allergies, and immunization history, shall be provided to the child care provider the first day the child attends the family child care home; 8. A dated, written authorization for emergency medical care signed and updated annually by the parent(s) or guardian(s); 9. A written record of any serious accident, illness, or injury occurring during care must be retained in each child's record, with a copy provided to the parent or guardian; 10. Written authorization, obtained in advance of the event from a parent or guardian, for a child to participate in field trips or excursions, whether 	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>

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		<p>walking or riding in an approved vehicle;</p> <p>11. Written authorization for media use including, but not limited to, television and video viewing, music, video games, and computer use. The authorization must include approved time limits. The authorization form only needs to be on file if media use is not addressed in the home policies and procedures statement; and</p> <p>12. Written authorization for special activities (see Section 7.714.1).</p> <p>B. All forms contained in the admission record must be current and accessible to providers, substitutes, and representatives of the State Department.</p> <p>C. The complete file for each child in care must be retained by the home for at least three years after the child leaves the home. It must be available without restriction to the licensing agency and to the child protective services worker, police, child's parent(s) or guardian(s).</p> <p>D. Except for the licensing authority, child protective services worker, police, and the child's parent(s) or guardian(s), children's reports and records and facts learned about children and their families must be kept confidential.</p>	<p>walking or riding in an approved vehicle;</p> <p>11. Written authorization for media use including, but not limited to, television and video viewing, music, video games, and computer use. The authorization must include approved time limits. The authorization form only needs to be on file if media use is not addressed in the home policies and procedures statement; and</p> <p>12. Written authorization for special activities (see Section 7.714.1).</p> <p>B. All forms contained in the admission record must be current and accessible to providers, substitutes, and representatives of the State Department.</p> <p>C. The complete file for each child in care must be retained by the home for at least three years after the child leaves the home. It must be available without restriction to the licensing agency and to the child protective services worker, police, child's parent(s) or guardian(s).</p> <p>D. Except for the licensing authority, child protective services worker, police, and the child's parent(s) or guardian(s), children's reports and records and facts learned about children and their families must be kept confidential.</p>		
7.707.6 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES	REPEAL	<p>7.707.6 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES</p> <p>A. The home must have a working unblocked telephone that has the capacity to receive all incoming and Reverse 911 calls, and record messages during child care hours.</p> <p>1. The telephone must be on the premises in the general area of the primary provider.</p> <p>2. The telephone number must be made available to each parent and the licensing authority.</p> <p>3. The following emergency telephone numbers must be posted near the telephone:</p> <p>a. 911 or the alternate emergency number for local fire or police;</p> <p>b. Name and phone number of at least one (1) designated emergency substitute for the provider;</p> <p>c. Name and physical address of the family child care home;</p>	<p>7.707.6 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES</p> <p>A. The home must have a working unblocked telephone that has the capacity to receive all incoming and Reverse 911 calls, and record messages during child care hours.</p> <p>1. The telephone must be on the premises in the general area of the primary provider.</p> <p>2. The telephone number must be made available to each parent and the licensing authority.</p> <p>3. The following emergency telephone numbers must be posted near the telephone:</p> <p>a. 911 or the alternate emergency number for local fire or police;</p> <p>b. Name and phone number of at least one (1) designated emergency substitute for the provider;</p> <p>c. Name and physical address of the family child care home;</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>d. Hospital or emergency medical clinic; e. Local health department; f. Rocky Mountain Poison Center number at 1-800-222-1222; and, g. Location of children's personal emergency numbers. 4. The telephone and alternative emergency telephone numbers for parent(s) or guardian(s) and other authorized emergency contacts of each child in care must be accessible in one designated place. 5. If 911 is not available, the provider must have a plan for accessing emergency transportation at all times. 6. The provider or substitute must notify parent(s) or guardian(s) when accidents, injuries, or illnesses occur. 7. Emergency health care providers' numbers must be accessible in one designated place. B. Release of Children The provider must release the child only to the person(s) to whom the parent or guardian has given written authorization. Written authorization must be maintained in the child's record. In an urgent and/or emergency situation, the child may be released to a person twelve (12) years of age or older for whom the child's parent or guardian has given verbal authorization. If the provider who releases the child does not know the person, picture identification must be required to assure that the person is authorized to pick-up the child. C. Sign In/Out Procedure The provider must maintain a daily sign in/out method containing the date, the child's name, the time that the child arrived at and left the home, and the parent, guardian, or authorized person's signature. A full signature is required by the parent or guardian every time the child arrives at or leaves the home. The provider may sign in or out children who arrive directly from school or an activity as needed on a daily basis. The provider must use their full signature. The parent/guardian must provide a signature on a weekly basis to verify the record.</p>	<p>d. Hospital or emergency medical clinic; e. Local health department; f. Rocky Mountain Poison Center number at 1-800-222-1222; and, g. Location of children's personal emergency numbers. 4. The telephone and alternative emergency telephone numbers for parent(s) or guardian(s) and other authorized emergency contacts of each child in care must be accessible in one designated place. 5. If 911 is not available, the provider must have a plan for accessing emergency transportation at all times. 6. The provider or substitute must notify parent(s) or guardian(s) when accidents, injuries, or illnesses occur. 7. Emergency health care providers' numbers must be accessible in one designated place. B. Release of Children The provider must release the child only to the person(s) to whom the parent or guardian has given written authorization. Written authorization must be maintained in the child's record. In an urgent and/or emergency situation, the child may be released to a person twelve (12) years of age or older for whom the child's parent or guardian has given verbal authorization. If the provider who releases the child does not know the person, picture identification must be required to assure that the person is authorized to pick-up the child. C. Sign In/Out Procedure The provider must maintain a daily sign in/out method containing the date, the child's name, the time that the child arrived at and left the home, and the parent, guardian, or authorized person's signature. A full signature is required by the parent or guardian every time the child arrives at or leaves the home. The provider may sign in or out children who arrive directly from school or an activity as needed on a daily basis. The provider must use their full signature. The parent/guardian must provide a signature on a weekly basis to verify the record.</p>		
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		D. Visitors Visits from all non-family members to the home must be on the sign in/out log, including the name, date, and arrival/departure times.	D. Visitors Visits from all non-family members to the home must be on the sign in/out log, including the name, date, and arrival/departure times.		
7.707.7 CHILD CARE SERVICES	REPEAL	7.707.7 CHILD CARE SERVICES	7.707.7 CHILD CARE SERVICES	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.707.71 Health Care, Medication, Communicable Disease, Sun Protection, Second Hand Smoke, and First Aid Supplies [Rev. eff. 6/1/12]	REPEAL	7.707.71 Health Care, Medication, Communicable Disease, Sun Protection, Second Hand Smoke, and First Aid Supplies [Rev. eff. 6/1/12] A. Statements of Health Status and Immunization 1. At the time of admission, the parent or guardian must provide the following information to the provider for each child entering the home: a. Health information, including any known allergies, medication being taken and possible side effects, special diets required, and chronic health conditions; b. Information and health care plan on the care of each child who has an identified health condition or developmental concerns, including, but not limited to seizures, asthma, diabetes, allergies, heart or respiratory conditions, and physical or emotional disabilities; and, c. Documentation of immunization status or exemption, including month and year each immunization was administered. Immunizations must be updated and recorded as specified on the certificate of immunization or alternate certificate of immunization as supplied and approved by the Colorado Department of Public Health and Environment. Colorado law requires that proof of immunization be provided prior to the first day of admission. 2. Within thirty (30) days after admission, and within thirty (30) days following the expiration date, the parent or guardian of each child must submit a	7.707.71 Health Care, Medication, Communicable Disease, Sun Protection, Second Hand Smoke, and First Aid Supplies [Rev. eff. 6/1/12] A. Statements of Health Status and Immunization 1. At the time of admission, the parent or guardian must provide the following information to the provider for each child entering the home: a. Health information, including any known allergies, medication being taken and possible side effects, special diets required, and chronic health conditions; b. Information and health care plan on the care of each child who has an identified health condition or developmental concerns, including, but not limited to seizures, asthma, diabetes, allergies, heart or respiratory conditions, and physical or emotional disabilities; and, c. Documentation of immunization status or exemption, including month and year each immunization was administered. Immunizations must be updated and recorded as specified on the certificate of immunization or alternate certificate of immunization as supplied and approved by the Colorado Department of Public Health and Environment. Colorado law requires that proof of immunization be provided prior to the first day of admission. 2. Within thirty (30) days after admission, and within thirty (30) days following the expiration date, the parent or guardian of each child must submit a	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>statement of the child's current health status or written verification of a scheduled appointment with a health care practitioner. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children under two and one-half (2-1/2) years of age. The statement must include when the next visit is required by the health care provider. All health statements must be kept at the licensed child care home.</p> <p>3. If the parent or legal guardian of a child wishes an exemption from the requirement for immunizations due to religious or personal beliefs, the child's parent or legal guardian, must complete and sign the current Colorado Department of Public Health and Environment immunization card which states the reason for such an exemption. The home has the right to refuse to admit any child if a completed current immunization card is not submitted.</p> <p>4. Parent(s) or guardian(s) must be notified in the written policies if the provider's children are non-immunized, if children attending facility are non-immunized, and if children with personal and religious exemptions to immunization are accepted in care.</p> <p>5. Statements of health status of children under two (2) years of age must be updated in accordance with the national pediatric recommended schedule for routine health supervision or as required in writing by health care provider.</p> <p>6. Health statements for children over two (2) years to seven (7) years of age must be updated annually.</p> <p>7. For children seven (7) years of age and older, health statements must be updated every three (3) years as long as the children are in care.</p> <p>B. Emergency Medical Care</p> <p>1. The provider must obtain written authority to arrange for emergency medical care for each child. Written authorization to obtain emergency medical care must be on file prior to or on the first day of admission and must be re-authorized annually.</p>	<p>statement of the child's current health status or written verification of a scheduled appointment with a health care practitioner. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children under two and one-half (2-1/2) years of age. The statement must include when the next visit is required by the health care provider. All health statements must be kept at the licensed child care home.</p> <p>3. If the parent or legal guardian of a child wishes an exemption from the requirement for immunizations due to religious or personal beliefs, the child's parent or legal guardian, must complete and sign the current Colorado Department of Public Health and Environment immunization card which states the reason for such an exemption. The home has the right to refuse to admit any child if a completed current immunization card is not submitted.</p> <p>4. Parent(s) or guardian(s) must be notified in the written policies if the provider's children are non-immunized, if children attending facility are non-immunized, and if children with personal and religious exemptions to immunization are accepted in care.</p> <p>5. Statements of health status of children under two (2) years of age must be updated in accordance with the national pediatric recommended schedule for routine health supervision or as required in writing by health care provider.</p> <p>6. Health statements for children over two (2) years to seven (7) years of age must be updated annually.</p> <p>7. For children seven (7) years of age and older, health statements must be updated every three (3) years as long as the children are in care.</p> <p>B. Emergency Medical Care</p> <p>1. The provider must obtain written authority to arrange for emergency medical care for each child. Written authorization to obtain emergency medical care must be on file prior to or on the first day of admission and must be re-authorized annually.</p>		
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	<p>2. In the event of injury or illness, the affected child must be separated from the other children in the room or area where child care is being provided and made as comfortable as possible. First Aid care must be provided as required. If additional care, medical attention, or removal from the home is indicated, the child's parent or guardian must be contacted by telephone, if possible, and medical assistance obtained without undue delay.</p> <p>C. Medication</p> <p>1. Any routine medication, prescription or non-prescription (over-the-counter), homeopathic or vitamin, may be administered by the provider only with a current written order of a health care provider with prescriptive authority and with written parental consent. Home remedies may never be given to a child.</p> <p>a. If the routine medication involves; the administration of unit dose epinephrine, the administration must be accompanied by a written individual health care plan by the prescribing health care provider that identifies the factors for determining the need for the administration of the medication, and is limited to emergency situations.</p> <p>b. If the routine medication involves the administration of a nebulized inhaled medication, the administration must be accompanied by a written health care plan by the prescribing health care provider that identifies the factors for determining the need for the administration of the medication.</p> <p>c. Topical preparations used for prevention on unbroken skin including, but not limited to, petroleum jelly, diaper rash ointments, sunscreen, and insect repellent can be administered solely with written parent authorization. Topical preparations used as treatment on open wounds or broken skin must have a written order from a prescribing health care provider in addition to parent authorization.</p> <p>2. The provider can accept such medicines only in the original container. Prescription medicine containers must bear the original pharmacy label</p>	<p>2. In the event of injury or illness, the affected child must be separated from the other children in the room or area where child care is being provided and made as comfortable as possible. First Aid care must be provided as required. If additional care, medical attention, or removal from the home is indicated, the child's parent or guardian must be contacted by telephone, if possible, and medical assistance obtained without undue delay.</p> <p>C. Medication</p> <p>1. Any routine medication, prescription or non-prescription (over-the-counter), homeopathic or vitamin, may be administered by the provider only with a current written order of a health care provider with prescriptive authority and with written parental consent. Home remedies may never be given to a child.</p> <p>a. If the routine medication involves; the administration of unit dose epinephrine, the administration must be accompanied by a written individual health care plan by the prescribing health care provider that identifies the factors for determining the need for the administration of the medication, and is limited to emergency situations.</p> <p>b. If the routine medication involves the administration of a nebulized inhaled medication, the administration must be accompanied by a written health care plan by the prescribing health care provider that identifies the factors for determining the need for the administration of the medication.</p> <p>c. Topical preparations used for prevention on unbroken skin including, but not limited to, petroleum jelly, diaper rash ointments, sunscreen, and insect repellent can be administered solely with written parent authorization. Topical preparations used as treatment on open wounds or broken skin must have a written order from a prescribing health care provider in addition to parent authorization.</p> <p>2. The provider can accept such medicines only in the original container. Prescription medicine containers must bear the original pharmacy label</p>		
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	<p>that shows the prescription number, name of medication, date filled, physician's name, child's name, and directions for dosage. When no longer needed, medications must be returned to the parent or guardian or destroyed.</p> <p>3. Over-the-counter and homeopathic medication must be labeled with the child's first and last name. The provider can administer medication only to the child whose name appears on the written order from the prescribing health care provider.</p> <p>4. All providers who administer medication must have daily face-to-face verbal contact with parents of children needing medication and must be currently trained through the State Department-approved medication administration course and must administer medication in compliance with the concepts taught in the course.</p> <p>5. Medication must be stored in a locked cabinet, cupboard, or locked box so that it is inaccessible to children. If refrigeration is required, it must be stored in a leak-proof container in a designated area of the refrigerator separated from food.</p> <p>6. Medication must be administered, documented and disposed of in accordance with the State Department approved training in medication administration.</p> <p>7. A written medication log must be kept for each child. This log is a part of the child's record. The log must contain the child's name, time medication was given, name of the medication, dosage and route, special instructions, name or initials of the individual giving the medication, notation if the medication was not given, and the reason.</p> <p>D. Control of Communicable Illness</p> <p>1. When a child in care, resident of the home or provider has been diagnosed with a reportable communicable illness, including, but not limited to, chicken pox, hepatitis, measles, mumps, meningitis, diphtheria, rubella, salmonella, giardia, tuberculosis, and shigella, the provider must immediately notify the parents or guardians of all children in care and report to the local county department of health or the</p>	<p>that shows the prescription number, name of medication, date filled, physician's name, child's name, and directions for dosage. When no longer needed, medications must be returned to the parent or guardian or destroyed.</p> <p>3. Over-the-counter and homeopathic medication must be labeled with the child's first and last name. The provider can administer medication only to the child whose name appears on the written order from the prescribing health care provider.</p> <p>4. All providers who administer medication must have daily face-to-face verbal contact with parents of children needing medication and must be currently trained through the State Department-approved medication administration course and must administer medication in compliance with the concepts taught in the course.</p> <p>5. Medication must be stored in a locked cabinet, cupboard, or locked box so that it is inaccessible to children. If refrigeration is required, it must be stored in a leak-proof container in a designated area of the refrigerator separated from food.</p> <p>6. Medication must be administered, documented and disposed of in accordance with the State Department approved training in medication administration.</p> <p>7. A written medication log must be kept for each child. This log is a part of the child's record. The log must contain the child's name, time medication was given, name of the medication, dosage and route, special instructions, name or initials of the individual giving the medication, notation if the medication was not given, and the reason.</p> <p>D. Control of Communicable Illness</p> <p>1. When a child in care, resident of the home or provider has been diagnosed with a reportable communicable illness, including, but not limited to, chicken pox, hepatitis, measles, mumps, meningitis, diphtheria, rubella, salmonella, giardia, tuberculosis, and shigella, the provider must immediately notify the parents or guardians of all children in care and report to the local county department of health or the</p>		
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		<p>Colorado Department of Public Health and Environment.</p> <p>2. Any individual diagnosed with a reportable communicable illness must be excluded from contact with children in care at the home for a period of time determined by the individual's health care provider or by the local health department.</p> <p>E. Sun Protection</p> <p>1. The provider must inform the parent or guardian, through the policies and procedures statement or an authorization form, that sunscreen will be applied to the children's exposed skin prior to outside play. A doctor's permission is not needed to use sunscreen at the home. When a parent or guardian supplies sunscreen for an individual child, the container must be labeled with the child's first and last name. If sunscreen is provided by the provider, parents must be notified in advance, in writing, of the type of sunscreen the provider will use. Parent(s) or guardian(s) must notify the provider if sunscreen has been applied to the child's skin prior to arriving at the home. Sunscreen must never be applied to an infant's skin.</p> <p>2. Children over four years of age may apply sunscreen to themselves under the direct supervision of the provider.</p> <p>3. Sunscreen used must be full spectrum UVA/UVB with an SPF of thirty or greater and applied according to manufacturer's instructions.</p> <p>F. First Aid Supplies</p> <p>Supplies must be maintained and stored in an area inaccessible to children. Supplies shall include band aids, tape, gauze, disposable gloves and compression bandages.</p>	<p>Colorado Department of Public Health and Environment.</p> <p>2. Any individual diagnosed with a reportable communicable illness must be excluded from contact with children in care at the home for a period of time determined by the individual's health care provider or by the local health department.</p> <p>E. Sun Protection</p> <p>1. The provider must inform the parent or guardian, through the policies and procedures statement or an authorization form, that sunscreen will be applied to the children's exposed skin prior to outside play. A doctor's permission is not needed to use sunscreen at the home. When a parent or guardian supplies sunscreen for an individual child, the container must be labeled with the child's first and last name. If sunscreen is provided by the provider, parents must be notified in advance, in writing, of the type of sunscreen the provider will use. Parent(s) or guardian(s) must notify the provider if sunscreen has been applied to the child's skin prior to arriving at the home. Sunscreen must never be applied to an infant's skin.</p> <p>2. Children over four years of age may apply sunscreen to themselves under the direct supervision of the provider.</p> <p>3. Sunscreen used must be full spectrum UVA/UVB with an SPF of thirty or greater and applied according to manufacturer's instructions.</p> <p>F. First Aid Supplies</p> <p>Supplies must be maintained and stored in an area inaccessible to children. Supplies shall include band aids, tape, gauze, disposable gloves and compression bandages.</p>		
7.707.72 Personal Hygiene, Hand Washing and Bathing, Diapering and Toileting, and Cleaning Toys	REPEAL	<p>7.707.72 Personal Hygiene, Hand Washing and Bathing, Diapering and Toileting, and Cleaning Toys</p> <p>A. Hand Washing and Bathing</p> <p>1. All providers must wash their hands thoroughly with soap under warm running water, when available, and dry with an individual use and/or single use disposable towel before preparing,</p>	<p>7.707.72 Personal Hygiene, Hand Washing and Bathing, Diapering and Toileting, and Cleaning Toys</p> <p>A. Hand Washing and Bathing</p> <p>1. All providers must wash their hands thoroughly with soap under warm running water, when available, and dry with an individual use and/or single use disposable towel before preparing,</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that	

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	<p>...serving, and eating food; before administering medication; after helping a child with toileting or diapering; after provider's own toileting; after wiping a child's nose; whenever possible on field trips, at a park, or at another location away from the home; after handling animals, their toys, or food and water bowls; after contact with bodily fluids or secretions; and, any other time the hands become soiled or contaminated.</p> <p>2. All children must wash their hands thoroughly with soap under warm running water, when available, and dry with an individual use and/or single use disposable towel; before preparing and eating food; after toileting or diapering; after wiping his/her nose; whenever possible on field trips, at a park, or at another location away from the home; after handling animals, their toys, or food and water bowls; after contact with bodily fluids or secretions; and, any other time the hands become soiled or contaminated.</p> <p>3. The hand washing area should promote self-help skills to include, but not be limited to, step stools, soap, and towels accessible to children.</p> <p>4. If paper towels are not used, each child shall have an assigned towel that is used consistently, doesn't touch other towels, and is laundered weekly or more often if needed.</p> <p>5. Children's towels and drinking cups must not be shared.</p> <p>6. Hand washing areas shall be routinely disinfected when visibly dirty or prior to use different from hand washing.</p> <p>7. Hand sanitizers and wipes are not acceptable alternatives to hand washing, except on outings where running water may be unavailable. Alcohol based hand sanitizers shall not be used for children under three (3) years of age.</p> <p>8. When a child is bathing, the bath water must be between ninety (90) and one hundred (100) degrees. Children under five (5) years of age must not be left unattended while being bathed.</p> <p>B. Diapering and Toileting</p>	<p>...serving, and eating food; before administering medication; after helping a child with toileting or diapering; after provider's own toileting; after wiping a child's nose; whenever possible on field trips, at a park, or at another location away from the home; after handling animals, their toys, or food and water bowls; after contact with bodily fluids or secretions; and, any other time the hands become soiled or contaminated.</p> <p>2. All children must wash their hands thoroughly with soap under warm running water, when available, and dry with an individual use and/or single use disposable towel; before preparing and eating food; after toileting or diapering; after wiping his/her nose; whenever possible on field trips, at a park, or at another location away from the home; after handling animals, their toys, or food and water bowls; after contact with bodily fluids or secretions; and, any other time the hands become soiled or contaminated.</p> <p>3. The hand washing area should promote self-help skills to include, but not be limited to, step stools, soap, and towels accessible to children.</p> <p>4. If paper towels are not used, each child shall have an assigned towel that is used consistently, doesn't touch other towels, and is laundered weekly or more often if needed.</p> <p>5. Children's towels and drinking cups must not be shared.</p> <p>6. Hand washing areas shall be routinely disinfected when visibly dirty or prior to use different from hand washing.</p> <p>7. Hand sanitizers and wipes are not acceptable alternatives to hand washing, except on outings where running water may be unavailable. Alcohol based hand sanitizers shall not be used for children under three (3) years of age.</p> <p>8. When a child is bathing, the bath water must be between ninety (90) and one hundred (100) degrees. Children under five (5) years of age must not be left unattended while being bathed.</p> <p>B. Diapering and Toileting</p>	<p>must be repealed.</p>	
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	<p>1. The home must have a designated diaper change area for all children in need of diaper changing. The diaper change area must:</p> <ul style="list-style-type: none">a. Have a smooth, durable, nonabsorbent, and easily cleanable surface; andb. Be large enough to accommodate the size of the child being changed. <p>2. The following procedure must be followed each time a diaper is changed:</p> <ul style="list-style-type: none">a. Soiled or wet diapers and clothing must be changed promptly and be replaced with clean diapers and clothing whenever necessary;b. The child must be placed on a clean, sanitized, dry changing table or mat;c. Providers must use single use disposable gloves;d. Use closest hand washing sink to the diaper changing area that is not used for food preparation;e. Children's hands must be washed with soap and water after diapering;f. Providers must clean and disinfect the diaper changing area after each diaper change;g. Providers must vigorously clean all parts of their hands with soap and warm running water and dry their hands with individual paper or cloth towels after diapering each child;h. ring child care hours, clothing soiled by bodily fluids must be placed in a leak proof container. The container must be stored inaccessible to children and sent home on a daily basis;i. Parent(s) or provider(s) must provide extra clothing;j. For each child who is learning to use a toilet, the provider must accommodate the child's individual developmental abilities and needs, in accordance with nationally recommended procedures, and as contained in the provider's written policies and procedures;k. Toilets must be flushed between uses; andl. If potty chairs are used, all parts of the potty chair must be disinfected immediately after each use. <p>C. Cleaning Toys</p> <ul style="list-style-type: none">1. Toys that are not mouthed or otherwise	<p>1. The home must have a designated diaper change area for all children in need of diaper changing. The diaper change area must:</p> <ul style="list-style-type: none">a. Have a smooth, durable, nonabsorbent, and easily cleanable surface; andb. Be large enough to accommodate the size of the child being changed. <p>2. The following procedure must be followed each time a diaper is changed:</p> <ul style="list-style-type: none">a. Soiled or wet diapers and clothing must be changed promptly and be replaced with clean diapers and clothing whenever necessary;b. The child must be placed on a clean, sanitized, dry changing table or mat;c. Providers must use single use disposable gloves;d. Use closest hand washing sink to the diaper changing area that is not used for food preparation;e. Children's hands must be washed with soap and water after diapering;f. Providers must clean and disinfect the diaper changing area after each diaper change;g. Providers must vigorously clean all parts of their hands with soap and warm running water and dry their hands with individual paper or cloth towels after diapering each child;h. ring child care hours, clothing soiled by bodily fluids must be placed in a leak proof container. The container must be stored inaccessible to children and sent home on a daily basis;i. Parent(s) or provider(s) must provide extra clothing;j. For each child who is learning to use a toilet, the provider must accommodate the child's individual developmental abilities and needs, in accordance with nationally recommended procedures, and as contained in the provider's written policies and procedures;k. Toilets must be flushed between uses; andl. If potty chairs are used, all parts of the potty chair must be disinfected immediately after each use. <p>C. Cleaning Toys</p> <ul style="list-style-type: none">1. Toys that are not mouthed or otherwise		
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CDHS Tracking #: 25-06-17-01
Office, Division, & Program: Rule Author: Logan Ellett Phone: 720.245.1195
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		contaminated by body fluids shall be cleaned and sanitized at least once a week and whenever visibly soiled. 2. Toys that are placed in children's mouths or are otherwise contaminated by body fluids shall be cleaned and sanitized prior to use by another child.	contaminated by body fluids shall be cleaned and sanitized at least once a week and whenever visibly soiled. 2. Toys that are placed in children's mouths or are otherwise contaminated by body fluids shall be cleaned and sanitized prior to use by another child.		
7.707.73 Food and Nutrition	REPEAL	7.707.73 Food and Nutrition A. A nutritious snack or meal must be offered during the midmorning and mid-afternoon hours. A mid-day meal must also be provided and must meet at least one-third (1/3) of the child's daily nutritional needs as required by the USDA child and adult care food program meal pattern requirements. Arrangements must be made for feeding children who are in care before 6 a.m. or after 6 p.m. B. Food must be offered to children when they are awake at intervals not more than three hours apart. C. Food must be wholesome and nutritious and stored in a safe and sanitary manner. A wide variety of foods, including fresh fruits and vegetables and whole grain products must be provided to children to ensure adequate intake of dietary fiber, vitamins, minerals, and other important nutrients. D. If the provider does not regularly provide meals, the provider must supplement children's meals that are inadequate with foods to meet the nationally recognized meal pattern requirements. E. Provider(s) and parent(s) must have ongoing communication regarding special diet and feeding needs of the child(ren). F. Foods offered shall be age appropriate and not pose a choking hazard. G. Children are encouraged, but not forced, to eat food or drink fluids. H. Children with special needs are included in regular meal areas and routines. I. All milk and juice offered to children must be pasteurized. J. Juice must be limited to one (1) serving a day. Sweet type foods must be limited to no more than two (2) servings per week. K. Water must be offered and available at all times	7.707.73 Food and Nutrition A. A nutritious snack or meal must be offered during the midmorning and mid-afternoon hours. A mid-day meal must also be provided and must meet at least one-third (1/3) of the child's daily nutritional needs as required by the USDA child and adult care food program meal pattern requirements. Arrangements must be made for feeding children who are in care before 6 a.m. or after 6 p.m. B. Food must be offered to children when they are awake at intervals not more than three hours apart. C. Food must be wholesome and nutritious and stored in a safe and sanitary manner. A wide variety of foods, including fresh fruits and vegetables and whole grain products must be provided to children to ensure adequate intake of dietary fiber, vitamins, minerals, and other important nutrients. D. If the provider does not regularly provide meals, the provider must supplement children's meals that are inadequate with foods to meet the nationally recognized meal pattern requirements. E. Provider(s) and parent(s) must have ongoing communication regarding special diet and feeding needs of the child(ren). F. Foods offered shall be age appropriate and not pose a choking hazard. G. Children are encouraged, but not forced, to eat food or drink fluids. H. Children with special needs are included in regular meal areas and routines. I. All milk and juice offered to children must be pasteurized. J. Juice must be limited to one (1) serving a day. Sweet type foods must be limited to no more than two (2) servings per week. K. Water must be offered and available at all times	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>and cannot be a substitute for milk during meals.</p> <p>L. Food must be offered to the child from the child's individual dish and utensil(s). If uneaten portion(s) from the child's plate are saved, they must be refrigerated and stored safely and must be served, eaten, or discarded within four hours of being prepared.</p> <p>M. Children must not be given foods that are contrary to the religious beliefs of their families or that are known to cause an allergic reaction or a health hazard.</p> <p>N. Dishes, cookware, high chair trays and utensils must be washed, sanitized, and stored in a safe and sanitary manner. When used, disposable dishes and utensils must be disposed of after use. Food preparation and service areas including, but not limited to, sinks, faucets, counters, and tables must be sanitary.</p> <p>O. Bottles and Formula</p> <p>1. Bottles of milk, formula or breast milk must never be warmed or thawed in a microwave oven. Infant formula and breast milk cannot be reused If a child does not finish the bottle of formula or breast milk within one (1) hour, the contents must be thrown out.</p> <p>2. If the infant is breast fed, the provider must not offer formula, water, or other liquids without discussing substitutions or supplementation with the infant's parent.</p> <p>3. The provider must make an area in the home available for a breast feeding mother to breast feed her infant while visiting the home during business hours.</p> <p>4. All infants unable to hold their own bottles must be held by the provider during bottle feedings and should be held so they can see the face of the provider if it is appropriate for the child.</p> <p>5. Infants and toddlers must not be allowed to hold their own bottles or sippie cups when lying flat to prevent choking, ear infections, bottle mouth or tooth decay.</p> <p>6. There must be a sufficient supply of bottles</p>	<p>and cannot be a substitute for milk during meals.</p> <p>L. Food must be offered to the child from the child's individual dish and utensil(s). If uneaten portion(s) from the child's plate are saved, they must be refrigerated and stored safely and must be served, eaten, or discarded within four hours of being prepared.</p> <p>M. Children must not be given foods that are contrary to the religious beliefs of their families or that are known to cause an allergic reaction or a health hazard.</p> <p>N. Dishes, cookware, high chair trays and utensils must be washed, sanitized, and stored in a safe and sanitary manner. When used, disposable dishes and utensils must be disposed of after use. Food preparation and service areas including, but not limited to, sinks, faucets, counters, and tables must be sanitary.</p> <p>O. Bottles and Formula</p> <p>1. Bottles of milk, formula or breast milk must never be warmed or thawed in a microwave oven. Infant formula and breast milk cannot be reused If a child does not finish the bottle of formula or breast milk within one (1) hour, the contents must be thrown out.</p> <p>2. If the infant is breast fed, the provider must not offer formula, water, or other liquids without discussing substitutions or supplementation with the infant's parent.</p> <p>3. The provider must make an area in the home available for a breast feeding mother to breast feed her infant while visiting the home during business hours.</p> <p>4. All infants unable to hold their own bottles must be held by the provider during bottle feedings and should be held so they can see the face of the provider if it is appropriate for the child.</p> <p>5. Infants and toddlers must not be allowed to hold their own bottles or sippie cups when lying flat to prevent choking, ear infections, bottle mouth or tooth decay.</p> <p>6. There must be a sufficient supply of bottles</p>		
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		<p>provided for the entire day; or, if bottles are to be reused, they must be washed, rinsed, and sanitized after each use.</p> <p>7. Commercially prepared formula must be mixed in accordance with the directions of the manufacturer or the child's health care provider.</p> <p>8. Each bottle must be marked with the child's name when there is more than one (1) child in care that drinks from a bottle.</p> <p>P. Solid Foods</p> <p>1. At a minimum, meals and snacks provided for infants under the age of one (1) year must contain the foods listed in the USDA child and adult care food program meal pattern for infants.</p> <p>2. Foods must be appropriate for infants' developmental stages as determined by instructions obtained from the infant's parent(s), guardian(s), or health care provider.</p> <p>3. No new foods shall be introduced to children under twelve (12) months of age without parental permission.</p> <p>4. Infants who are eating solid foods shall be provided with developmentally appropriate solid foods that encourage freedom in self-feeding.</p> <p>5. Provider(s) must either feed infants and toddlers or directly supervise them while they are eating.</p> <p>6. Honey and products containing honey must never be served to infants under twelve (12) months of age.</p>	<p>provided for the entire day; or, if bottles are to be reused, they must be washed, rinsed, and sanitized after each use.</p> <p>7. Commercially prepared formula must be mixed in accordance with the directions of the manufacturer or the child's health care provider.</p> <p>8. Each bottle must be marked with the child's name when there is more than one (1) child in care that drinks from a bottle.</p> <p>P. Solid Foods</p> <p>1. At a minimum, meals and snacks provided for infants under the age of one (1) year must contain the foods listed in the USDA child and adult care food program meal pattern for infants.</p> <p>2. Foods must be appropriate for infants' developmental stages as determined by instructions obtained from the infant's parent(s), guardian(s), or health care provider.</p> <p>3. No new foods shall be introduced to children under twelve (12) months of age without parental permission.</p> <p>4. Infants who are eating solid foods shall be provided with developmentally appropriate solid foods that encourage freedom in self-feeding.</p> <p>5. Provider(s) must either feed infants and toddlers or directly supervise them while they are eating.</p> <p>6. Honey and products containing honey must never be served to infants under twelve (12) months of age.</p>		
7.707.74 Direct Care of Children	REPEAL	7.707.74 Direct Care of Children	7.707.74 Direct Care of Children	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.707.741 Supervision	REPEAL	7.707.741 Supervision A. The primary provider must supervise and know the location and activity of all children at all times while they are in care.	7.707.741 Supervision A. The primary provider must supervise and know the location and activity of all children at all times while they are in care.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules	

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		<p>B. The provider's own children who are age twelve (12) years of age and over may each have one (1) friend over during child care hours if the following conditions are met:</p> <ol style="list-style-type: none"> 1. The visiting children are not present for supervision; and, 2. The visiting children can immediately be sent home if needed; and, 3. The visiting children must be age twelve (12) years or over; and, 4. Visiting children must not compromise or participate in the care and supervision of children. <p>C. The provider may have other children over on occasion if the following conditions have been met:</p> <ol style="list-style-type: none"> 1. The visiting children are under the active supervision of their parent or guardian or their own child care provider; and, 2. The square footage requirements for the home accommodates all children present. 	<p>B. The provider's own children who are age twelve (12) years of age and over may each have one (1) friend over during child care hours if the following conditions are met:</p> <ol style="list-style-type: none"> 1. The visiting children are not present for supervision; and, 2. The visiting children can immediately be sent home if needed; and, 3. The visiting children must be age twelve (12) years or over; and, 4. Visiting children must not compromise or participate in the care and supervision of children. <p>C. The provider may have other children over on occasion if the following conditions have been met:</p> <ol style="list-style-type: none"> 1. The visiting children are under the active supervision of their parent or guardian or their own child care provider; and, 2. The square footage requirements for the home accommodates all children present. 	<p>from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
<p>7.707.742 Physical Care</p>	<p>REPEAL</p>	<p>7.707.742 Physical Care</p> <p>A. Children must be provided a developmentally appropriate environment.</p> <p>B. Provider(s) must provide for children's appropriate care and well-being, taking into consideration the individual needs of each child.</p> <p>C. Throughout the day, each child must have frequent, individual personal contact and attention from an adult, such as being held, rocked taken on walks inside and outside the home, talked to, and sung to.</p> <p>D. Infants in care who are unable to hold a bottle must be held during bottle feedings.</p> <p>E. Infants must be held frequently while in care.</p> <p>F. Provider(s) must pick-up children appropriately around their upper chest and under their arms, and based on the developmental needs of the child.</p> <p>G. Children leaving the family child care home for school or other activities must be dressed appropriately to protect the health and safety of children for the weather.</p> <p>H. Provider(s) must respond to the needs of a child, including, but not limited to: crying, toileting, hunger,</p>	<p>7.707.742 Physical Care</p> <p>A. Children must be provided a developmentally appropriate environment.</p> <p>B. Provider(s) must provide for children's appropriate care and well-being, taking into consideration the individual needs of each child.</p> <p>C. Throughout the day, each child must have frequent, individual personal contact and attention from an adult, such as being held, rocked taken on walks inside and outside the home, talked to, and sung to.</p> <p>D. Infants in care who are unable to hold a bottle must be held during bottle feedings.</p> <p>E. Infants must be held frequently while in care.</p> <p>F. Provider(s) must pick-up children appropriately around their upper chest and under their arms, and based on the developmental needs of the child.</p> <p>G. Children leaving the family child care home for school or other activities must be dressed appropriately to protect the health and safety of children for the weather.</p> <p>H. Provider(s) must respond to the needs of a child, including, but not limited to: crying, toileting, hunger,</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		<p>and thirst. The timing of the response must not result in physical harm to the child. I. Providers must investigate whenever children cry. J. Providers must develop/provide an environment that minimizes the risk to children from hurting themselves or each other. K. Greetings/Departures 1. Children should be greeted individually and pleasantly upon arrival and departure. 2. Parent(s) or guardian(s) shall be allowed access to their children and all approved and licensed areas at all times. 3. When necessary, upon arrival and departure, the parent or guardian and provider shall share information related to the child's health and safety including, but not limited to, special diets, accident reports, specific fears, and family traumas. L. Providers must not use any controlled substance or consume any alcoholic beverage during the operating hours of the facility or be under the influence of a controlled substance or alcoholic beverage during the operating hours of the facility, or use any substance that impairs their ability to care for children. M. Providers, substitutes, visitors, volunteers, and residents of the provider's home who consume or are under the influence of alcohol are not permitted to work with children or be in the area used for child care during business hours. N. Illegal drugs or paraphernalia must never be present on the premises of the child care home.</p>	<p>and thirst. The timing of the response must not result in physical harm to the child. I. Providers must investigate whenever children cry. J. Providers must develop/provide an environment that minimizes the risk to children from hurting themselves or each other. K. Greetings/Departures 1. Children should be greeted individually and pleasantly upon arrival and departure. 2. Parent(s) or guardian(s) shall be allowed access to their children and all approved and licensed areas at all times. 3. When necessary, upon arrival and departure, the parent or guardian and provider shall share information related to the child's health and safety including, but not limited to, special diets, accident reports, specific fears, and family traumas. L. Providers must not use any controlled substance or consume any alcoholic beverage during the operating hours of the facility or be under the influence of a controlled substance or alcoholic beverage during the operating hours of the facility, or use any substance that impairs their ability to care for children. M. Providers, substitutes, visitors, volunteers, and residents of the provider's home who consume or are under the influence of alcohol are not permitted to work with children or be in the area used for child care during business hours. N. Illegal drugs or paraphernalia must never be present on the premises of the child care home.</p>		
<p>7.707.75 Sleep and Waking Time</p>	<p>REPEAL</p>	<p>7.707.75 Sleep and Waking Time A. Children must be allowed to form and observe their own pattern of sleep and waking periods. Provision must be made so that children requiring a nap time have a separate area for their nap away from other children currently playing. B. Children who are awake must not be confined for more than thirty (30) minutes at a time to cribs, high chairs, swings, playpens or other equipment that inhibit freedom of movement, unless they are eating. Confinement must never be used as a form of</p>	<p>7.707.75 Sleep and Waking Time A. Children must be allowed to form and observe their own pattern of sleep and waking periods. Provision must be made so that children requiring a nap time have a separate area for their nap away from other children currently playing. B. Children who are awake must not be confined for more than thirty (30) minutes at a time to cribs, high chairs, swings, playpens or other equipment that inhibit freedom of movement, unless they are eating. Confinement must never be used as a form of</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>discipline. They must have an opportunity each day for freedom of movement, such as creeping, crawling, or walking in a safe, clean open, uncluttered area.</p> <p>C. The provider must provide a rest period for all preschool-age children remaining in the home for longer than four (4) hours. A rest period and rest equipment must also be provided for older children who require a rest time.</p> <p>D. Rest or sleep periods must be scheduled appropriately for the age and development of the child(ren) and not forced. Children who do not sleep after thirty (30) minutes must be provided with developmentally appropriate alternative activities. Infants and toddlers must be placed in their approved sleeping equipment within ten (10) minutes of falling asleep, unless being held by the provider, while being transported on a field trip, or if children are not at the provider's home.</p> <p>E. Toddlers, preschoolers, and older children, as necessary, must have a suitable mat not less than two inches thick, cot, bed, or sofa, with a clean washable sheet that has been sanitized between uses by different children. Children must be provided with a clean blanket.</p> <p>F. During rest/nap time the provider must remain alert and supervise all children by sight or sound. The atmosphere should be calm and conducive to rest or sleep.</p> <p>G. Safe Sleep Training for Family Child Care Staff All staff who work with infants must complete Department-approved safe sleep training prior to working with infants and on an annual basis</p> <p>H. Safe Sleep Environments for Infants</p> <p>1. Each infant up to twelve (12) months of age must be provided with an individual crib or futon approved for infants or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards.</p> <p>2. In the infant room, soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants or other approved</p>	<p>discipline. They must have an opportunity each day for freedom of movement, such as creeping, crawling, or walking in a safe, clean open, uncluttered area.</p> <p>C. The provider must provide a rest period for all preschool-age children remaining in the home for longer than four (4) hours. A rest period and rest equipment must also be provided for older children who require a rest time.</p> <p>D. Rest or sleep periods must be scheduled appropriately for the age and development of the child(ren) and not forced. Children who do not sleep after thirty (30) minutes must be provided with developmentally appropriate alternative activities. Infants and toddlers must be placed in their approved sleeping equipment within ten (10) minutes of falling asleep, unless being held by the provider, while being transported on a field trip, or if children are not at the provider's home.</p> <p>E. Toddlers, preschoolers, and older children, as necessary, must have a suitable mat not less than two inches thick, cot, bed, or sofa, with a clean washable sheet that has been sanitized between uses by different children. Children must be provided with a clean blanket.</p> <p>F. During rest/nap time the provider must remain alert and supervise all children by sight or sound. The atmosphere should be calm and conducive to rest or sleep.</p> <p>G. Safe Sleep Training for Family Child Care Staff All staff who work with infants must complete Department-approved safe sleep training prior to working with infants and on an annual basis</p> <p>H. Safe Sleep Environments for Infants</p> <p>1. Each infant up to twelve (12) months of age must be provided with an individual crib or futon approved for infants or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards.</p> <p>2. In the infant room, soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants or other approved</p>		
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	<p>sleep/rest equipment. Soft bedding means, but is not limited to; any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, plush toys, and stuffed animals.</p> <p>3. Infants must be placed on their back for sleeping.</p> <p>4. Alternative sleep positions for infants must only be allowed with a health care plan completed and signed by the child's physician.</p> <p>5. Swaddling of infants must only be allowed with a health care plan completed and signed by the child's physician.</p> <p>6. Each infant up to twelve (12) months of age who uses a pacifier must have the pacifier offered when being put down to sleep, unless the parent directs otherwise.</p> <p>7. All sleep/rest equipment must be safe, sturdy, and free from hazards including, but not limited to: broken or loose slats, torn mattress, chipping paint or loose screws.</p> <p>8. Approved sleeping equipment mattresses must be firm and must fit snugly ensuring no more than two adult fingers are able to be inserted between the mattress and the side of the approved sleeping equipment.</p> <p>9. Toys, including mobiles and other types of play equipment that are designed to be attached to any part of sleeping equipment must be kept away from sleeping infants and out of sleep environments, including hanging toys. Blankets and other items must not be hung from or draped over the sides or any part of sleeping equipment.</p> <p>10. Drop side and stacking cribs are prohibited.</p> <p>11. Infant monitors must be used when infants are sleeping in a separate room out of the direct supervision of the primary caregiver. When in use infant monitors must meet the following conditions:</p> <p>a. The sound monitoring equipment must be able to pick up the sounds of all sleeping infants;</p> <p>b. The receiver of the sound monitoring equipment must be actively monitored by the primary provider</p>	<p>sleep/rest equipment. Soft bedding means, but is not limited to; any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, plush toys, and stuffed animals.</p> <p>3. Infants must be placed on their back for sleeping.</p> <p>4. Alternative sleep positions for infants must only be allowed with a health care plan completed and signed by the child's physician.</p> <p>5. Swaddling of infants must only be allowed with a health care plan completed and signed by the child's physician.</p> <p>6. Each infant up to twelve (12) months of age who uses a pacifier must have the pacifier offered when being put down to sleep, unless the parent directs otherwise.</p> <p>7. All sleep/rest equipment must be safe, sturdy, and free from hazards including, but not limited to: broken or loose slats, torn mattress, chipping paint or loose screws.</p> <p>8. Approved sleeping equipment mattresses must be firm and must fit snugly ensuring no more than two adult fingers are able to be inserted between the mattress and the side of the approved sleeping equipment.</p> <p>9. Toys, including mobiles and other types of play equipment that are designed to be attached to any part of sleeping equipment must be kept away from sleeping infants and out of sleep environments, including hanging toys. Blankets and other items must not be hung from or draped over the sides or any part of sleeping equipment.</p> <p>10. Drop side and stacking cribs are prohibited.</p> <p>11. Infant monitors must be used when infants are sleeping in a separate room out of the direct supervision of the primary caregiver. When in use infant monitors must meet the following conditions:</p> <p>a. The sound monitoring equipment must be able to pick up the sounds of all sleeping infants;</p> <p>b. The receiver of the sound monitoring equipment must be actively monitored by the primary provider</p>		
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	<p>or staff member at all times; c. All sleeping infants must be physically observed at least every ten (10) minutes by the primary provider or a staff member; and d. Sound monitoring equipment must be regularly checked to ensure it is working correctly. 12. Infants who fall asleep in a car safety seat, bean bag chair, bouncy seat, infant seat, swing, jumping chair, play pen or play yard, highchair, chair, sofa, adult futon, adult bed or ANY other piece of equipment not approved for sleep must immediately be moved to their approved sleep area and placed on their back to sleep. 13. Cribs must be used for sleeping, not extended play or confinement. 14. Children who are awake must not be confined for more than fifteen (15) minutes at a time to cribs, playpens, swings, high chairs, infant seats, or other equipment that inhibits freedom of movement. Children who are actively eating may be in a high chair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved once feeding is complete. 15. If music is played in the infant sleep area, the music must not be played at a loud volume that would prevent infants from being heard by the caregiver(s). Music equipment must not be placed under a crib or within three (3) feet of the sleeping infant. 16. Supervised tummy time be offered to infants one month of age or older up to twenty to thirty (20-30) minutes per day. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment. 17. When the caregiver places infants in approved sleeping equipment for sleep, they must check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed (not overheated or sweaty), and that bibs, necklaces, and garments with ties or hoods are removed. Clothing sacks or other clothing designed</p>	<p>or staff member at all times; e. All sleeping infants must be physically observed at least every ten (10) minutes by the primary provider or a staff member; and d. Sound monitoring equipment must be regularly checked to ensure it is working correctly. 12. Infants who fall asleep in a car safety seat, bean bag chair, bouncy seat, infant seat, swing, jumping chair, play pen or play yard, highchair, chair, sofa, adult futon, adult bed or ANY other piece of equipment not approved for sleep must immediately be moved to their approved sleep area and placed on their back to sleep. 13. Cribs must be used for sleeping, not extended play or confinement. 14. Children who are awake must not be confined for more than fifteen (15) minutes at a time to cribs, playpens, swings, high chairs, infant seats, or other equipment that inhibits freedom of movement. Children who are actively eating may be in a high chair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved once feeding is complete. 15. If music is played in the infant sleep area, the music must not be played at a loud volume that would prevent infants from being heard by the caregiver(s). Music equipment must not be placed under a crib or within three (3) feet of the sleeping infant. 16. Supervised tummy time be offered to infants one month of age or older up to twenty to thirty (20-30) minutes per day. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment. 17. When the caregiver places infants in approved sleeping equipment for sleep, they must check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed (not overheated or sweaty), and that bibs, necklaces, and garments with ties or hoods are removed. Clothing sacks or other clothing designed</p>		
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Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft
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		for sleep must be used in lieu of blankets if needed for additional warmth. 18. Infants must not be placed to sleep in the same crib or futon as another infant or child, and must never sleep with an adult in a bed, on a couch, or in any other setting or manner. I. The facility must have policies, and ensure they are followed for safe sleep environments for infants. J. The facility must have a policy, and ensure it is followed on the protection of infants from second hand smoke.	for sleep must be used in lieu of blankets if needed for additional warmth. 18. Infants must not be placed to sleep in the same crib or futon as another infant or child, and must never sleep with an adult in a bed, on a couch, or in any other setting or manner. I. The facility must have policies, and ensure they are followed for safe sleep environments for infants. J. The facility must have a policy, and ensure it is followed on the protection of infants from second hand smoke.		
7.707.76 Overnight Care	REPEAL	7.707.76 Overnight Care A. Regular overnight care (care that past midnight) of children is permitted only when licensed to do so. B. All children in care must be provided with a comfortable cot, crib, bed, or couch suitable for the child's age, two (2) sheets, and a suitable warm covering. At least forty (40) square feet of floor space must be available for each bed. Beds arranged in parallel must be at least two (2) feet apart. C. Sheets must be changed weekly, between use by different persons, and more frequently if needed. No provider shall knowingly allow a child to sleep in a wet bed. D. Children's faces and hands must be washed, teeth brushed, and children must change into comfortable clothing for sleeping. Extra sleepwear must be available in the event that a change is necessary. E. When the provider goes to sleep, the provider must sleep on the same level of the home where children under eight (8) years of age are sleeping. F. Written permission must be obtained from parent(s) or guardian(s) on where the child sleeps, whether the child shares a room with another individual, and the equipment that the child is sleeping on.	7.707.76 Overnight Care A. Regular overnight care (care that past midnight) of children is permitted only when licensed to do so. B. All children in care must be provided with a comfortable cot, crib, bed, or couch suitable for the child's age, two (2) sheets, and a suitable warm covering. At least forty (40) square feet of floor space must be available for each bed. Beds arranged in parallel must be at least two (2) feet apart. C. Sheets must be changed weekly, between use by different persons, and more frequently if needed. No provider shall knowingly allow a child to sleep in a wet bed. D. Children's faces and hands must be washed, teeth brushed, and children must change into comfortable clothing for sleeping. Extra sleepwear must be available in the event that a change is necessary. E. When the provider goes to sleep, the provider must sleep on the same level of the home where children under eight (8) years of age are sleeping. F. Written permission must be obtained from parent(s) or guardian(s) on where the child sleeps, whether the child shares a room with another individual, and the equipment that the child is sleeping on.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.707.8 GUIDANCE, LEARNING ACTIVITIES,	REPEAL	7.707.8 GUIDANCE, LEARNING ACTIVITIES, MATERIALS AND MEDIA USE	7.707.8 GUIDANCE, LEARNING ACTIVITIES, MATERIALS AND MEDIA USE	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules	

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MATERIALS AND MEDIA USE				from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.707.81 Guidance	REPEAL	7.707.81 Guidance A. At the time of admission, the provider shall discuss with the parent or guardian the home's guidance expectations and consequences of a child's behavior. B. Guidance must be appropriate to the developmental age of child, constructive or educational in nature, and may include such measures as diversion, separation, talking with the child about the situation, praise for appropriate behavior, and gentle holding. C. Children must not be subjected to physical or emotional harm or humiliation. The provider must not use, or permit anyone else to use, corporal or other harsh punishment, including, but not limited to pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of discipline. D. Physical, mechanical, and chemical restraint shall never be used. E. Guidance must not be associated with food, rest or toileting. Children must not be punished for not resting or sleeping, toileting accidents, failure to eat all or part of meals or snacks, or failure to complete an activity. Food or drink may not be denied or forced upon children as a disciplinary measure. F. Meals and snacks can be temporarily postponed or provided individually, but deprivation of meals, snacks and beverages must not be used as punishment. G. Separation, when used as guidance, must be brief and appropriate for the child's age and circumstances. The child must be in a safe, lighted, well-ventilated room within hearing and vision of the provider or other qualified adult. Children must never be isolated in a locked room, attic or closet area. H. Verbal or emotional abuse and derogatory	7.707.81 Guidance A. At the time of admission, the provider shall discuss with the parent or guardian the home's guidance expectations and consequences of a child's behavior. B. Guidance must be appropriate to the developmental age of child, constructive or educational in nature, and may include such measures as diversion, separation, talking with the child about the situation, praise for appropriate behavior, and gentle holding. C. Children must not be subjected to physical or emotional harm or humiliation. The provider must not use, or permit anyone else to use, corporal or other harsh punishment, including, but not limited to pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of discipline. D. Physical, mechanical, and chemical restraint shall never be used. E. Guidance must not be associated with food, rest or toileting. Children must not be punished for not resting or sleeping, toileting accidents, failure to eat all or part of meals or snacks, or failure to complete an activity. Food or drink may not be denied or forced upon children as a disciplinary measure. F. Meals and snacks can be temporarily postponed or provided individually, but deprivation of meals, snacks and beverages must not be used as punishment. G. Separation, when used as guidance, must be brief and appropriate for the child's age and circumstances. The child must be in a safe, lighted, well-ventilated room within hearing and vision of the provider or other qualified adult. Children must never be isolated in a locked room, attic or closet area. H. Verbal or emotional abuse and derogatory	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>remarks about any child and/or any child's family and home environment is prohibited. I. The provider or approved substitute is responsible for and shall supervise all guidance used within the home. The provider must not allow one child to punish another child. J. A child must not be punished for the actions of a parent or guardian. This includes, but is not limited to, failure to pay fees, failure to provide appropriate clothing, failure to provide materials for an activity, or any conflict between the provider and the parent or guardian.</p>	<p>remarks about any child and/or any child's family and home environment is prohibited. I. The provider or approved substitute is responsible for and shall supervise all guidance used within the home. The provider must not allow one child to punish another child. J. A child must not be punished for the actions of a parent or guardian. This includes, but is not limited to, failure to pay fees, failure to provide appropriate clothing, failure to provide materials for an activity, or any conflict between the provider and the parent or guardian.</p>		
7.707.82 Learning Activities	REPEAL	<p>7.707.82 Learning Activities A. Talking with children is generally social and not limited to only custodial or control speech. B. Children must be encouraged to relate or to communicate with each other and with adults using developmentally appropriate behavior. C. Provider(s) shall respond to children's attempts to communicate, using culturally sensitive eye contact and making an effort to create two-way conversation. D. Each child in care must be provided with an opportunity for both group and individual play. E. The provider shall encourage individual expression and adult directed projects shall be kept to a minimum, since children's work is varied and individual. F. Children shall not be forced to participate in activities; alternate developmentally appropriate activities shall always be available. G. Activities must be available to the children that are culturally sensitive and represent diversity in ethnicity, race, gender, and age. Variety shall exist in toys, books, and pictures. H. Boys and girls should not be restricted to specific roles in play. I. At least one (1) provider-initiated language activity shall be offered daily, such as reading, storytelling, flannel boards, or puppetry. J. The provider(s) shall initiate at least one (1) interactive musical activity weekly, such as singing,</p>	<p>7.707.82 Learning Activities A. Talking with children is generally social and not limited to only custodial or control speech. B. Children must be encouraged to relate or to communicate with each other and with adults using developmentally appropriate behavior. C. Provider(s) shall respond to children's attempts to communicate, using culturally sensitive eye contact and making an effort to create two-way conversation. D. Each child in care must be provided with an opportunity for both group and individual play. E. The provider shall encourage individual expression and adult directed projects shall be kept to a minimum, since children's work is varied and individual. F. Children shall not be forced to participate in activities; alternate developmentally appropriate activities shall always be available. G. Activities must be available to the children that are culturally sensitive and represent diversity in ethnicity, race, gender, and age. Variety shall exist in toys, books, and pictures. H. Boys and girls should not be restricted to specific roles in play. I. At least one (1) provider-initiated language activity shall be offered daily, such as reading, storytelling, flannel boards, or puppetry. J. The provider(s) shall initiate at least one (1) interactive musical activity weekly, such as singing,</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		dancing, playing instruments, marching, listening to tapes or recordings, radios, and musical videos.	dancing, playing instruments, marching, listening to tapes or recordings, radios, and musical videos.		
7.707.83 Materials	REPEAL	7.707.83 Materials A. A selection of at least four (4) books must be available for the group of infants/toddlers in care. B. A selection of at least ten (10) books must be available for all children over two (2) years of age in care and must be organized and accessible to children most of the day. If children over five (5) years of age are in care, books relevant to that age of child must be included within the ten (10) books. C. Materials must be available to the children that are developmentally appropriate, culturally sensitive and represent diversity in ethnicity, race, gender, and age. Variety shall exist in toys, books, and pictures. D. At least four (4) language development materials appropriate to age of the children shall be available, such as telephones, puppets, story boards, dolls, and chalk boards. E. At least four (4) types of age-appropriate eye-hand materials shall be available for use daily which should include at least some of the following: crayons, paper, scissors, non-chokable small building toys, developmentally appropriate multi-size stringing beads, pegs, sewing cards and puzzles. F. Age-appropriate blocks and accessories shall be accessible for free play daily allowing at least two (2) children to play independently, yet simultaneously. G. A selection of at least four (4) types of developmentally appropriate nature or science related games, materials, or activities shall be available: natural object collections, plants, gardens, pets, magnets, magnifying glasses, or science props. H. At least four (4) types of developmentally appropriate math or number materials shall be available: counting objects, balance scales, rulers, number puzzles, magnetic numbers, and dominoes. I. At least four (4) types of art materials shall be available: crayons, pencils, markers, paints, play dough, scissors, and glue. Some art materials must	7.707.83 Materials A. A selection of at least four (4) books must be available for the group of infants/toddlers in care. B. A selection of at least ten (10) books must be available for all children over two (2) years of age in care and must be organized and accessible to children most of the day. If children over five (5) years of age are in care, books relevant to that age of child must be included within the ten (10) books. C. Materials must be available to the children that are developmentally appropriate, culturally sensitive and represent diversity in ethnicity, race, gender, and age. Variety shall exist in toys, books, and pictures. D. At least four (4) language development materials appropriate to age of the children shall be available, such as telephones, puppets, story boards, dolls, and chalk boards. E. At least four (4) types of age-appropriate eye-hand materials shall be available for use daily which should include at least some of the following: crayons, paper, scissors, non-chokable small building toys, developmentally appropriate multi-size stringing beads, pegs, sewing cards and puzzles. F. Age-appropriate blocks and accessories shall be accessible for free play daily allowing at least two (2) children to play independently, yet simultaneously. G. A selection of at least four (4) types of developmentally appropriate nature or science related games, materials, or activities shall be available: natural object collections, plants, gardens, pets, magnets, magnifying glasses, or science props. H. At least four (4) types of developmentally appropriate math or number materials shall be available: counting objects, balance scales, rulers, number puzzles, magnetic numbers, and dominoes. I. At least four (4) types of art materials shall be available: crayons, pencils, markers, paints, play dough, scissors, and glue. Some art materials must	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>be readily available each day.</p> <p>J. At least four (4) types of dramatic play materials shall be accessible for free play daily such as: backpacks, purses, hats, dress up clothing, housekeeping toys, dolls and accessories, toy telephones, play houses, toy animals, cars and trucks, costumes, and safe jewelry.</p> <p>K. Outdoor physical free play materials shall consist of at least four (4) age appropriate toys and equipment including, but not limited to, the following in good repair: push toys, riding toys, tossing toys, climbing equipment, balance boards, stationary swings, slides, balls, toss games, and sports equipment. These must be provided daily except in extreme weather, such as rain, snow, or extreme temperatures when indoor physical play may be substituted.</p> <p>L. Materials provided in large homes must be double the requirements for the regular home as listed above.</p> <p>M. Some sand or equivalent dry material or water play should be offered indoors or outdoors at least monthly and year round. If used, food and/or organic material must be discarded each week.</p>	<p>be readily available each day.</p> <p>J. At least four (4) types of dramatic play materials shall be accessible for free play daily such as: backpacks, purses, hats, dress up clothing, housekeeping toys, dolls and accessories, toy telephones, play houses, toy animals, cars and trucks, costumes, and safe jewelry.</p> <p>K. Outdoor physical free play materials shall consist of at least four (4) age appropriate toys and equipment including, but not limited to, the following in good repair: push toys, riding toys, tossing toys, climbing equipment, balance boards, stationary swings, slides, balls, toss games, and sports equipment. These must be provided daily except in extreme weather, such as rain, snow, or extreme temperatures when indoor physical play may be substituted.</p> <p>L. Materials provided in large homes must be double the requirements for the regular home as listed above.</p> <p>M. Some sand or equivalent dry material or water play should be offered indoors or outdoors at least monthly and year round. If used, food and/or organic material must be discarded each week.</p>		
7.707.84 Media Use	REPEAL	<p>7.707.84 Media Use</p> <p>A. Media use including, but not limited to, television, video viewing, music, video games, and computer use should be permitted only with:</p> <ol style="list-style-type: none"> 1. The written approval of a child's parent(s) or guardian(s). The authorization may be included in the parent handbook or contract; 2. Parent-approved time limits; and 3. Activities must not contain violence, profanity, nudity, or sexual content, and must have a rating appropriate for the age of children in care. <p>B. All children must be provided with a developmentally appropriate alternative activity once the child(ren) loses interest in the media activity.</p>	<p>7.707.84 Media Use</p> <p>A. Media use including, but not limited to, television, video viewing, music, video games, and computer use should be permitted only with:</p> <ol style="list-style-type: none"> 1. The written approval of a child's parent(s) or guardian(s). The authorization may be included in the parent handbook or contract; 2. Parent-approved time limits; and 3. Activities must not contain violence, profanity, nudity, or sexual content, and must have a rating appropriate for the age of children in care. <p>B. All children must be provided with a developmentally appropriate alternative activity once the child(ren) loses interest in the media activity.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.707.9 FACILITY REQUIREMENTS AND TRANSPORTATI	REPEAL	<p>7.707.9 FACILITY REQUIREMENTS AND TRANSPORTATION</p>	<p>7.707.9 FACILITY REQUIREMENTS AND TRANSPORTATION</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules	

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ON				
7.707.91 General Requirements	REPEAL	<p>7.707.91 General Requirements</p> <p>A. The entire premises are subject to inspection for licensing and safety purposes including, but not limited, to the entire residence and where care is to be provided, the grounds surrounding the residence, the basement, the attic (if accessible), the storage shed, garage and/or carport, and any vehicles used for transportation of children in care.</p> <p>B. A business of a nature and any activity that might be hazardous to the health, safety, or well-being of children, or that interferes with the supervision of children, cannot be operated or conducted on the premises of the home during child care business hours.</p> <p>C. Mobile homes used as family child care homes must have at least two (2) exits, be secured, attached, skirted, and properly installed and stabilized.</p> <p>D. The premises of the family child care home must be kept safe and free from hazards to health at all times.</p> <p>E. All weapons must be locked and inaccessible to children. Ammunition and arrows must be locked and stored separately. This includes, but is not limited to, firearms, air rifles, bb guns, paintball guns, bows, hunting knives, swords, hunting sling shots, and martial arts weapons. Trigger locks are acceptable. Antique and other guns used for decoration must be unloaded, inoperable and have the firing pin removed. An unstrung bow need not be stored in a locked container. Weapons must not be transported in any vehicle in which children are riding unless the weapons are made inoperable and inaccessible. The provider, employees, and substitutes must know the location of any weapons in the home.</p> <p>F. All garbage and other wastes must be stored in a</p>	<p>7.707.91 General Requirements</p> <p>A. The entire premises are subject to inspection for licensing and safety purposes including, but not limited, to the entire residence and where care is to be provided, the grounds surrounding the residence, the basement, the attic (if accessible), the storage shed, garage and/or carport, and any vehicles used for transportation of children in care.</p> <p>B. A business of a nature and any activity that might be hazardous to the health, safety, or well-being of children, or that interferes with the supervision of children, cannot be operated or conducted on the premises of the home during child care business hours.</p> <p>C. Mobile homes used as family child care homes must have at least two (2) exits, be secured, attached, skirted, and properly installed and stabilized.</p> <p>D. The premises of the family child care home must be kept safe and free from hazards to health at all times.</p> <p>E. All weapons must be locked and inaccessible to children. Ammunition and arrows must be locked and stored separately. This includes, but is not limited to, firearms, air rifles, bb guns, paintball guns, bows, hunting knives, swords, hunting sling shots, and martial arts weapons. Trigger locks are acceptable. Antique and other guns used for decoration must be unloaded, inoperable and have the firing pin removed. An unstrung bow need not be stored in a locked container. Weapons must not be transported in any vehicle in which children are riding unless the weapons are made inoperable and inaccessible. The provider, employees, and substitutes must know the location of any weapons in the home.</p> <p>F. All garbage and other wastes must be stored in a</p>	<p>from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p> <p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>

	<p>manner that is inaccessible to children and disposed of in a manner that does not constitute a health hazard or nuisance.</p> <p>G. Fire hazards, such as defective electrical or gas appliances and electric cords, dangerous or defective heating or cooking equipment, exposed wiring and flammable material stored in such a manner as to create a risk of fire must be corrected or eliminated.</p> <p>H. All stairways must be free from hazards, and those with more than five (5) steps must be equipped with banisters or handrails within reach of children. The slats on all railings must be no wider than four (4) inches apart or modified to prevent entrapment.</p> <p>I. Drinking and food preparation water from any source other than a regular municipal water supply or commercially bottled water must be tested annually and the results available for review. The water must be in compliance with water quality requirements of the Colorado Department of Public Health and Environment.</p> <p>J. Any provider's, employee's, substitute's, volunteer's, and/or visitor's animal(s) and/or fish that are dangerous, and/or pose a potential threat to a child's safety or health must be confined in a place away from the child care area and inaccessible to children. The provider's animals must be vaccinated as required by state law and local ordinance, and proof of vaccination must be available for review by the licensing specialist.</p> <p>K. Psittacine/hooks beak birds must be in a separate room inaccessible to children in care.</p> <p>L. Children must not be permitted to mistreat animals.</p> <p>M. All play equipment must be designed to guard against entrapment and strangulation. Swing sets and other outdoor play equipment must be correctly assembled, well maintained, and securely stabilized or anchored. All swings for children three (3) years of age and older must have seats made of flexible material.</p>	<p>manner that is inaccessible to children and disposed of in a manner that does not constitute a health hazard or nuisance.</p> <p>G. Fire hazards, such as defective electrical or gas appliances and electric cords, dangerous or defective heating or cooking equipment, exposed wiring and flammable material stored in such a manner as to create a risk of fire must be corrected or eliminated.</p> <p>H. All stairways must be free from hazards, and those with more than five (5) steps must be equipped with banisters or handrails within reach of children. The slats on all railings must be no wider than four (4) inches apart or modified to prevent entrapment.</p> <p>I. Drinking and food preparation water from any source other than a regular municipal water supply or commercially bottled water must be tested annually and the results available for review. The water must be in compliance with water quality requirements of the Colorado Department of Public Health and Environment.</p> <p>J. Any provider's, employee's, substitute's, volunteer's, and/or visitor's animal(s) and/or fish that are dangerous, and/or pose a potential threat to a child's safety or health must be confined in a place away from the child care area and inaccessible to children. The provider's animals must be vaccinated as required by state law and local ordinance, and proof of vaccination must be available for review by the licensing specialist.</p> <p>K. Psittacine/hooks beak birds must be in a separate room inaccessible to children in care.</p> <p>L. Children must not be permitted to mistreat animals.</p> <p>M. All play equipment must be designed to guard against entrapment and strangulation. Swing sets and other outdoor play equipment must be correctly assembled, well maintained, and securely stabilized or anchored. All swings for children three (3) years of age and older must have seats made of flexible material.</p>	
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		N. All exercise equipment must be inaccessible to children.	N. All exercise equipment must be inaccessible to children.	
7.707.92 Indoor Requirements	REPEAL	7.707.92 Indoor Requirements	7.707.92 Indoor Requirements	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.
7.707.921 General Indoor Requirements	REPEAL	7.707.921 General Indoor Requirements A. There must be open, indoor play space of at least thirty-five (35) square feet of floor space per child, including space for moveable furniture and equipment exclusive of: 1. Hallways; 2. Bathrooms; 3. Stairways; 4. Closets; 5. Laundry rooms; 6. Furnace rooms; and 7. Space occupied by permanent built-in cabinets and permanent storage shelves. B. The large home must provide sufficient floor space in the specific room(s) designated for use for child care that does not include space used by household furniture. C. One room or area in the home, within sight or sound of the provider, that contains a bed, cot or sofa must be available for a child in the event of an illness or injury where a child can be separated from other children and comfortably cared for. A crib or playpen with a pad must be provided for children under twelve (12) months of age. A clean, washable sheet and blanket must be provided for each child, and shall be cleaned and changed after each use by a sick or injured child. D. All floors must have an easily cleanable finish including, but not limited to: carpets, tile, wood or concrete. E. Interior walls must be free of holes and	7.707.921 General Indoor Requirements A. There must be open, indoor play space of at least thirty-five (35) square feet of floor space per child, including space for moveable furniture and equipment exclusive of: 1. Hallways; 2. Bathrooms; 3. Stairways; 4. Closets; 5. Laundry rooms; 6. Furnace rooms; and 7. Space occupied by permanent built-in cabinets and permanent storage shelves. B. The large home must provide sufficient floor space in the specific room(s) designated for use for child care that does not include space used by household furniture. C. One room or area in the home, within sight or sound of the provider, that contains a bed, cot or sofa must be available for a child in the event of an illness or injury where a child can be separated from other children and comfortably cared for. A crib or playpen with a pad must be provided for children under twelve (12) months of age. A clean, washable sheet and blanket must be provided for each child, and shall be cleaned and changed after each use by a sick or injured child. D. All floors must have an easily cleanable finish including, but not limited to: carpets, tile, wood or concrete. E. Interior walls must be free of holes and	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.

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		<p>constructed of solid material with a smooth finish that can be easily cleaned. Painted finishes shall be maintained free from peeling, chipping or otherwise deteriorating paint.</p> <p>F. The home must be equipped with adequate light, heat, ventilation, and plumbing for safe and comfortable occupancy. The heating facility must be capable of maintaining a draft-free temperature of a minimum of sixty-eight (68) degrees Fahrenheit at floor level in all rooms used for child care.</p> <p>G. All rooms must be kept in a clean and sanitary condition and be free of any evidence of pest or rodent infestation.</p> <p>H. Stairways of more than four (4) steps that are accessible to children must have gates that prevent access from the area being used when children under two (2) years old are present. The gate may be taken down as long as the provider is providing direct supervision of the child who is learning climbing skills on the stairs. Because of the risk of serious physical injury to a child, providers, employees, substitutes, volunteers, and visitors must never lift children over the gates while on a stairway.</p> <p>I. Because of the risk of serious physical injury to a child, providers, employees, substitutes, volunteers, and visitors must never step over a gate while holding a child or lift a child over a gate.</p>	<p>constructed of solid material with a smooth finish that can be easily cleaned. Painted finishes shall be maintained free from peeling, chipping or otherwise deteriorating paint.</p> <p>F. The home must be equipped with adequate light, heat, ventilation, and plumbing for safe and comfortable occupancy. The heating facility must be capable of maintaining a draft free temperature of a minimum of sixty-eight (68) degrees Fahrenheit at floor level in all rooms used for child care.</p> <p>G. All rooms must be kept in a clean and sanitary condition and be free of any evidence of pest or rodent infestation.</p> <p>H. Stairways of more than four (4) steps that are accessible to children must have gates that prevent access from the area being used when children under two (2) years old are present. The gate may be taken down as long as the provider is providing direct supervision of the child who is learning climbing skills on the stairs. Because of the risk of serious physical injury to a child, providers, employees, substitutes, volunteers, and visitors must never lift children over the gates while on a stairway.</p> <p>I. Because of the risk of serious physical injury to a child, providers, employees, substitutes, volunteers, and visitors must never step over a gate while holding a child or lift a child over a gate.</p>		
7.707.922 Indoor Equipment, Materials and Furnishings	REPEAL	<p>7.707.922 Indoor Equipment, Materials and Furnishings</p> <p>A. Toys, toy parts and any material accessible to children under three (3) years of age must be large enough that they cannot be swallowed or inhaled, to prevent a choking hazard.</p> <p>B. An adequate number of high chairs and other child size suitable equipment that meets nationally recognized standards must be provided when feeding each child under two (2) years of age.</p> <p>C. Children's use of walkers with wheels is prohibited unless specifically provided for a child's special needs as ordered in the child's health care plan.</p>	<p>7.707.922 Indoor Equipment, Materials and Furnishings</p> <p>A. Toys, toy parts and any material accessible to children under three (3) years of age must be large enough that they cannot be swallowed or inhaled, to prevent a choking hazard.</p> <p>B. An adequate number of high chairs and other child size suitable equipment that meets nationally recognized standards must be provided when feeding each child under two (2) years of age.</p> <p>C. Children's use of walkers with wheels is prohibited unless specifically provided for a child's special needs as ordered in the child's health care plan.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		D. Furnishings and equipment in the area approved for child care must be in good repair. E. Furnishings for relaxation and comfort shall include, but not be limited to: 1. Soft play areas, which may include rugs, carpets, mats, and cushions; and 2. Clean and soft toys.	D. Furnishings and equipment in the area approved for child care must be in good repair. E. Furnishings for relaxation and comfort shall include, but not be limited to: 1. Soft play areas, which may include rugs, carpets, mats, and cushions; and 2. Clean and soft toys.	
7.707.923 Indoor Safety	REPEAL	7.707.923 Indoor Safety A. All hazardous items and materials must be inaccessible to children including, but not limited to, office supplies, matches, plastic bags, cleaning and laundry materials, medicines, perfumes, curling irons, adult sharp scissors and knives, cosmetics, shaving lotions, hair products, poisonous plants, and all items labeled by manufacturer as “keep out of reach of children. B. In rooms accessible to children, all electrical outlets and power strips must have protective covers, or safety outlets must be installed; all exposed light bulbs must have protective covers. Electrical cords must be in good condition and shall not pose a hazard, such as strangulation, falling or tripping. C. Window blind cords and coverings must be secured out of children’s reach or otherwise made safe to prevent strangulation. D. During child care hours, fans that pose a safety hazard to children (such as dangling cords, fans that can be pulled onto the child, and those where the child can stick fingers in the blades) must be inaccessible to children. E. Although exterior doors can be locked, they must be maintained so as to permit easy exit; interior doors must be designed to prevent children from becoming trapped. F. No locks or fastening devices can be used that would prevent emergency evacuation. G. Any level where child care occurs must have two (2) means of escape. A basement exit may include a window large enough for the provider, employees, substitute, volunteers, visitors, and children to individually exit.	7.707.923 Indoor Safety A. All hazardous items and materials must be inaccessible to children including, but not limited to, office supplies, matches, plastic bags, cleaning and laundry materials, medicines, perfumes, curling irons, adult sharp scissors and knives, cosmetics, shaving lotions, hair products, poisonous plants, and all items labeled by manufacturer as “keep out of reach of children. B. In rooms accessible to children, all electrical outlets and power strips must have protective covers, or safety outlets must be installed; all exposed light bulbs must have protective covers. Electrical cords must be in good condition and shall not pose a hazard, such as strangulation, falling or tripping. C. Window blind cords and coverings must be secured out of children’s reach or otherwise made safe to prevent strangulation. D. During child care hours, fans that pose a safety hazard to children (such as dangling cords, fans that can be pulled onto the child, and those where the child can stick fingers in the blades) must be inaccessible to children. E. Although exterior doors can be locked, they must be maintained so as to permit easy exit; interior doors must be designed to prevent children from becoming trapped. F. No locks or fastening devices can be used that would prevent emergency evacuation. G. Any level where child care occurs must have two (2) means of escape. A basement exit may include a window large enough for the provider, employees, substitute, volunteers, visitors, and children to individually exit.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.

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		<p>H. If the window sill height is over thirty (30) inches, there must be permanent access to the window. This includes a ladder bolted to the wall or sturdy and easily climbed furniture or steps.</p> <p>I. Upper levels where child care occurs, without a second exit, must have escape ladders designed specifically for the purpose of evacuation of children.</p> <p>J. All heating units, unvented gas or electric, must be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used.</p> <p>K. Any cooking stoves with controls within reach of a child shall have a safety guard.</p> <p>L. Flammable or combustible items must be stored in a locked area remote from the kitchen, at least three (3) feet from the furnace, hot water heater or any other heating device. These items include, but are not limited to, paints, fuels, insecticides, and other hazardous chemicals.</p> <p>M. A smoke detector in working condition must be installed on each level of the home.</p> <p>N. There must be a carbon monoxide detector installed in the area of the home as recommended by the manufacturer and in the area where children sleep.</p> <p>O. The home must contain at least one (1) fire extinguisher in working condition with the minimum weight of five (5) pounds, and minimum rating of 2A-10-BC. The fire extinguisher or identifying sign where the fire extinguisher is located must be highly visible and easily accessible.</p> <p>P. The use of indoor and/or climbing equipment indoors is subject to Section 7.707.932.</p>	<p>H. If the window sill height is over thirty (30) inches, there must be permanent access to the window. This includes a ladder bolted to the wall or sturdy and easily climbed furniture or steps.</p> <p>I. Upper levels where child care occurs, without a second exit, must have escape ladders designed specifically for the purpose of evacuation of children.</p> <p>J. All heating units, unvented gas or electric, must be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used.</p> <p>K. Any cooking stoves with controls within reach of a child shall have a safety guard.</p> <p>L. Flammable or combustible items must be stored in a locked area remote from the kitchen, at least three (3) feet from the furnace, hot water heater or any other heating device. These items include, but are not limited to, paints, fuels, insecticides, and other hazardous chemicals.</p> <p>M. A smoke detector in working condition must be installed on each level of the home.</p> <p>N. There must be a carbon monoxide detector installed in the area of the home as recommended by the manufacturer and in the area where children sleep.</p> <p>O. The home must contain at least one (1) fire extinguisher in working condition with the minimum weight of five (5) pounds, and minimum rating of 2A-10-BC. The fire extinguisher or identifying sign where the fire extinguisher is located must be highly visible and easily accessible.</p> <p>P. The use of indoor and/or climbing equipment indoors is subject to Section 7.707.932.</p>	
7.707.93 Outdoor Requirements	REPEAL	7.707.93 Outdoor Requirements	7.707.93 Outdoor Requirements	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that</p>

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<p>7.707.931 General Outdoor Requirements</p>	<p>REPEAL</p>	<p>7.707.931 General Outdoor Requirements A. At least seventy-five (75) square feet of useable outdoor play space must be available for each child. B. The outdoor play space must be enclosed with at least a forty-two inch (42") fence or natural barrier. If a natural barrier is used, it must begin no higher than three and one-half inches (3-1/2") from the ground. If the home does not have a fenced play space, provisions must be made for outdoor play in an area approved by the State Department. C. All parts of the play area must be visible and easily supervised. D. Shade must be available. E. Decks that are more than twelve (12) inches high must have or be modified to have a protective railing or other barrier with slats no wider than four (4) inches apart. Additionally, for decks installed at ground level with more than a twelve inch (12") gap between flooring and ground, the gap must be inaccessible to children. F. Tiered yards that have drop offs of more than twelve inches (12") must have a protective railing or other barrier with slats no wider the four inches (4") apart. G. All outdoor areas where children may pass or play shall be kept free of animal contamination. All animal wastes must be promptly removed and placed in a lidded container or otherwise inaccessible to children. H. Window wells accessible to children must have covers that are in good condition and will protect children from falling into the window well. Window well covers must not prevent exiting from a basement window designated as the second exit. I. Swimming pools, permanent wading pools, and above ground pools located on the property of the home must be enclosed with a five foot (5') fence and a locked gate. J. Water used by children in play areas, including wading pools, must be clean and not left to stand more than one (1) day.</p>	<p>7.707.931 General Outdoor Requirements A. At least seventy-five (75) square feet of useable outdoor play space must be available for each child. B. The outdoor play space must be enclosed with at least a forty-two inch (42") fence or natural barrier. If a natural barrier is used, it must begin no higher than three and one-half inches (3-1/2") from the ground. If the home does not have a fenced play space, provisions must be made for outdoor play in an area approved by the State Department. C. All parts of the play area must be visible and easily supervised. D. Shade must be available. E. Decks that are more than twelve (12) inches high must have or be modified to have a protective railing or other barrier with slats no wider than four (4) inches apart. Additionally, for decks installed at ground level with more than a twelve inch (12") gap between flooring and ground, the gap must be inaccessible to children. F. Tiered yards that have drop offs of more than twelve inches (12") must have a protective railing or other barrier with slats no wider the four inches (4") apart. G. All outdoor areas where children may pass or play shall be kept free of animal contamination. All animal wastes must be promptly removed and placed in a lidded container or otherwise inaccessible to children. H. Window wells accessible to children must have covers that are in good condition and will protect children from falling into the window well. Window well covers must not prevent exiting from a basement window designated as the second exit. I. Swimming pools, permanent wading pools, and above ground pools located on the property of the home must be enclosed with a five foot (5') fence and a locked gate. J. Water used by children in play areas, including wading pools, must be clean and not left to stand more than one (1) day.</p>	<p>must be repealed. HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
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		<p>K. All hot tubs must have bolted and securely locked covers.</p> <p>L. Decorative ponds in the designated play area must use childproofing grates to prevent risk of drowning when there is no fence.</p> <p>M. The use of a trampoline by children in care is prohibited. If there is a trampoline on the property of the home, it must be stored in a way that makes it totally inaccessible to children.</p> <p>N. Tree houses must be inaccessible to children in care.</p> <p>O. Walkways must be cleared of snow and ice to provide safe entry and exit from the home.</p>	<p>K. All hot tubs must have bolted and securely locked covers.</p> <p>L. Decorative ponds in the designated play area must use childproofing grates to prevent risk of drowning when there is no fence.</p> <p>M. The use of a trampoline by children in care is prohibited. If there is a trampoline on the property of the home, it must be stored in a way that makes it totally inaccessible to children.</p> <p>N. Tree houses must be inaccessible to children in care.</p> <p>O. Walkways must be cleared of snow and ice to provide safe entry and exit from the home.</p>		
7.707.932 Outdoor Equipment, Materials and Surfaces	REPEAL	<p>7.707.932 Outdoor Equipment, Materials and Surfaces</p> <p>A. Protective Surfacing Requirements</p> <p>1. All pieces of permanently installed climbing equipment must be surrounded by and have at least four inches (4") of a nationally recognized protective surface underneath the equipment.</p> <p>2. By December 31, 2010, all pieces of permanently installed playground equipment must be surrounded by and have at least six inches (6") of a nationally recognized protective surface underneath the equipment.</p> <p>B. Sand may be used as a protective surfacing when regularly raked, rototilled or replaced to retain its resiliency.</p> <p>C. ing any type of licensing visit the sand has become compacted and lost resiliency or depth, the provider must immediately replace the sand with one of the other approved protective surfacing materials.</p> <p>D. Portable climbing equipment over two feet (2') in height, whether indoor or outdoor, must be on a protective surfacing. No equipment can be placed on cement or grass.</p> <p>E. By December 31, 2010, all swing sets or permanent climbing equipment must ensure a minimum fall zone consistent with the nationally recognized standards.</p>	<p>7.707.932 Outdoor Equipment, Materials and Surfaces</p> <p>A. Protective Surfacing Requirements</p> <p>1. All pieces of permanently installed climbing equipment must be surrounded by and have at least four inches (4") of a nationally recognized protective surface underneath the equipment.</p> <p>2. By December 31, 2010, all pieces of permanently installed playground equipment must be surrounded by and have at least six inches (6") of a nationally recognized protective surface underneath the equipment.</p> <p>B. Sand may be used as a protective surfacing when regularly raked, rototilled or replaced to retain its resiliency.</p> <p>C. ing any type of licensing visit the sand has become compacted and lost resiliency or depth, the provider must immediately replace the sand with one of the other approved protective surfacing materials.</p> <p>D. Portable climbing equipment over two feet (2') in height, whether indoor or outdoor, must be on a protective surfacing. No equipment can be placed on cement or grass.</p> <p>E. By December 31, 2010, all swing sets or permanent climbing equipment must ensure a minimum fall zone consistent with the nationally recognized standards.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.707.933	REPEAL	7.707.933 Outdoor Activities	7.707.933 Outdoor Activities	HB22-1295 was codified	

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<p>Outdoor Activities</p>		<p>A. The home program must include outdoor play for all ages each day except when the severity of weather, including temperature extremes, makes it a health hazard or when a child must remain indoors as indicated in writing by a health care provider or in a health care plan. B. Developmentally appropriate supervision must be provided during outdoor play in the approved, adjoining fenced play area. C. Children playing in an unfenced area or any other outdoor play area, other than the required, approved fenced play area must be under direct supervision at all times. D. Children must wear helmets, wrist protection, and knee and elbow pads when riding a scooter, bicycle, skateboard, or rollerblades. Motorized riding toys are not permitted. E. All protective surfacing (excluding sand, wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, and shredded rubber tires) and rubber mats must be manufactured for such use consistent with federal guidelines and be approved by the State Department. F. With written permission of the parent(s) or guardian(s), children in care shall be permitted to use the permanent pool in the presence of an adult who holds a current Red Cross basic lifeguarding certificate or equivalent, and is actively responsible for lifeguarding protection.</p>	<p>A. The home program must include outdoor play for all ages each day except when the severity of weather, including temperature extremes, makes it a health hazard or when a child must remain indoors as indicated in writing by a health care provider or in a health care plan. B. Developmentally appropriate supervision must be provided during outdoor play in the approved, adjoining fenced play area. C. Children playing in an unfenced area or any other outdoor play area, other than the required, approved fenced play area must be under direct supervision at all times. D. Children must wear helmets, wrist protection, and knee and elbow pads when riding a scooter, bicycle, skateboard, or rollerblades. Motorized riding toys are not permitted. E. All protective surfacing (excluding sand, wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, and shredded rubber tires) and rubber mats must be manufactured for such use consistent with federal guidelines and be approved by the State Department. F. With written permission of the parent(s) or guardian(s), children in care shall be permitted to use the permanent pool in the presence of an adult who holds a current Red Cross basic lifeguarding certificate or equivalent, and is actively responsible for lifeguarding protection.</p>	<p>into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
<p>7.707.934 Outdoor Safety</p>	<p>REPEAL</p>	<p>7.707.934 Outdoor Safety A. Children must be directly and actively supervised near standing water including, but not limited to, fountains, buckets, wading pools, and animal troughs. B. All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children. C. Outdoor play space, including areas under decks must be free from safety hazards including, but not limited to, lawn mowers, tools, propane, gasoline, building scraps, and scrap metal. Gas grills with</p>	<p>7.707.934 Outdoor Safety A. Children must be directly and actively supervised near standing water including, but not limited to, fountains, buckets, wading pools, and animal troughs. B. All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children. C. Outdoor play space, including areas under decks must be free from safety hazards including, but not limited to, lawn mowers, tools, propane, gasoline, building scraps, and scrap metal. Gas grills with</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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<p>7.707.94 Transportation</p>	<p>REPEAL</p>	<p>propane tanks must have a safety on/off knob on it.</p> <p>7.707.94 Transportation A. The driver of a vehicle used to transport children must follow required state laws, including possession of a current valid Colorado driver's license, automobile insurance, and meet the requirements of Colorado child passenger safety laws. B. At least one (1) adult in the vehicle transporting children must have a current State Department-approved First Aid and safety certificate that includes CPR for all ages of children. A First Aid kit must be available in the vehicle. C. Any child transported must be properly restrained in a child restraint system that meets the requirements of the Colorado child passenger safety law that requires: 1. Children must ride in a rear-facing child safety seat until they are at least one (1) year old and weigh at least twenty (20) pounds. 2. Children ages one (1) to four (4) years and who weigh twenty (20) to forty (40) pounds must be restrained in a forward-facing car seat. 3. Children at least four (4) years of age and are less than six (6) years old must continue to ride in a child restraint (unless they are fifty-five inches tall); typically, this is a booster seat; and 4. Children between six (6) and sixteen (16) years old or are fifty-five inches (55") tall must be properly restrained in a seat belt. D. When any vehicle is used by the home to transport children in care, the following requirements must be met: 1. Each child under four years of age and weighs less than forty pounds must be properly fastened into a child restraint system in a seating position equipped with a safety belt or other means to secure the system according to the manufacturer's instructions; 2. Two or more children must never be restrained in one (1) seat belt or child restraint system; 3. It is the responsibility of the driver transporting</p>	<p>propane tanks must have a safety on/off knob on it.</p> <p>7.707.94 Transportation A. The driver of a vehicle used to transport children must follow required state laws, including possession of a current valid Colorado driver's license, automobile insurance, and meet the requirements of Colorado child passenger safety laws. B. At least one (1) adult in the vehicle transporting children must have a current State Department-approved First Aid and safety certificate that includes CPR for all ages of children. A First Aid kit must be available in the vehicle. C. Any child transported must be properly restrained in a child restraint system that meets the requirements of the Colorado child passenger safety law that requires: 1. Children must ride in a rear-facing child safety seat until they are at least one (1) year old and weigh at least twenty (20) pounds. 2. Children ages one (1) to four (4) years and who weigh twenty (20) to forty (40) pounds must be restrained in a forward-facing car seat. 3. Children at least four (4) years of age and are less than six (6) years old must continue to ride in a child restraint (unless they are fifty-five inches tall); typically, this is a booster seat; and 4. Children between six (6) and sixteen (16) years old or are fifty-five inches (55") tall must be properly restrained in a seat belt. D. When any vehicle is used by the home to transport children in care, the following requirements must be met: 1. Each child under four years of age and weighs less than forty pounds must be properly fastened into a child restraint system in a seating position equipped with a safety belt or other means to secure the system according to the manufacturer's instructions; 2. Two or more children must never be restrained in one (1) seat belt or child restraint system; 3. It is the responsibility of the driver transporting</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>
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	<p>children to ensure that such children are provided with and that they properly use a child restraint system or safety belt system;</p> <p>4. Children between six (6) and sixteen (16) years of age or are fifty inches tall or more must be instructed and monitored to keep the seat belt properly fastened and adjusted;</p> <p>5. Children, who are appropriately placed in a safety belt system according to state law, must be properly secured by the safety belt system. The shoulder belt must never be placed behind the back or under the arm. The lap belt must be secured low and tight across the upper thighs;</p> <p>6. Children under thirteen (13) years of age must never be transported in the front seat of a vehicle;</p> <p>7. Children must never be left alone in a vehicle;</p> <p>8. Children must be loaded and unloaded safely and out of the path of moving vehicles;</p> <p>9. The total number of passengers being transported shall never exceed the manufacturer's specifications;</p> <p>10. The provider cannot transport more children than any vehicle can safely accommodate with child restraint systems and seat belts that are properly installed in the vehicle;</p> <p>11. The seats of the vehicle must be constructed and installed according to the manufacturer's specifications;</p> <p>12. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review;</p> <p>13. The vehicle must be enclosed and have door locks in proper working order;</p> <p>14. The vehicle must be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights must meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division (Section 42-4-236, C.R.S.) and</p> <p>15. At a large home, there must be at least one (1) adult supervisor, in addition to the driver, for nine (9)</p>	<p>children to ensure that such children are provided with and that they properly use a child restraint system or safety belt system;</p> <p>4. Children between six (6) and sixteen (16) years of age or are fifty inches tall or more must be instructed and monitored to keep the seat belt properly fastened and adjusted;</p> <p>5. Children, who are appropriately placed in a safety belt system according to state law, must be properly secured by the safety belt system. The shoulder belt must never be placed behind the back or under the arm. The lap belt must be secured low and tight across the upper thighs;</p> <p>6. Children under thirteen (13) years of age must never be transported in the front seat of a vehicle;</p> <p>7. Children must never be left alone in a vehicle;</p> <p>8. Children must be loaded and unloaded safely and out of the path of moving vehicles;</p> <p>9. The total number of passengers being transported shall never exceed the manufacturer's specifications;</p> <p>10. The provider cannot transport more children than any vehicle can safely accommodate with child restraint systems and seat belts that are properly installed in the vehicle;</p> <p>11. The seats of the vehicle must be constructed and installed according to the manufacturer's specifications;</p> <p>12. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review;</p> <p>13. The vehicle must be enclosed and have door locks in proper working order;</p> <p>14. The vehicle must be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights must meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division (Section 42-4-236, C.R.S.) and</p> <p>15. At a large home, there must be at least one (1) adult supervisor, in addition to the driver, for nine (9)</p>		
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		<p>to twelve (12) children using the vehicle. E. The home must obtain written permission from the parent or guardian for transportation of the child. F. If the child care home provides transportation to and from care, the provider must monitor the child between the vehicle and the child's home or another home authorized by the child's parent or guardian until the child is safely in the care of another adult. G. Transportation arrangements for school-age children must, be by agreement between the home and the child's parent or guardian (e.g., whether the child can walk, ride a bicycle, or travel in a car). The home must exercise reasonable precaution to see that the children arrive at the home from school when expected and must follow up on their whereabouts if late. Written permission from a parent or guardian for the child to attend community functions after school hours must include agreements regarding transportation. H. If transportation is provided between the home and school for school-age children, the required adult-to-child ratio and supervision must be maintained for children remaining at the home.</p>	<p>to twelve (12) children using the vehicle. E. The home must obtain written permission from the parent or guardian for transportation of the child. F. If the child care home provides transportation to and from care, the provider must monitor the child between the vehicle and the child's home or another home authorized by the child's parent or guardian until the child is safely in the care of another adult. G. Transportation arrangements for school-age children must, be by agreement between the home and the child's parent or guardian (e.g., whether the child can walk, ride a bicycle, or travel in a car). The home must exercise reasonable precaution to see that the children arrive at the home from school when expected and must follow up on their whereabouts if late. Written permission from a parent or guardian for the child to attend community functions after school hours must include agreements regarding transportation. H. If transportation is provided between the home and school for school-age children, the required adult-to-child ratio and supervision must be maintained for children remaining at the home.</p>		
7.711 RULES REGULATING CHILDREN'S RESIDENT CAMPS	REPEAL	7.711 RULES REGULATING CHILDREN'S RESIDENT CAMPS In addition to the General Rules for Child Care Facilities, Children's Resident Camps shall follow the rules specified in this section and the "Rules Regulating Special Activities".	7.711 RULES REGULATING CHILDREN'S RESIDENT CAMPS In addition to the General Rules for Child Care Facilities, Children's Resident Camps shall follow the rules specified in this section and the "Rules Regulating Special Activities".	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.711.1 DEFINITIONS	REPEAL	7.711.1 DEFINITIONS A. A "residential camp" means a facility operating for three or more consecutive twenty-four-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	7.711.1 DEFINITIONS A. A "residential camp" means a facility operating for three or more consecutive twenty-four-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	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>off the premises. A children's resident camp shall serve children who have completed kindergarten or are six years of age or older through children younger than nineteen years of age; except that a person nineteen years of age or twenty years of age may attend a children's resident camp if, within six months prior to attending the children's resident camp, he or she has attended or has graduated from high school.</p> <p>B. A residential camp may have a "primitive camp" which is a portion of the permanent camp premises or another site at which the basic needs for camp operation, such as places of abode, water supply systems, and permanent toilet and/or cooking facilities, are not usually provided.</p> <p>C. A "travel-trip camp" shall be known as a camp in which there is no permanent camp site and children move from one site to another. The travel-trip camp either originates in Colorado or moves into and/or through Colorado from another state and operates for three or more consecutive 24-hour days during one or more seasons of the year for the care of five or more children who are at least ten (10) years old or have completed the fourth grade. The program shall have as its purp</p>	<p>off the premises. A children's resident camp shall serve children who have completed kindergarten or are six years of age or older through children younger than nineteen years of age; except that a person nineteen years of age or twenty years of age may attend a children's resident camp if, within six months prior to attending the children's resident camp, he or she has attended or has graduated from high school.</p> <p>B. A residential camp may have a "primitive camp" which is a portion of the permanent camp premises or another site at which the basic needs for camp operation, such as places of abode, water supply systems, and permanent toilet and/or cooking facilities, are not usually provided.</p> <p>C. A "travel-trip camp" shall be known as a camp in which there is no permanent camp site and children move from one site to another. The travel-trip camp either originates in Colorado or moves into and/or through Colorado from another state and operates for three or more consecutive 24-hour days during one or more seasons of the year for the care of five or more children who are at least ten (10) years old or have completed the fourth grade. The program shall have as its purp</p>		
7.711.11 Purpose and Goals	REPEAL	<p>7.711.11 Purpose and Goals Each camp must submit to the department a statement of goals and objectives. This statement must be kept on file, updated periodically, made known to staff, and available for licensing inspection.</p>	<p>7.711.11 Purpose and Goals Each camp must submit to the department a statement of goals and objectives. This statement must be kept on file, updated periodically, made known to staff, and available for licensing inspection.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.711.12 Governing Body	REPEAL	<p>7.711.12 Governing Body The governing body must be identified by its legal name. The names and addresses of individuals who hold primary financial control and officers of the governing body must be disclosed fully to the Colorado Department of Human Services. The governing body is responsible for providing necessary facilities, adequate financing, qualified</p>	<p>7.711.12 Governing Body The governing body must be identified by its legal name. The names and addresses of individuals who hold primary financial control and officers of the governing body must be disclosed fully to the Colorado Department of Human Services. The governing body is responsible for providing necessary facilities, adequate financing, qualified</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that	

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		<p>personnel, services, and program functions for the safety and well-being of children in accordance with these rules. When changes of governing body occur, the new governing body must immediately submit an original application and pay the required fee.</p> <p>A. If the governing body lets, leases, or rents the licensed facility to any group or organization whose program falls under the definition as found at Section 7.711.1 and verifies in writing to the State Department that the lessee meets the licensing standards, an application is not required of the lessee. If the governing body does not verify that the lessee meets the licensing standards, an application is required of the lessee and the license must be issued to the lessee before the camp opens.</p> <p>B. When the facility is let, leased, or rented, the governing body must report the following in writing at the request of the State Department: name of the group, number and ages of children, length of time for use of the facility, and the purpose of the camp.</p>	<p>personnel, services, and program functions for the safety and well-being of children in accordance with these rules. When changes of governing body occur, the new governing body must immediately submit an original application and pay the required fee.</p> <p>A. If the governing body lets, leases, or rents the licensed facility to any group or organization whose program falls under the definition as found at Section 7.711.1 and verifies in writing to the State Department that the lessee meets the licensing standards, an application is not required of the lessee. If the governing body does not verify that the lessee meets the licensing standards, an application is required of the lessee and the license must be issued to the lessee before the camp opens.</p> <p>B. When the facility is let, leased, or rented, the governing body must report the following in writing at the request of the State Department: name of the group, number and ages of children, length of time for use of the facility, and the purpose of the camp.</p>	<p>must be repealed.</p>	
7.711.13 Financial Support	REPEAL	<p>7.711.13 Financial Support The governing body must satisfy the department upon request that there is sufficient financial support to operate and maintain a camp in accordance with these rules and camp goals and objectives.</p>	<p>7.711.13 Financial Support The governing body must satisfy the department upon request that there is sufficient financial support to operate and maintain a camp in accordance with these rules and camp goals and objectives.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
7.711.14 Insurances	REPEAL	<p>7.711.14 Insurances Every facility must carry public liability insurance. The applicant or licensee must submit the amount of the insurance and the name and the address of the insurance agency providing the insurance to the camp. The camp must maintain information about the insurance at the campsite.</p>	<p>7.711.14 Insurances Every facility must carry public liability insurance. The applicant or licensee must submit the amount of the insurance and the name and the address of the insurance agency providing the insurance to the camp. The camp must maintain information about the insurance at the campsite.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
7.711.15 Written Agreements, Reports, and	REPEAL	<p>7.711.15 Written Agreements, Reports, and Logs A. There must be on file at the campsite an annually-dated a written or electronic agreement</p>	<p>7.711.15 Written Agreements, Reports, and Logs A. There must be on file at the campsite an annually-dated a written or electronic agreement</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022.</p>	

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Logs		<p>with a licensed physician or nearby health care facility to provide the necessary medical services for campers at the camp and medical help as a backup to the camp staff members responsible for health supervision.</p> <p>B. A travel-trip camp is not required to have a written agreement, but it must have a list of all medical facilities in areas where the travel-trip camp will be traveling.</p> <p>C. The camp must maintain at the campsite a medical record keeping system, listing name of camper, illness or injury, prescribed treatment and date the treatment was administered, and name of person administering care. This record keeping system must be available to licensing personnel.</p> <p>D. The camp must submit as soon as possible but not longer than 24 hours to the State Department a written report about any camper who has been separated from the group outside of the supervision of their assigned staff member or for whom a report has been made to the local Sheriff's department for search and rescue. Such report must indicate the name, age, and address of the camper; the name of parents/guardians and their address if different; the date when the child was lost; the location, time, and circumstances when the camper was last seen; and circumstances of locating the camper.</p>	<p>with a licensed physician or nearby health care facility to provide the necessary medical services for campers at the camp and medical help as a backup to the camp staff members responsible for health supervision.</p> <p>B. A travel-trip camp is not required to have a written agreement, but it must have a list of all medical facilities in areas where the travel-trip camp will be traveling.</p> <p>C. The camp must maintain at the campsite a medical record keeping system, listing name of camper, illness or injury, prescribed treatment and date the treatment was administered, and name of person administering care. This record keeping system must be available to licensing personnel.</p> <p>D. The camp must submit as soon as possible but not longer than 24 hours to the State Department a written report about any camper who has been separated from the group outside of the supervision of their assigned staff member or for whom a report has been made to the local Sheriff's department for search and rescue. Such report must indicate the name, age, and address of the camper; the name of parents/guardians and their address if different; the date when the child was lost; the location, time, and circumstances when the camper was last seen; and circumstances of locating the camper.</p>	<p>CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
7.711.2 PERSONNEL	REPEAL	7.711.2 PERSONNEL	7.711.2 PERSONNEL	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
7.711.21 General Requirements for All Personnel	REPEAL	7.711.21 General Requirements for All Personnel A. All paid employees at the camp less than 16 years of age must be employed in compliance with Colorado labor laws. B. All counselors and staff members having a supervisory role with campers must be at least	7.711.21 General Requirements for All Personnel A. All paid employees at the camp less than 16 years of age must be employed in compliance with Colorado labor laws. B. All counselors and staff members having a supervisory role with campers must be at least	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8</p>	

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		<p>eighteen (18) years of age, or seventeen (17) years of age and graduated high school or completion of GED, and have interest in, respect for, and ability to work with children.</p> <p>C. There must be a letter of agreement with each volunteer or employed staff member which includes listing of specific responsibilities/job description and referring to information contained in the hiring packet or staff manual. Days or hours of employment/time off, personal conduct, and health history questionnaire must be provided in writing or electronically and may be provided in the hiring packet or the staff manual. The letter of agreement must be signed by both the employer and the volunteer or staff member. In the case of staff members or volunteers who are younger than eighteen (18) years old, the letter of agreement must also be signed by the parents/guardians.</p> <p>D. There must be at least three references for each staff member of the camp attesting to the individual's character and suitability to work with children. The written references must be in the personnel file or there must be an indication in the personnel file that a reference has been obtained.</p> <p>E. Each staff member must complete an annual health history. The health history must be maintained in a secured location at the camp.</p> <p>F. Each staff member must be trained and given written instructions as to camp policy when emergencies occur including but not limited to: lost campers, medical situations, hazardous wildlife and environmental hazards. In the case of travel trip or primitive camps, these plans must accompany the staff and campers.</p>	<p>eighteen (18) years of age, or seventeen (17) years of age and graduated high school or completion of GED, and have interest in, respect for, and ability to work with children.</p> <p>C. There must be a letter of agreement with each volunteer or employed staff member which includes listing of specific responsibilities/job description and referring to information contained in the hiring packet or staff manual. Days or hours of employment/time off, personal conduct, and health history questionnaire must be provided in writing or electronically and may be provided in the hiring packet or the staff manual. The letter of agreement must be signed by both the employer and the volunteer or staff member. In the case of staff members or volunteers who are younger than eighteen (18) years old, the letter of agreement must also be signed by the parents/guardians.</p> <p>D. There must be at least three references for each staff member of the camp attesting to the individual's character and suitability to work with children. The written references must be in the personnel file or there must be an indication in the personnel file that a reference has been obtained.</p> <p>E. Each staff member must complete an annual health history. The health history must be maintained in a secured location at the camp.</p> <p>F. Each staff member must be trained and given written instructions as to camp policy when emergencies occur including but not limited to: lost campers, medical situations, hazardous wildlife and environmental hazards. In the case of travel trip or primitive camps, these plans must accompany the staff and campers.</p>	<p>CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
<p>7.711.22 Camp Personnel</p>	<p>REPEAL</p>	<p>7.711.22 Camp Personnel</p> <p>A. camp must have an onsite director who must be at least twenty-one (21) years of age. The director must have 12 months (1820 hours) verified leadership experience in an administrative or supervisory position, with groups of children five (5) years of age or older, since he or she attained the age of eighteen (18) years.</p>	<p>7.711.22 Camp Personnel</p> <p>A. camp must have an onsite director who must be at least twenty-one (21) years of age. The director must have 12 months (1820 hours) verified leadership experience in an administrative or supervisory position, with groups of children five (5) years of age or older, since he or she attained the age of eighteen (18) years.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that</p>	

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	<p>B. At each permanent camp there must be one health care worker who is responsible for monitoring the overall health of the campers and staff. A health care worker must be one of the following: a licensed physician, a registered nurse, a licensed practical nurse, a licensed physician's assistant, a certified nursing assistant or an individual who holds current certification in emergency medical services. All health care workers must work within their scope of practice, including the ability to work independently or with required oversight.</p> <ol style="list-style-type: none">1. At least one health care worker must be at the camp twenty-four (24) hours per day that the camp is in session.2. If the camp health care worker is not a physician or RN, a physician or RN currently licensed in Colorado must specifically delegate the camp staff member the authority to administer medications. The delegating physician or RN must be aware of the specific medical needs of campers, be available for consultation while the camp is in session, and accept responsibility for monitoring the therapeutic effects of medications administered at camp. Respiratory therapists may administer medication within their scope of practice.3. In order to administer medications all health care workers, except physicians and RNs, must complete the Department-approved Medication Administration Training, receive delegation and hold current Department-approved First Aid and CPR certification. <p>C. At any camps less than thirty (30) minutes from emergency medical services by vehicle, in clear weather, there must be at least one staff member with each group of children qualified with Department-approved First Aid, CPR, and Medication Administration Training and delegation.</p> <p>D. All staff members must complete a Department-approved Standard Precautions training prior to working with children. This training must be renewed annually and may count towards ongoing training requirements.</p>	<p>B. At each permanent camp there must be one health care worker who is responsible for monitoring the overall health of the campers and staff. A health care worker must be one of the following: a licensed physician, a registered nurse, a licensed practical nurse, a licensed physician's assistant, a certified nursing assistant or an individual who holds current certification in emergency medical services. All health care workers must work within their scope of practice, including the ability to work independently or with required oversight.</p> <ol style="list-style-type: none">1. At least one health care worker must be at the camp twenty-four (24) hours per day that the camp is in session.2. If the camp health care worker is not a physician or RN, a physician or RN currently licensed in Colorado must specifically delegate the camp staff member the authority to administer medications. The delegating physician or RN must be aware of the specific medical needs of campers, be available for consultation while the camp is in session, and accept responsibility for monitoring the therapeutic effects of medications administered at camp. Respiratory therapists may administer medication within their scope of practice.3. In order to administer medications all health care workers, except physicians and RNs, must complete the Department-approved Medication Administration Training, receive delegation and hold current Department-approved First Aid and CPR certification. <p>C. At any camps less than thirty (30) minutes from emergency medical services by vehicle, in clear weather, there must be at least one staff member with each group of children qualified with Department-approved First Aid, CPR, and Medication Administration Training and delegation.</p> <p>D. All staff members must complete a Department-approved Standard Precautions training prior to working with children. This training must be renewed annually and may count towards ongoing training requirements.</p>	<p>must be repealed.</p>	
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		<p>E. For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member with each group of children who holds current Department-approved First Aid and CPR for all ages of children. At any camp more than thirty (30) minutes away from emergency medical services, there must be at least one (1) staff member with each group of children qualified with a minimum of Wilderness First Aid Training, Department-approved CPR and Medication Administration Training. Staff members with Medication Administration Training must have annual delegation as required at section 7.711.22.b.3.</p> <p>F. There must be sufficient camp counselors or staff members who have a supervisory role with children at the camp to meet the staff ratio as indicated in Section 7.711.23. Children under the age of six (6) years who live at camp or are visiting must be directly supervised by a caregiver, who is not included in the staff to camper ratio, at all times when the children are involved in camp activities. Staff members whose children are under six (6) years of age cannot be supervising campers or leading special activities when they are supervising their own children.</p> <p>G. If the camp has counselors-in-training who are not fully qualified, they must be directly accountable to a qualified counselor or specialized staff member and must be directly supervised by those individuals in their role when caring for children. The counselors-in-training who are less than eighteen (18) years old must not be counted as staff members in the maintenance of the staff ratio for supervision of children as found at Section 7.711.23.</p> <p>H. There must be specialized staff members who are responsible for specific portions of the camp program. Requirements for those specialized staff members are found among the requirements for the specialized activity areas at Section 7.719, et seq.</p>	<p>E. For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member with each group of children who holds current Department-approved First Aid and CPR for all ages of children. At any camp more than thirty (30) minutes away from emergency medical services, there must be at least one (1) staff member with each group of children qualified with a minimum of Wilderness First Aid Training, Department-approved CPR and Medication Administration Training. Staff members with Medication Administration Training must have annual delegation as required at section 7.711.22.b.3.</p> <p>F. There must be sufficient camp counselors or staff members who have a supervisory role with children at the camp to meet the staff ratio as indicated in Section 7.711.23. Children under the age of six (6) years who live at camp or are visiting must be directly supervised by a caregiver, who is not included in the staff to camper ratio, at all times when the children are involved in camp activities. Staff members whose children are under six (6) years of age cannot be supervising campers or leading special activities when they are supervising their own children.</p> <p>G. If the camp has counselors-in-training who are not fully qualified, they must be directly accountable to a qualified counselor or specialized staff member and must be directly supervised by those individuals in their role when caring for children. The counselors-in-training who are less than eighteen (18) years old must not be counted as staff members in the maintenance of the staff ratio for supervision of children as found at Section 7.711.23.</p> <p>H. There must be specialized staff members who are responsible for specific portions of the camp program. Requirements for those specialized staff members are found among the requirements for the specialized activity areas at Section 7.719, et seq.</p>		
7.711.23 Supervision	REPEAL	7.711.23 Supervision A. The camp must have an accurate system	7.711.23 Supervision A. The camp must have an accurate system	HB22-1295 was codified into law 4/25/22, creating	

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	<p>whereby staff members who are responsible for the supervision of children must know where each child is at all times.</p> <p>B. At no time may a camper be left without qualified supervision. Sleeping quarters of the counselors must be within sight or hearing distance of the sleeping quarters of the children whom they supervise. Children may sleep alone for specific program functions such as solos or survival experiences and then only when regularly monitored pursuant to the camp's written program. The camp's written program must include an audible mechanism for a camper to alert a staff member who is able to immediately respond.</p> <p>C. Each special activity must be supervised by a staff member currently qualified in Department-approved First Aid and CPR training, and by the experience and training in that special activity as specified in Section 7.719, et seq.</p> <p>D. In a residential camp, ratio of one (1) staff member having a supervisory role with children per number of campers must be maintained at all times as follows:</p> <p>Age of Children Number of Children Number of Staff Members</p> <p>5 through 7 yrs. old 6 1</p> <p>8 through 10 yrs. old 8 1</p> <p>11 through 13 yrs. old 10 1</p> <p>14 yrs. and older 12 1</p> <p>E. In a trip away from the residential camp premises or at the primitive camp, the staff ratio given at Section 7.711.23, D, must be maintained, but there must be at least two staff members accompanying</p>	<p>whereby staff members who are responsible for the supervision of children must know where each child is at all times.</p> <p>B. At no time may a camper be left without qualified supervision. Sleeping quarters of the counselors must be within sight or hearing distance of the sleeping quarters of the children whom they supervise. Children may sleep alone for specific program functions such as solos or survival experiences and then only when regularly monitored pursuant to the camp's written program. The camp's written program must include an audible mechanism for a camper to alert a staff member who is able to immediately respond.</p> <p>C. Each special activity must be supervised by a staff member currently qualified in Department-approved First Aid and CPR training, and by the experience and training in that special activity as specified in Section 7.719, et seq.</p> <p>D. In a residential camp, ratio of one (1) staff member having a supervisory role with children per number of campers must be maintained at all times as follows:</p> <p>Age of Children Number of Children Number of Staff Members</p> <p>5 through 7 yrs. old 6 1</p> <p>8 through 10 yrs. old 8 1</p> <p>11 through 13 yrs. old 10 1</p> <p>14 yrs. and older 12 1</p> <p>E. In a trip away from the residential camp premises or at the primitive camp, the staff ratio given at Section 7.711.23, D, must be maintained, but there must be at least two staff members accompanying</p>	<p>CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
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Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft

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		<p>each trip, and one staff member must meet the qualifications as defined in 7.711.22.C, E. If the trip exceeds two nights, there must be with the group a staff member who is at least twenty-one (21) years of age, exercises good judgment, the ability to assume leadership independently and has been trained in trip leading procedures.</p> <p>F. In a travel-trip camp, the staff ratio given at Section 7.711.23.D must be maintained, but there must be at least two (2) staff members at all times with the campers. One (1) of those staff members must be at least twenty-one (21) years old and one (1) staff member must meet qualifications of the health care worker as defined in Section 7.711.22.B.</p> <p>G. In the case of trips away from the permanent residential camp, including overnights or travel-trip camps, there must be a day-to-day itinerary prepared prior to departure. The resident camp headquarters must keep a copy of the itinerary. The itinerary must be followed as closely as possible. Camp headquarters must be notified of an itinerary change as soon as possible.</p>	<p>each trip, and one staff member must meet the qualifications as defined in 7.711.22.C, E. If the trip exceeds two nights, there must be with the group a staff member who is at least twenty-one (21) years of age, exercises good judgment, the ability to assume leadership independently and has been trained in trip leading procedures.</p> <p>F. In a travel-trip camp, the staff ratio given at Section 7.711.23.D must be maintained, but there must be at least two (2) staff members at all times with the campers. One (1) of those staff members must be at least twenty-one (21) years old and one (1) staff member must meet qualifications of the health care worker as defined in Section 7.711.22.B.</p> <p>G. In the case of trips away from the permanent residential camp, including overnights or travel-trip camps, there must be a day-to-day itinerary prepared prior to departure. The resident camp headquarters must keep a copy of the itinerary. The itinerary must be followed as closely as possible. Camp headquarters must be notified of an itinerary change as soon as possible.</p>		
7.711.3 CHILD CARE	REPEAL	7.711.3 CHILD CARE	7.711.3 CHILD CARE	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.711.31 Health Care	REPEAL	<p>7.711.31 Health Care</p> <p>A. The camp health program must be under the supervision of an individual qualified as stated at Section 7.711.22, B.</p> <p>B. At least ten (10) calendar days prior to admission, each camper must furnish a health history which indicates communicable diseases and chronic illnesses or injuries the individual has had, any known drug reactions and allergies, medications being taken, and any necessary health procedures or special diets.</p>	<p>7.711.31 Health Care</p> <p>A. The camp health program must be under the supervision of an individual qualified as stated at Section 7.711.22, B.</p> <p>B. At least ten (10) calendar days prior to admission, each camper must furnish a health history which indicates communicable diseases and chronic illnesses or injuries the individual has had, any known drug reactions and allergies, medications being taken, and any necessary health procedures or special diets.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>C. The camp must inform its health care worker prior to the first day of care of the enrollment of a child with special health care needs, if known, to ensure staff receives training, delegation and supervision as indicated by the child's individualized health care plan.</p> <p>D. The camper must present a statement confirming a physical examination, which has been performed within the preceding twenty-four (24) months from the first day of attendance at camp by a health care provider, which includes any physical problems which would limit the camper's activity, and any special care which the child will need.</p> <p>E. The camper must submit documentation of immunization status or exemption as required by Colorado Department of Public Health and Environment (CDPHE). Colorado law requires proof of immunization or exemption be provided prior to or on the first day of admission.</p> <p>F. Upon arrival or within twenty-four (24) hours each camper must be observed, by camp staff trained to do so, to identify noticeable evidence of any illness, communicable disease, or signs of abuse. The camp health care worker must meet with campers that have special medications, health procedures, special diet restrictions, known allergic reactions, chronic health conditions or any known physical limitations.</p> <p>G. The camp must provide evidence that the exclusion of a child that shows signs of illness or communicable disease is in compliance with the exclusion guidelines of the Colorado Department of Public Health and Environment (CDPHE). If a child needs to be excluded the camp must consult a doctor or medical facility as to the child's treatment.</p> <p>H. If a camper requires medical attention away from the camp site, the camper's parents/guardians must be notified and necessary medical care must be sought from a health care provider or medical facility. Written authorization for medical care must be in the child's file pursuant to Section 7.711.61.A.9.</p>	<p>C. The camp must inform its health care worker prior to the first day of care of the enrollment of a child with special health care needs, if known, to ensure staff receives training, delegation and supervision as indicated by the child's individualized health care plan.</p> <p>D. The camper must present a statement confirming a physical examination, which has been performed within the preceding twenty-four (24) months from the first day of attendance at camp by a health care provider, which includes any physical problems which would limit the camper's activity, and any special care which the child will need.</p> <p>E. The camper must submit documentation of immunization status or exemption as required by Colorado Department of Public Health and Environment (CDPHE). Colorado law requires proof of immunization or exemption be provided prior to or on the first day of admission.</p> <p>F. Upon arrival or within twenty-four (24) hours each camper must be observed, by camp staff trained to do so, to identify noticeable evidence of any illness, communicable disease, or signs of abuse. The camp health care worker must meet with campers that have special medications, health procedures, special diet restrictions, known allergic reactions, chronic health conditions or any known physical limitations.</p> <p>G. The camp must provide evidence that the exclusion of a child that shows signs of illness or communicable disease is in compliance with the exclusion guidelines of the Colorado Department of Public Health and Environment (CDPHE). If a child needs to be excluded the camp must consult a doctor or medical facility as to the child's treatment.</p> <p>H. If a camper requires medical attention away from the camp site, the camper's parents/guardians must be notified and necessary medical care must be sought from a health care provider or medical facility. Written authorization for medical care must be in the child's file pursuant to Section 7.711.61.A.9.</p>		
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	<p>I. In the case of travel-trip camps, primitive camps, or tramips away from the camp, a copy of the statement which has been signed by the parent or guardian indicating that the camp staff may obtain emergency medical care must be in the possession of staff members accompanying the campers. The original signed statement must be readily accessible.</p> <p>J. The camp health care worker must be responsible for administering medication to campers. If the health care worker is not a currently Colorado licensed RN or physician, the health care worker may only administer medication prescribed for individual campers as delegated and supervised by an RN or physician. Respiratory therapists may administer medication within their scope of practice.</p> <p>1. Medication prescribed for campers must be from a licensed pharmacy; labeled with the name, address, and phone number of the pharmacy; name of the camper; name and strength of the medicine; directions for use; date filled; prescription number; and the name of the practitioner prescribing the medicine. When no longer needed or expired, the medication must be returned to the parent or disposed of properly.</p> <p>a. When the camp has an on-site RN or physician, and campers are on excursions away from the camp, the RN or physician is responsible for determining a safe process for the administration of routine and emergency medications. This process should include:</p> <p>i. The transfer of medications and associated documents from their usual storage place to portable storage for the trip.</p> <p>ii. Labeling which includes camper's name, medication, route, dosage, and time the medication should be administered as indicated on the original medication container.</p> <p>iii. Secure and temperature appropriate storage during the trip.</p> <p>iv. Hand hygiene during the trip.</p> <p>v. Appropriate documentation practices during the</p>	<p>I. In the case of travel-trip camps, primitive camps, or tramips away from the camp, a copy of the statement which has been signed by the parent or guardian indicating that the camp staff may obtain emergency medical care must be in the possession of staff members accompanying the campers. The original signed statement must be readily accessible.</p> <p>J. The camp health care worker must be responsible for administering medication to campers. If the health care worker is not a currently Colorado licensed RN or physician, the health care worker may only administer medication prescribed for individual campers as delegated and supervised by an RN or physician. Respiratory therapists may administer medication within their scope of practice.</p> <p>1. Medication prescribed for campers must be from a licensed pharmacy; labeled with the name, address, and phone number of the pharmacy; name of the camper; name and strength of the medicine; directions for use; date filled; prescription number; and the name of the practitioner prescribing the medicine. When no longer needed or expired, the medication must be returned to the parent or disposed of properly.</p> <p>a. When the camp has an on-site RN or physician, and campers are on excursions away from the camp, the RN or physician is responsible for determining a safe process for the administration of routine and emergency medications. This process should include:</p> <p>i. The transfer of medications and associated documents from their usual storage place to portable storage for the trip.</p> <p>ii. Labeling which includes camper's name, medication, route, dosage, and time the medication should be administered as indicated on the original medication container.</p> <p>iii. Secure and temperature appropriate storage during the trip.</p> <p>iv. Hand hygiene during the trip.</p> <p>v. Appropriate documentation practices during the</p>		
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		<p>trip.</p> <p>vi. The return of medication and associated documents from portable storage for the field trip to their usual on-site storage.</p> <p>B. If the camp does not have an on-site RN or physician, medications on trips must be in original labeled pharmacy containers</p> <p>2. A record of any medications administered must be maintained in a medication administration record pursuant to Section 7.711.15, D.</p> <p>3. All medication at the permanent camp site must be kept in a clean, locked container, except emergency medication such as epinephrine auto injectors or asthma inhalers. On excursions away from the camp, medication must be under the control of an adult and must be stored inaccessible to children.</p> <p>4. The camp may, with written parental consent and authorization of the prescribing practitioner, permit children who have asthma to carry their own inhalers and use them as directed. All staff must be aware of which children have asthma and which ones may use their own inhalers as needed.</p> <p>5. Topical preparations such as petroleum jelly and bug sprays may be administered to children with written parental authorization. These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing practitioner.</p> <p>6. Home remedies, including homeopathic medications, must not be administered at camp without written parental consent, authorization of the prescribing practitioner and delegation as required in section 7.711.22.b.3.</p> <p>K. Standing orders for over the counter medications must be updated annually and are only allowed with parental permission and when administered by a physician or RN.</p> <p>L. First Aid supplies must be located near food service operations, program areas, maintenance areas, the headquarters of the medical supervisor, and in motor vehicles which are used to transport</p>	<p>trip.</p> <p>vi. The return of medication and associated documents from portable storage for the field trip to their usual on-site storage.</p> <p>B. If the camp does not have an on-site RN or physician, medications on trips must be in original labeled pharmacy containers</p> <p>2. A record of any medications administered must be maintained in a medication administration record pursuant to Section 7.711.15, D.</p> <p>3. All medication at the permanent camp site must be kept in a clean, locked container, except emergency medication such as epinephrine auto injectors or asthma inhalers. On excursions away from the camp, medication must be under the control of an adult and must be stored inaccessible to children.</p> <p>4. The camp may, with written parental consent and authorization of the prescribing practitioner, permit children who have asthma to carry their own inhalers and use them as directed. All staff must be aware of which children have asthma and which ones may use their own inhalers as needed.</p> <p>5. Topical preparations such as petroleum jelly and bug sprays may be administered to children with written parental authorization. These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing practitioner.</p> <p>6. Home remedies, including homeopathic medications, must not be administered at camp without written parental consent, authorization of the prescribing practitioner and delegation as required in section 7.711.22.b.3.</p> <p>K. Standing orders for over the counter medications must be updated annually and are only allowed with parental permission and when administered by a physician or RN.</p> <p>L. First Aid supplies must be located near food service operations, program areas, maintenance areas, the headquarters of the medical supervisor, and in motor vehicles which are used to transport</p>		
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		campers. M. There must be an identified headquarters of the health care worker at the campsite. N. Transportation must be available at all times in cases of medical emergency according to the written emergency medical evacuation plan of the camp. O. To ensure the protection of campers from sun exposure the camp must: 1. Obtain the parent or guardian's written authorization and instructions for applying sunscreen or use of another form of parent or guardian approved sun protection to their children's exposed skin prior to going outside. A doctor's permission is not needed to use sunscreen at the camp; 2. Apply sunscreen, have campers apply sunscreen, or use another form of parent or guardian approved sun protection for campers prior to campers going outside. Sunscreen must be reapplied as directed by the product label; 3. When supplied for an individual camper, the sunscreen must be labeled with the camper's first and last name; and 4. If sunscreen is provided by the camp, parents must be notified in advance, in writing, of the type of sunscreen the camp will use.	campers. M. There must be an identified headquarters of the health care worker at the campsite. N. Transportation must be available at all times in cases of medical emergency according to the written emergency medical evacuation plan of the camp. O. To ensure the protection of campers from sun exposure the camp must: 1. Obtain the parent or guardian's written authorization and instructions for applying sunscreen or use of another form of parent or guardian approved sun protection to their children's exposed skin prior to going outside. A doctor's permission is not needed to use sunscreen at the camp; 2. Apply sunscreen, have campers apply sunscreen, or use another form of parent or guardian approved sun protection for campers prior to campers going outside. Sunscreen must be reapplied as directed by the product label; 3. When supplied for an individual camper, the sunscreen must be labeled with the camper's first and last name; and 4. If sunscreen is provided by the camp, parents must be notified in advance, in writing, of the type of sunscreen the camp will use.		
7.711.32 Guidance	REPEAL	7.711.32 Guidance A. Guidance must be appropriate and constructive or educational in nature and may include such measures as diversion, separation of the child from the situation, talking with the child about the situation, or praise for appropriate behavior. B. Children must not be subjected to physical harm, fear, or humiliation. C. The program director must not use, or permit a staff member to use corporal or other harsh punishment, including but not limited to pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of guidance. D. Guidance must not be associated with food, rest, or toileting. Children should never be punished for	7.711.32 Guidance A. Guidance must be appropriate and constructive or educational in nature and may include such measures as diversion, separation of the child from the situation, talking with the child about the situation, or praise for appropriate behavior. B. Children must not be subjected to physical harm, fear, or humiliation. C. The program director must not use, or permit a staff member to use corporal or other harsh punishment, including but not limited to pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of guidance. D. Guidance must not be associated with food, rest, or toileting. Children should never be punished for	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>toileting accidents. Children must not be denied food or forced to eat as a disciplinary measure.</p> <p>E. Separation, when used as guidance, must not exceed five (5) minutes and must be appropriate for the child's age. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked or closed area.</p> <p>F. Verbal abuse or derogatory remarks about the child are not permitted.</p> <p>G. Authority for guidance must not be delegated to other children, and the camp must not sanction one child punishing another child.</p>	<p>toileting accidents. Children must not be denied food or forced to eat as a disciplinary measure.</p> <p>E. Separation, when used as guidance, must not exceed five (5) minutes and must be appropriate for the child's age. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked or closed area.</p> <p>F. Verbal abuse or derogatory remarks about the child are not permitted.</p> <p>G. Authority for guidance must not be delegated to other children, and the camp must not sanction one child punishing another child.</p>		
7.711.33 Security Practices	REPEAL	<p>7.711.33 Security Practices</p> <p>A. The camp must establish a written security procedure and must train staff members and campers regarding this procedure.</p> <p>B. The camp must report to the local law enforcement office or department the dates of the camp sessions and the location of the camp.</p> <p>C. When a camper is discharged from camp or when the camp session is over, the child must be returned to the parents/guardians or an adult authorized by the parents/guardians. If the individual is unknown to the staff, identification must be required.</p>	<p>7.711.33 Security Practices</p> <p>A. The camp must establish a written security procedure and must train staff members and campers regarding this procedure.</p> <p>B. The camp must report to the local law enforcement office or department the dates of the camp sessions and the location of the camp.</p> <p>C. When a camper is discharged from camp or when the camp session is over, the child must be returned to the parents/guardians or an adult authorized by the parents/guardians. If the individual is unknown to the staff, identification must be required.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.711.34 Food and Nutrition	REPEAL	<p>7.711.34 Food and Nutrition</p> <p>A. Each camp must establish a written policy for its nutrition and food service program. This policy must include meal hours, type of food service, staff responsibilities during the time food is served, authorization of special diets, and the administration of the food service program. This policy must be available to all staff members.</p> <p>B. Foods provided by the camp must be of sufficient quantity and nutritional quality to provide for the dietary needs of each child. Menus must meet the most recently revised recommended daily allowances of the Food and Nutrition Board, National Academy of Sciences, National Research Council, adjusted for age, sex, religion, and activity. The only exception must be by written parental or</p>	<p>7.711.34 Food and Nutrition</p> <p>A. Each camp must establish a written policy for its nutrition and food service program. This policy must include meal hours, type of food service, staff responsibilities during the time food is served, authorization of special diets, and the administration of the food service program. This policy must be available to all staff members.</p> <p>B. Foods provided by the camp must be of sufficient quantity and nutritional quality to provide for the dietary needs of each child. Menus must meet the most recently revised recommended daily allowances of the Food and Nutrition Board, National Academy of Sciences, National Research Council, adjusted for age, sex, religion, and activity. The only exception must be by written parental or</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>medical direction. C. Menus must be planned at least a week in advance and must be dated as to the week in use. The current week's menu must be posted in the food preparation area. Food substitutions must be noted on the menus in writing. After use, the menus must be kept on file for the period of the camping season. D. In travel-trip camps, all menus must be planned prior to leaving and changes noted in writing. Menus must be maintained in file of camp.</p>	<p>medical direction. C. Menus must be planned at least a week in advance and must be dated as to the week in use. The current week's menu must be posted in the food preparation area. Food substitutions must be noted on the menus in writing. After use, the menus must be kept on file for the period of the camping season. D. In travel-trip camps, all menus must be planned prior to leaving and changes noted in writing. Menus must be maintained in file of camp.</p>		
7.711.35 Transportation	REPEAL	<p>7.711.35 Transportation A. Transportation provided by the camp must meet the following requirements: 1. The camp is responsible for any children it transports; 2. The camp must obtain written permission from parents or guardians for any transportation of their child during camp hours; 3. The number of staff members who accompany children when being transported in the vehicle must meet the child care staff ratio found at section 7.711.23. The driver of the vehicle is considered a staff member; 4. The camp must not permit children under the age of 8 or children under 57" tall to ride in the front seat of a passenger vehicle. Children under 8 must be secured in a child restraint system that is appropriate for the age and development of that child. The child restraint must be safe and free of hazard; 5. Campers must be loaded and unloaded out of the path of moving vehicles; 6. Campers must not be left unattended in the vehicle; 7. For trips away from the camp, a list of individuals on each trip must be readily available either in the vehicle(s) or at the camp office. B. Requirements for vehicles 1. Any vehicle used for the transportation of children to and from the camp or during camp activities must meet the following requirements: a. The vehicle must be enclosed and have door</p>	<p>7.711.35 Transportation A. Transportation provided by the camp must meet the following requirements: 1. The camp is responsible for any children it transports; 2. The camp must obtain written permission from parents or guardians for any transportation of their child during camp hours; 3. The number of staff members who accompany children when being transported in the vehicle must meet the child care staff ratio found at section 7.711.23. The driver of the vehicle is considered a staff member; 4. The camp must not permit children under the age of 8 or children under 57" tall to ride in the front seat of a passenger vehicle. Children under 8 must be secured in a child restraint system that is appropriate for the age and development of that child. The child restraint must be safe and free of hazard; 5. Campers must be loaded and unloaded out of the path of moving vehicles; 6. Campers must not be left unattended in the vehicle; 7. For trips away from the camp, a list of individuals on each trip must be readily available either in the vehicle(s) or at the camp office. B. Requirements for vehicles 1. Any vehicle used for the transportation of children to and from the camp or during camp activities must meet the following requirements: a. The vehicle must be enclosed and have door</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>locks;</p> <p>b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;</p> <p>c. The vehicle must be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights must be operational, safe and free of hazard;</p> <p>d. Seating must be comfortable with a seat of at least ten (10) inches wide for each child;</p> <p>e. Vehicles must be loaded only within the passenger seating limit established by the vehicle manufacturer; and</p> <p>f. Each vehicle must have a first aid kit.</p> <p>2. In passenger vehicles, with a manufacturer's established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:</p> <p>a. Each camper and staff member must be restrained in an individual seat belt; and</p> <p>b. Campers and staff must be instructed and required to keep the seat belt properly fastened and adjusted.</p> <p>3. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required.</p> <p>C. Requirements for drivers of vehicles</p> <p>1. All drivers of vehicles transporting children must operate the vehicle in a safe and appropriate manner.</p> <p>2. The camp must verify that all drivers meet minimum requirements, including:</p> <p>a. Driving records that have been reviewed within the last four months for seasonally hired drivers or within the last twelve months for year-round drivers to determine driver suitability;</p> <p>b. Drivers have the appropriate license for the vehicles to be driven;</p> <p>c. Drivers must have current department-approved first aid and CPR certification;</p> <p>d. All drivers must be at least twenty (20) years of age;</p>	<p>locks;</p> <p>b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;</p> <p>c. The vehicle must be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights must be operational, safe and free of hazard;</p> <p>d. Seating must be comfortable with a seat of at least ten (10) inches wide for each child;</p> <p>e. Vehicles must be loaded only within the passenger seating limit established by the vehicle manufacturer; and</p> <p>f. Each vehicle must have a first aid kit.</p> <p>2. In passenger vehicles, with a manufacturer's established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:</p> <p>a. Each camper and staff member must be restrained in an individual seat belt; and</p> <p>b. Campers and staff must be instructed and required to keep the seat belt properly fastened and adjusted.</p> <p>3. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required.</p> <p>C. Requirements for drivers of vehicles</p> <p>1. All drivers of vehicles transporting children must operate the vehicle in a safe and appropriate manner.</p> <p>2. The camp must verify that all drivers meet minimum requirements, including:</p> <p>a. Driving records that have been reviewed within the last four months for seasonally hired drivers or within the last twelve months for year-round drivers to determine driver suitability;</p> <p>b. Drivers have the appropriate license for the vehicles to be driven;</p> <p>c. Drivers must have current department-approved first aid and CPR certification;</p> <p>d. All drivers must be at least twenty (20) years of age;</p>		
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		<p>e. Drivers must complete a minimum of four (4) hours of driver training that includes at a minimum: behind the wheel training; participant transport attendance procedures including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedure; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and, if buses are used, evacuation procedures;</p> <p>3. The driver must ensure that all doors are secured at all times when the vehicle is moving;</p> <p>4. The driver must make a good faith effort to ensure that each child is properly belted throughout the trip; and</p> <p>5. The driver must not eat or use a cellular or other mobile device while driving.</p>	<p>e. Drivers must complete a minimum of four (4) hours of driver training that includes at a minimum: behind the wheel training; participant transport attendance procedures including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedure; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and, if buses are used, evacuation procedures;</p> <p>3. The driver must ensure that all doors are secured at all times when the vehicle is moving;</p> <p>4. The driver must make a good faith effort to ensure that each child is properly belted throughout the trip; and</p> <p>5. The driver must not eat or use a cellular or other mobile device while driving.</p>		
7.711.4 RECORDS FOR CHILDREN AND PERSONNEL	REPEAL	7.711.4 RECORDS FOR CHILDREN AND PERSONNEL	7.711.4 RECORDS FOR CHILDREN AND PERSONNEL	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.711.41 Children's Records	REPEAL	<p>7.711.41 Children's Records</p> <p>A. Prior to the child's attendance at camp, the following information must be obtained and maintained at the campsite for each camper:</p> <p>1. Child's name, birth date, and address.</p> <p>2. Parent's or guardian's names, home and employment addresses, telephone numbers, and email addresses.</p> <p>3. Name, address and telephone number of emergency contacts.</p> <p>4. Name, address, and telephone number of individuals authorized to take the child from camp if different from the parent or guardian.</p> <p>5. Dates of the camp session which the child will attend.</p>	<p>7.711.41 Children's Records</p> <p>A. Prior to the child's attendance at camp, the following information must be obtained and maintained at the campsite for each camper:</p> <p>1. Child's name, birth date, and address.</p> <p>2. Parent's or guardian's names, home and employment addresses, telephone numbers, and email addresses.</p> <p>3. Name, address and telephone number of emergency contacts.</p> <p>4. Name, address, and telephone number of individuals authorized to take the child from camp if different from the parent or guardian.</p> <p>5. Dates of the camp session which the child will attend.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>6. Name and telephone number of the child's health care provider.</p> <p>7. Authorization signed by the parents/guardians, giving authority for the camp to obtain emergency medical care.</p> <p>8. Authorization signed by the parents/guardians of the child to participate in all special trips or excursions away from the campsite.</p> <p>9. ication of any camp activity in which the parents/guardians of the child does not wish the child to participate (see Section 7.719, et seq.).</p> <p>10. Physical examination, health history and immunization as required in Section 7.711.51.C-D.</p>	<p>6. Name and telephone number of the child's health care provider.</p> <p>7. Authorization signed by the parents/guardians, giving authority for the camp to obtain emergency medical care.</p> <p>8. Authorization signed by the parents/guardians of the child to participate in all special trips or excursions away from the campsite.</p> <p>9. ication of any camp activity in which the parents/guardians of the child does not wish the child to participate (see Section 7.719, et seq.).</p> <p>10. Physical examination, health history and immunization as required in Section 7.711.51.C-D.</p>		
7.711.42 Staff Records	REPEAL	<p>7.711.42 Staff Records</p> <p>There must be maintained at the campsite a record for each staff member, paid or volunteer, which must include the following:</p> <p>A. Name, address, and birth date of the individual.</p> <p>B. Training, education, and experience of the staff member.</p> <p>C. Copies of any required certification or other training confirming qualifications for the responsibilities assigned at the camp.</p> <p>D. Copy of a health history as required in Section 7.711.21.E.</p> <p>E. Name, address, and telephone number of any person(s) to be notified in the event of an emergency.</p> <p>F. Copy of the written references or note of phone references pursuant to Section 7.711.21.D.</p> <p>G. Copy of the signed letter of agreement pursuant to Section 7.711.21.C.</p> <p>H. The dates of employment for each staff member.</p>	<p>7.711.42 Staff Records</p> <p>There must be maintained at the campsite a record for each staff member, paid or volunteer, which must include the following:</p> <p>A. Name, address, and birth date of the individual.</p> <p>B. Training, education, and experience of the staff member.</p> <p>C. Copies of any required certification or other training confirming qualifications for the responsibilities assigned at the camp.</p> <p>D. Copy of a health history as required in Section 7.711.21.E.</p> <p>E. Name, address, and telephone number of any person(s) to be notified in the event of an emergency.</p> <p>F. Copy of the written references or note of phone references pursuant to Section 7.711.21.D.</p> <p>G. Copy of the signed letter of agreement pursuant to Section 7.711.21.C.</p> <p>H. The dates of employment for each staff member.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.711.43 General Information	REPEAL	<p>7.711.43 General Information</p> <p>A. The camper's file must be retained by the camp for at least three (3) years after the child's last day of attendance at the camp, and must be available without restriction to Department.</p> <p>B. Personnel and children's records must be maintained by the camp for at least three (3) years. If the record reflects an accident, injury, or other unusual circumstance, it is suggested that the</p>	<p>7.711.43 General Information</p> <p>A. The camper's file must be retained by the camp for at least three (3) years after the child's last day of attendance at the camp, and must be available without restriction to Department.</p> <p>B. Personnel and children's records must be maintained by the camp for at least three (3) years. If the record reflects an accident, injury, or other unusual circumstance, it is suggested that the</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>pathways of traffic.</p> <p>H. Playground equipment must meet the following requirements:</p> <ol style="list-style-type: none">1. Be in good repair, of solid and safe construction, free of rough edges, protruding bolts, and the possibility of entrapment of extremities.2. Be securely anchored by suitable footing.3. Swings must have seats made of a flexible material.4. Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.5. Metal equipment must be placed in the shade or a shade structure must be provided.6. The maximum height of any piece of playground equipment is six (6) feet.7. All pieces of playground equipment must be designed to guard against entrapment and strangulation.8. All pieces of permanently installed playground equipment must be surrounded by a resilient surface of a depth of at least six (6) inches. Rubber mats manufactured for such use if safe and free from hazard may be used in place of resilient material.9. Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and fine loose sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and astro turf with built in resilient pad.10. Any permanently installed outdoor climbing equipment or portable climbing equipment eighteen (18) inches or higher must have Department-approved resilient surfacing underneath and in the use zone surrounding the equipment, and installed according to manufacturer instructions.11. Playground surfaces must be checked prior to use for the presence of dangerous or other foreign materials. Playground equipment must be checked for safety on a monthly basis and written	<p>pathways of traffic.</p> <p>H. Playground equipment must meet the following requirements:</p> <ol style="list-style-type: none">1. Be in good repair, of solid and safe construction, free of rough edges, protruding bolts, and the possibility of entrapment of extremities.2. Be securely anchored by suitable footing.3. Swings must have seats made of a flexible material.4. Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.5. Metal equipment must be placed in the shade or a shade structure must be provided.6. The maximum height of any piece of playground equipment is six (6) feet.7. All pieces of playground equipment must be designed to guard against entrapment and strangulation.8. All pieces of permanently installed playground equipment must be surrounded by a resilient surface of a depth of at least six (6) inches. Rubber mats manufactured for such use if safe and free from hazard may be used in place of resilient material.9. Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and fine loose sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and astro turf with built in resilient pad.10. Any permanently installed outdoor climbing equipment or portable climbing equipment eighteen (18) inches or higher must have Department-approved resilient surfacing underneath and in the use zone surrounding the equipment, and installed according to manufacturer instructions.11. Playground surfaces must be checked prior to use for the presence of dangerous or other foreign materials. Playground equipment must be checked for safety on a monthly basis and written		
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		<p>documentation of the safety check must be maintained.</p> <p>I. If the residential camp is located on or uses national or state lands, the director must familiarize the staff and campers with rules and ethics governing the use of such property and must be responsible for compliance.</p> <p>J. An itinerary must be filed or an arrangement must be made with national or state forest service office if such land is to be used by the travel-trip camp. The director must familiarize the staff and campers with rules governing the use of such property. Should the travel-trip camp pass onto private land, an agreement must be made with the individual responsible for that land prior to access.</p> <p>K. In indoor structures where the program uses any source of coal, wood, charcoal, oil, kerosene, propane, natural gas or any other product that can produce carbon monoxide indoors, an operational carbon monoxide detector must be installed according to the manufacturer's instructions. Carbon monoxide detectors must be tested at least annually with documentation available upon request. Carbon monoxide detectors that are only battery-powered must meet the following requirements:</p> <ol style="list-style-type: none"> 1. Tested monthly to ensure they are operational. 2. Batteries changed at least yearly. 	<p>documentation of the safety check must be maintained.</p> <p>I. If the residential camp is located on or uses national or state lands, the director must familiarize the staff and campers with rules and ethics governing the use of such property and must be responsible for compliance.</p> <p>J. An itinerary must be filed or an arrangement must be made with national or state forest service office if such land is to be used by the travel-trip camp. The director must familiarize the staff and campers with rules governing the use of such property. Should the travel-trip camp pass onto private land, an agreement must be made with the individual responsible for that land prior to access.</p> <p>K. In indoor structures where the program uses any source of coal, wood, charcoal, oil, kerosene, propane, natural gas or any other product that can produce carbon monoxide indoors, an operational carbon monoxide detector must be installed according to the manufacturer's instructions. Carbon monoxide detectors must be tested at least annually with documentation available upon request. Carbon monoxide detectors that are only battery-powered must meet the following requirements:</p> <ol style="list-style-type: none"> 1. Tested monthly to ensure they are operational. 2. Batteries changed at least yearly. 		
<p>7.711.52 Permanent and Semi-Permanent Shelters and Sleeping Facilities</p>	REPEAL	<p>7.711.52 Permanent and Semi-Permanent Shelters and Sleeping Facilities</p> <p>A. All structures used by children must be kept in good repair at all times.</p> <p>B. At least one-half of the floor area in each living unit, excluding tents, must have a minimum ceiling height of seven (7) feet. No portion of a room having a ceiling height of less than five (5) feet will be considered as usable floor space.</p> <p>C. If fabric structures are used they must be constructed of a fire- and flame-retardant material.</p> <p>D. Each camper must be provided with his or her own mat, pad, bed, or cot.</p> <p>E. The aisles between rows of cots, beds, or bunks must be kept clear for exiting purposes. There must</p>	<p>7.711.52 Permanent and Semi-Permanent Shelters and Sleeping Facilities</p> <p>A. All structures used by children must be kept in good repair at all times.</p> <p>B. At least one-half of the floor area in each living unit, excluding tents, must have a minimum ceiling height of seven (7) feet. No portion of a room having a ceiling height of less than five (5) feet will be considered as usable floor space.</p> <p>C. If fabric structures are used they must be constructed of a fire- and flame-retardant material.</p> <p>D. Each camper must be provided with his or her own mat, pad, bed, or cot.</p> <p>E. The aisles between rows of cots, beds, or bunks must be kept clear for exiting purposes. There must</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		<p>be at least two (2) feet of clear space separating sides of cots, beds or bunks.</p> <p>F. If bunk beds are in use, no bunks may contain more than two tiers of beds. There must be at least twenty-seven (27) inches of clear space separating the tiers of beds and thirty-six (36) inches of clear space between the top tier and the ceiling. Electric lights which are within reach of the top bunk must be protected.</p> <p>G. Each permanent sleeping unit, building, or tent must have at least thirty (30) square feet of floor space per person, camper, or counselor for single-tier beds and twenty (20) square feet per person, camper, or counselor for two-tier bunks.</p> <p>H. In tent structures which have a platform floor, beds or bunks must be arranged in such a fashion that no camper who might fall from a bed or bunk could fall through the sides of the tent to the ground below.</p> <p>I. No camper shall sleep in the same room or tent with any person of the opposite gender, except for members of his or her immediate family.</p> <p>J. In a primitive camp or travel-trip camp, adequate shelters such as a tent must be available for each child. The shelter occupancy must be in compliance with manufacturers' recommendations.</p>	<p>be at least two (2) feet of clear space separating sides of cots, beds or bunks.</p> <p>F. If bunk beds are in use, no bunks may contain more than two tiers of beds. There must be at least twenty-seven (27) inches of clear space separating the tiers of beds and thirty-six (36) inches of clear space between the top tier and the ceiling. Electric lights which are within reach of the top bunk must be protected.</p> <p>G. Each permanent sleeping unit, building, or tent must have at least thirty (30) square feet of floor space per person, camper, or counselor for single-tier beds and twenty (20) square feet per person, camper, or counselor for two-tier bunks.</p> <p>H. In tent structures which have a platform floor, beds or bunks must be arranged in such a fashion that no camper who might fall from a bed or bunk could fall through the sides of the tent to the ground below.</p> <p>I. No camper shall sleep in the same room or tent with any person of the opposite gender, except for members of his or her immediate family.</p> <p>J. In a primitive camp or travel-trip camp, adequate shelters such as a tent must be available for each child. The shelter occupancy must be in compliance with manufacturers' recommendations.</p>		
<p>7.711.53 Toilet and Bathing Facilities</p>	<p>REPEAL</p>	<p>7.711.53 Toilet and Bathing Facilities</p> <p>A. In a resident camp there must be one approved toilet for every twenty (20) or fewer campers for which the camp is licensed. Urinals may be substituted for no more than one-third of the required toilets.</p> <p>B. Children must be allowed the use of gender-segregated toilet facilities that are consistent with their gender identity or have individual toilet facilities.</p> <p>C. Hand washing facilities must be provided throughout the camp. There must be one basin or lavatory for per every twenty (20) campers. In new construction completed after April 1, 2018, change of governing body or extensive remodeling the camp must provide hand washing facilities located</p>	<p>7.711.53 Toilet and Bathing Facilities</p> <p>A. In a resident camp there must be one approved toilet for every twenty (20) or fewer campers for which the camp is licensed. Urinals may be substituted for no more than one-third of the required toilets.</p> <p>B. Children must be allowed the use of gender-segregated toilet facilities that are consistent with their gender identity or have individual toilet facilities.</p> <p>C. Hand washing facilities must be provided throughout the camp. There must be one basin or lavatory for per every twenty (20) campers. In new construction completed after April 1, 2018, change of governing body or extensive remodeling the camp must provide hand washing facilities located</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		<p>adjacent to where the camp serves meals. D. Showers or bathtubs must be located within buildings used for sleeping, such as cabins or dormitories, or in a centrally located shower or bathing structure. 1. There must be one shower head or bathtub per every twenty (20) campers for which the camp is licensed. 2. Hand washing facilities must be available in the shower or bathing area. E. Camps must provide evidence that all sewage disposable systems must meet Colorado Department of Public Health and Environment (CDPHE) requirements.</p>	<p>adjacent to where the camp serves meals. D. Showers or bathtubs must be located within buildings used for sleeping, such as cabins or dormitories, or in a centrally located shower or bathing structure. 1. There must be one shower head or bathtub per every twenty (20) campers for which the camp is licensed. 2. Hand washing facilities must be available in the shower or bathing area. E. Camps must provide evidence that all sewage disposable systems must meet Colorado Department of Public Health and Environment (CDPHE) requirements.</p>		
7.711.54 General Building Safety	REPEAL	<p>7.711.54 General Building Safety A. Every building, structure, tent, cabin, and camp premises must be kept in good repair, and must be maintained in a safe condition. B. All construction and electrical installations must be safe and free from hazard. C. In permanent structures, exit signs must be posted at every required exit doorway and wherever otherwise required to clearly indicate the directions of egress. D. A building with occupancy of more than twelve (12) persons must be provided with at least two independent means of egress separated by no less than fifty (50) percent of the largest dimension of the building from each other. 1. In an existing building, such as a cabin occupied by more than twelve (12) but less than twenty (20) persons, a window may be utilized as an acceptable second exit. The window must be openable and the distance from the window to the ground must not be more than four feet. 2. Each exit door must be hung to swing in the direction of exit travel. Exiting through a food preparation area is not permitted. E. If buildings with second stories are used by campers, there must be two independent means of egress separated by no less than fifty (50) percent of the building from each other per floor.</p>	<p>7.711.54 General Building Safety A. Every building, structure, tent, cabin, and camp premises must be kept in good repair, and must be maintained in a safe condition. B. All construction and electrical installations must be safe and free from hazard. C. In permanent structures, exit signs must be posted at every required exit doorway and wherever otherwise required to clearly indicate the directions of egress. D. A building with occupancy of more than twelve (12) persons must be provided with at least two independent means of egress separated by no less than fifty (50) percent of the largest dimension of the building from each other. 1. In an existing building, such as a cabin occupied by more than twelve (12) but less than twenty (20) persons, a window may be utilized as an acceptable second exit. The window must be openable and the distance from the window to the ground must not be more than four feet. 2. Each exit door must be hung to swing in the direction of exit travel. Exiting through a food preparation area is not permitted. E. If buildings with second stories are used by campers, there must be two independent means of egress separated by no less than fifty (50) percent of the building from each other per floor.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>F. The camp must provide evidence each fire escape from any upper level of a building is installed in accordance with local fire protection ordinances.</p> <p>G. In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building can be installed. Only panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.</p> <p>H. Exit doors must be equipped only with panic or single-action hardware.</p> <p>I. There must be fifteen (15) square feet per occupant in any room having an occupant load of more than fifty (50) persons where fixed seats are not installed and which is used for classroom, assembly, or similar purposes. The maximum occupancy must be posted in a conspicuous place near the main exit from the room.</p> <p>J. Furnaces, fireplaces, heaters, or wood-burning stoves must meet the following regulations:</p> <ol style="list-style-type: none">1. All heating units must be and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them.2. A heater or wood-burning stove must be located and/or protected in such a manner as to prevent injuries to occupants of the building.3. Wood-burning stoves must be regularly cleaned of ashes, which are immediately removed from the building and properly stored.4. Space around furnaces, heaters, and wood-burning stoves must not be used for storage. <p>K. All firearms must be locked and inaccessible to children. This includes, but is not limited to air rifles, bb guns, and paintball guns. Ammunition must be</p>	<p>F. The camp must provide evidence each fire escape from any upper level of a building is installed in accordance with local fire protection ordinances.</p> <p>G. In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building can be installed. Only panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.</p> <p>H. Exit doors must be equipped only with panic or single-action hardware.</p> <p>I. There must be fifteen (15) square feet per occupant in any room having an occupant load of more than fifty (50) persons where fixed seats are not installed and which is used for classroom, assembly, or similar purposes. The maximum occupancy must be posted in a conspicuous place near the main exit from the room.</p> <p>J. Furnaces, fireplaces, heaters, or wood-burning stoves must meet the following regulations:</p> <ol style="list-style-type: none">1. All heating units must be and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them.2. A heater or wood-burning stove must be located and/or protected in such a manner as to prevent injuries to occupants of the building.3. Wood-burning stoves must be regularly cleaned of ashes, which are immediately removed from the building and properly stored.4. Space around furnaces, heaters, and wood-burning stoves must not be used for storage. <p>K. All firearms must be locked and inaccessible to children. This includes, but is not limited to air rifles, bb guns, and paintball guns. Ammunition must be</p>		
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		<p>locked and stored separately.</p> <p>L. Power tools, explosives and special equipment involving unusual risk must be stored in a locked place inaccessible to children, and must always be under the custody and direct supervision of authorized personnel when in use.</p> <p>M. Volatile substances such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives, and other hazardous items must not be stored in any area of the building used for children unless approved by the local fire department.</p> <p>N. Substances which may be toxic to a child if ingested, inhaled, or handled, including, but not limited to, poisons, drugs, medicines, insecticides, herbicides, rodenticides, bleaches, chemicals, and corrosive agents must be stored in a cabinet or enclosure located in an area not used by children, stored in the original container, and properly labeled.</p> <p>O. Glass doors, walls, or panels must be clearly marked. Safety glass must be installed when required.</p> <p>P. Stairways of a height of more than thirty (30) inches must be equipped with handrails on each side of the stairways. A stairway which is larger than 88 inches wide must have an intermediate handrail equal distance between the two handrails.</p> <p>Q. All window wells and outside stairwells that are hazardous to children must be equipped with screens or guards, which must be attached in such a manner that they may either be removed from the inside or broken in from the outside in case of fire.</p> <p>R. All areas accessible to children must be maintained in a safe condition by removal of debris, dilapidated structures, and broken or worn equipment or dangerous items.</p>	<p>locked and stored separately.</p> <p>L. Power tools, explosives and special equipment involving unusual risk must be stored in a locked place inaccessible to children, and must always be under the custody and direct supervision of authorized personnel when in use.</p> <p>M. Volatile substances such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives, and other hazardous items must not be stored in any area of the building used for children unless approved by the local fire department.</p> <p>N. Substances which may be toxic to a child if ingested, inhaled, or handled, including, but not limited to, poisons, drugs, medicines, insecticides, herbicides, rodenticides, bleaches, chemicals, and corrosive agents must be stored in a cabinet or enclosure located in an area not used by children, stored in the original container, and properly labeled.</p> <p>O. Glass doors, walls, or panels must be clearly marked. Safety glass must be installed when required.</p> <p>P. Stairways of a height of more than thirty (30) inches must be equipped with handrails on each side of the stairways. A stairway which is larger than 88 inches wide must have an intermediate handrail equal distance between the two handrails.</p> <p>Q. All window wells and outside stairwells that are hazardous to children must be equipped with screens or guards, which must be attached in such a manner that they may either be removed from the inside or broken in from the outside in case of fire.</p> <p>R. All areas accessible to children must be maintained in a safe condition by removal of debris, dilapidated structures, and broken or worn equipment or dangerous items.</p>	
7.711.55 Fire Safety Provisions	REPEAL	<p>7.711.55 Fire Safety Provisions</p> <p>A. Any fire extinguisher used at the camp must be of a dry chemical type, hung at a level readily available to staff members, and annually inspected by an approved inspector. Indian pump backpack fire extinguishers and fire extinguishers approved for</p>	<p>7.711.55 Fire Safety Provisions</p> <p>A. Any fire extinguisher used at the camp must be of a dry chemical type, hung at a level readily available to staff members, and annually inspected by an approved inspector. Indian pump backpack fire extinguishers and fire extinguishers approved for</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8</p>

Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft
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		<p>use by the U.S. Forest Services are also acceptable.</p> <p>1. There must be a fire extinguisher located in the camp kitchen.</p> <p>2. In each building and/or structure, there must be a fire extinguisher on each floor.</p> <p>3. In tent areas, there must be a fire extinguisher located within seventy-five (75) feet of each tent or a plan approved by the department.</p> <p>B. In each camp there must be a fire alarm(s) must sounds a separate and distinctly recognizable tone from all other signaling devices used by the camp. The alarm(s) must be audible throughout the occupied camp premises. The alarm device, once activated, must continue to sound automatically.</p> <p>C. Within twenty-four (24) hours after arrival at the campsite, all individuals attending the camp must be made familiar with the methods by which the fire alarm may be activated and with procedures to be followed upon notification of fire.</p> <p>D. Each separate building used for sleeping campers and each multistory building must be protected by a smoke detector on each floor of the building.</p> <p>E. Areas used for campfires must be cleared and must be away from overhanging branches.</p> <p>F. Campfires must never be left unattended and must be thoroughly extinguished. Extinguishing equipment must immediately accessible.</p> <p>G. Campfires and open flames of any type must be prohibited within 10 feet of any tent or fabric structure.</p>	<p>use by the U.S. Forest Services are also acceptable.</p> <p>1. There must be a fire extinguisher located in the camp kitchen.</p> <p>2. In each building and/or structure, there must be a fire extinguisher on each floor.</p> <p>3. In tent areas, there must be a fire extinguisher located within seventy-five (75) feet of each tent or a plan approved by the department.</p> <p>B. In each camp there must be a fire alarm(s) must sounds a separate and distinctly recognizable tone from all other signaling devices used by the camp. The alarm(s) must be audible throughout the occupied camp premises. The alarm device, once activated, must continue to sound automatically.</p> <p>C. Within twenty-four (24) hours after arrival at the campsite, all individuals attending the camp must be made familiar with the methods by which the fire alarm may be activated and with procedures to be followed upon notification of fire.</p> <p>D. Each separate building used for sleeping campers and each multistory building must be protected by a smoke detector on each floor of the building.</p> <p>E. Areas used for campfires must be cleared and must be away from overhanging branches.</p> <p>F. Campfires must never be left unattended and must be thoroughly extinguished. Extinguishing equipment must immediately accessible.</p> <p>G. Campfires and open flames of any type must be prohibited within 10 feet of any tent or fabric structure.</p>	<p>CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
7.712 RULES REGULATING SCHOOL-AGE CHILD CARE CENTERS	REPEAL	7.712 RULES REGULATING SCHOOL-AGE CHILD CARE CENTERS All school-age child care centers must comply with the "General Rules for Child Care Facilities" as well as the "Rules Regulating School-Age Child Care Centers"	7.712 RULES REGULATING SCHOOL-AGE CHILD CARE CENTERS All school-age child care centers must comply with the "General Rules for Child Care Facilities" as well as the "Rules Regulating School-Age Child Care Centers"	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.712.1 (None)	REPEAL	7.712.1 (None)	7.712.1 (None)	HB22-1295 was codified	

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				into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.
7.712.2 DEFINITIONS	REPEAL	<p>7.712.2 DEFINITIONS</p> <p>A. A “school-age child care center” (hereafter referred to as the “center”) is a child care center that provides care for five (5) or more children who are between five (5) and eighteen (18) years of age. Children four (4) years of age, who will turn five (5) on or before October 15th of the current calendar year may attend the center as part of a “building-based school-age child care program” or “building-based day camp” summer program prior to their kindergarten year. 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 operating with or without compensation for such care, and with or without stated educational purposes.</p> <p>B. A “building-based school-age child care program” is a child care program that provides care for five (5) or more children who are between five (5) and eighteen (18) years of age. The center is located in a building that is regularly used for the care of children.</p> <p>C. A “day camp” is a school-age child care program which operates at least four (4) hours a day primarily during one season of the year, and during school vacation periods for children between five (5) and eighteen (18) years of age, which accepts registrations for finite, not necessarily contiguous sessions. Programs may operate daily between 6:00 a.m. and 10:00 p.m. Day camp programs may offer no more than two overnight stays each camp session.</p>	<p>7.712.2 DEFINITIONS</p> <p>A. A “school-age child care center” (hereafter referred to as the “center”) is a child care center that provides care for five (5) or more children who are between five (5) and eighteen (18) years of age. Children four (4) years of age, who will turn five (5) on or before October 15th of the current calendar year may attend the center as part of a “building-based school-age child care program” or “building-based day camp” summer program prior to their kindergarten year. 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 operating with or without compensation for such care, and with or without stated educational purposes.</p> <p>B. A “building-based school-age child care program” is a child care program that provides care for five (5) or more children who are between five (5) and eighteen (18) years of age. The center is located in a building that is regularly used for the care of children.</p> <p>C. A “day camp” is a school-age child care program which operates at least four (4) hours a day primarily during one season of the year, and during school vacation periods for children between five (5) and eighteen (18) years of age, which accepts registrations for finite, not necessarily contiguous sessions. Programs may operate daily between 6:00 a.m. and 10:00 p.m. Day camp programs may offer no more than two overnight stays each camp session.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>

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		<p>The types of day camps are as follows:</p> <p>1. A “building based day camp” is a child care program that provides care for five (5) or more children who are between five (5) and eighteen (18) years of age. The day camp is located in a building which, along with the outdoor surroundings, is regularly used by the program.</p> <p>2. A “mobile day camp” is a child care program that provides programming for five (5) or more children who are at least seven (7) years of age or who have completed the first grade. Children move from one site to another by means of transportation provided by the governing body of the program. The program uses no permanent building on a regular basis. Mobile day camp programs may operate in multiple sites, in a single county, under one license.</p> <p>3. An “outdoor-based day camp” is a child care program that provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade. The day camp does not use a permanent building on a regular basis and provides programming in a permanent outdoor or park setting.</p>	<p>The types of day camps are as follows:</p> <p>1. A “building based day camp” is a child care program that provides care for five (5) or more children who are between five (5) and eighteen (18) years of age. The day camp is located in a building which, along with the outdoor surroundings, is regularly used by the program.</p> <p>2. A “mobile day camp” is a child care program that provides programming for five (5) or more children who are at least seven (7) years of age or who have completed the first grade. Children move from one site to another by means of transportation provided by the governing body of the program. The program uses no permanent building on a regular basis. Mobile day camp programs may operate in multiple sites, in a single county, under one license.</p> <p>3. An “outdoor-based day camp” is a child care program that provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade. The day camp does not use a permanent building on a regular basis and provides programming in a permanent outdoor or park setting.</p>		
7.712.3 POLICIES AND PROCEDURES	REPEAL	7.712.3 POLICIES AND PROCEDURES	7.712.3 POLICIES AND PROCEDURES	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.712.31 Statement of Policies and Procedures	REPEAL	7.712.31 Statement of Policies and Procedures A. At the time of enrollment, and upon amendments to policies and procedures, the center must give the parent(s)/guardian(s) the center’s policies and procedures, and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The center must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures, and by signing the policies and	7.712.31 Statement of Policies and Procedures A. At the time of enrollment, and upon amendments to policies and procedures, the center must give the parent(s)/guardian(s) the center’s policies and procedures, and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The center must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures, and by signing the policies and	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures. Policies must include the following:</p> <ol style="list-style-type: none"> 1. The center's purpose and its philosophy on child care; 2. The ages of children accepted; 3. Services offered for special needs children in compliance with the Americans with Disabilities Act (see Section 7.701.14, General Rules for Child Care Facilities); 4. The hours and dates when the center is in operation, specific hours during which special activities are offered, and holidays when the center is closed; 5. The policy regarding inclement weather; 6. The procedure concerning admission and enrollment of children; 7. An itemized fee schedule; 8. The procedure to ensure the location of children is known at all times, how children are accounted for throughout the day, and that children are supervised at all times by their assigned staff member; 9. The center's procedure on guidance, positive instruction, supporting positive behavior, discipline and consequences, including how the center will: <ol style="list-style-type: none"> a. Cultivate positive child, staff and family relationships; b. Create and maintain a socially and emotionally respectful early learning and care environment; c. Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children; d. Provide individualized social and emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions; and e. Access an early childhood mental health 	<p>procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures. Policies must include the following:</p> <ol style="list-style-type: none"> 1. The center's purpose and its philosophy on child care; 2. The ages of children accepted; 3. Services offered for special needs children in compliance with the Americans with Disabilities Act (see Section 7.701.14, General Rules for Child Care Facilities); 4. The hours and dates when the center is in operation, specific hours during which special activities are offered, and holidays when the center is closed; 5. The policy regarding inclement weather; 6. The procedure concerning admission and enrollment of children; 7. An itemized fee schedule; 8. The procedure to ensure the location of children is known at all times, how children are accounted for throughout the day, and that children are supervised at all times by their assigned staff member; 9. The center's procedure on guidance, positive instruction, supporting positive behavior, discipline and consequences, including how the center will: <ol style="list-style-type: none"> a. Cultivate positive child, staff and family relationships; b. Create and maintain a socially and emotionally respectful early learning and care environment; c. Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children; d. Provide individualized social and emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions; and e. Access an early childhood mental health 		
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	<p>consultant or other specialist as needed.</p> <p>10. The procedure for handling children's illnesses, accidents, and injuries, including when children will be excluded from care and notification of parents/guardians;</p> <p>11. The procedures followed when it has been identified a child is separated from their group and not under the direct supervision of their assigned staff member.</p> <p>12. The procedure for transporting children, if applicable, including transportation arrangements and parental permission for excursions and related activities;</p> <p>13. The written policy and procedure governing field trips, television and video viewing, and special activities, including the staff's role for the supervision of children;</p> <p>14. The procedure on children's safety related to riding in a vehicle, seating, supervision, and emergency procedures on the road;</p> <p>15. The procedure for releasing children from the center only to persons for whom the center has written authorization;</p> <p>16. The procedures followed when a child is picked up from the center after the closing hours of the center or not picked up at all, and the procedure to ensure that all children are picked up before the staff leave for the day;</p> <p>17. The procedure for caring for children who arrive late to the center and their class/group is away from the center on a field trip or excursion;</p> <p>18. The procedure for storing and administering children's medicines and delegation of medication administration in compliance with Section 12-38-132, C R S., of the "Nurse Practice Act.";</p> <p>19. The procedure concerning children's personal belongings and money;</p> <p>20. The policy concerning meals and snacks;</p> <p>21. The policy and procedure regarding visitors;</p> <p>22. The procedure for filing a complaint about child care (see Section 7.701.5. General Rules for Child Care Facilities);</p>	<p>consultant or other specialist as needed.</p> <p>10. The procedure for handling children's illnesses, accidents, and injuries, including when children will be excluded from care and notification of parents/guardians;</p> <p>11. The procedures followed when it has been identified a child is separated from their group and not under the direct supervision of their assigned staff member.</p> <p>12. The procedure for transporting children, if applicable, including transportation arrangements and parental permission for excursions and related activities;</p> <p>13. The written policy and procedure governing field trips, television and video viewing, and special activities, including the staff's role for the supervision of children;</p> <p>14. The procedure on children's safety related to riding in a vehicle, seating, supervision, and emergency procedures on the road;</p> <p>15. The procedure for releasing children from the center only to persons for whom the center has written authorization;</p> <p>16. The procedures followed when a child is picked up from the center after the closing hours of the center or not picked up at all, and the procedure to ensure that all children are picked up before the staff leave for the day;</p> <p>17. The procedure for caring for children who arrive late to the center and their class/group is away from the center on a field trip or excursion;</p> <p>18. The procedure for storing and administering children's medicines and delegation of medication administration in compliance with Section 12-38-132, C R S., of the "Nurse Practice Act.";</p> <p>19. The procedure concerning children's personal belongings and money;</p> <p>20. The policy concerning meals and snacks;</p> <p>21. The policy and procedure regarding visitors;</p> <p>22. The procedure for filing a complaint about child care (see Section 7.701.5. General Rules for Child Care Facilities);</p>		
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		<p>23. The procedure regarding the reporting of suspected or known child abuse and/or neglect (see Section 7.701.5 General Rules for Child Care Facilities);</p> <p>24. The policy for notification when child care service is withdrawn by the program, or when parents or guardians withdraw their child(ren) from the center;</p> <p>25. The procedure, if applicable, for transitioning children between school or community sponsored activities; and</p> <p>26. The policy on the steps the center will take prior to the suspension, expulsion or request to parents/guardians to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the center's policy on guidance, positive instruction, discipline and consequences, and include documentation of the steps taken to understand and respond to challenging behavior.</p>	<p>23. The procedure regarding the reporting of suspected or known child abuse and/or neglect (see Section 7.701.5 General Rules for Child Care Facilities);</p> <p>24. The policy for notification when child care service is withdrawn by the program, or when parents or guardians withdraw their child(ren) from the center;</p> <p>25. The procedure, if applicable, for transitioning children between school or community sponsored activities; and</p> <p>26. The policy on the steps the center will take prior to the suspension, expulsion or request to parents/guardians to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the center's policy on guidance, positive instruction, discipline and consequences, and include documentation of the steps taken to understand and respond to challenging behavior.</p>		
<p>7.712.32 Communication, Emergency, and Security Procedures</p>	<p>REPEAL</p>	<p>7.712.32 Communication, Emergency, and Security Procedures</p> <p>A. The center must notify the parents/guardians in writing of significant changes in its services, policies, or procedures so that they can decide whether the center continues to meet the needs of the child(ren).</p> <p>B. For security purposes, a daily sign-in/sign-out sheet or other mechanism for parents/guardians must be maintained by the center it must include, for each child in care, the date, the child's name, the time when the child arrived and left the center, and the parent/guardian's signature or other identifier. With a parent/guardian's approval, a child five (5) years of age or older may sign in and out instead of the parent/guardian. Staff must verify attendance periodically throughout the day.</p> <p>C. During the hours the center is in operation, the center must provide an office and/or monitored telephone number known to the public and available to parents/guardians in order to provide immediate access to the center.</p> <p>D. If the center has a permanent site, there must be</p>	<p>7.712.32 Communication, Emergency, and Security Procedures</p> <p>A. The center must notify the parents/guardians in writing of significant changes in its services, policies, or procedures so that they can decide whether the center continues to meet the needs of the child(ren).</p> <p>B. For security purposes, a daily sign-in/sign-out sheet or other mechanism for parents/guardians must be maintained by the center it must include, for each child in care, the date, the child's name, the time when the child arrived and left the center, and the parent/guardian's signature or other identifier. With a parent/guardian's approval, a child five (5) years of age or older may sign in and out instead of the parent/guardian. Staff must verify attendance periodically throughout the day.</p> <p>C. During the hours the center is in operation, the center must provide an office and/or monitored telephone number known to the public and available to parents/guardians in order to provide immediate access to the center.</p> <p>D. If the center has a permanent site, there must be</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>a telephone at the site.</p> <p>E. Emergency telephone numbers must be posted at each permanent site and taken on all field trips and during mobile school-age child care programs. The emergency numbers must include, at a minimum, 911, or a rescue unit if 911 isn't available; the clinic or hospital nearest to the activity location; ambulance service; fire, police, and health departments; and Rocky Mountain Poison Control.</p> <p>F. Mobile school-age child care programs must have a way to be contacted while in transit.</p> <p>G. The center must be able to provide emergency transportation to a health care facility at all times either via program vehicle or the emergency medical services system.</p> <p>H. The director of the center or the director's delegated substitute must have a means for determining who is present at the center at all times.</p> <p>I. A written policy regarding visitors to the center must be posted and a record maintained daily by the center that includes, at a minimum, the visitor's name and address and the purpose of the visit. At least one piece of identification must be inspected for individuals who are strangers to personnel at the center.</p> <p>J. With the exception of children who are allowed to sign themselves in and out, the center must release a child only to the adult(s) for whom written authorization has been given and is maintained in the child's record (see Section 7.712.81). In an emergency, the child(ren) may also be released to an adult for whom the child's parent or guardian has given verbal authorization. If the staff member who releases the child does not know the adult, identification must be required to assure that the adult is authorized to pick up the child.</p> <p>K. The center must have a procedure for dealing with individuals not authorized by the parent/guardian of a child who attempts to have the child released to them.</p> <p>L. The center must have a written procedure for closing the center at the end of the day to ensure</p>	<p>a telephone at the site.</p> <p>E. Emergency telephone numbers must be posted at each permanent site and taken on all field trips and during mobile school-age child care programs. The emergency numbers must include, at a minimum, 911, or a rescue unit if 911 isn't available; the clinic or hospital nearest to the activity location; ambulance service; fire, police, and health departments; and Rocky Mountain Poison Control.</p> <p>F. Mobile school-age child care programs must have a way to be contacted while in transit.</p> <p>G. The center must be able to provide emergency transportation to a health care facility at all times either via program vehicle or the emergency medical services system.</p> <p>H. The director of the center or the director's delegated substitute must have a means for determining who is present at the center at all times.</p> <p>I. A written policy regarding visitors to the center must be posted and a record maintained daily by the center that includes, at a minimum, the visitor's name and address and the purpose of the visit. At least one piece of identification must be inspected for individuals who are strangers to personnel at the center.</p> <p>J. With the exception of children who are allowed to sign themselves in and out, the center must release a child only to the adult(s) for whom written authorization has been given and is maintained in the child's record (see Section 7.712.81). In an emergency, the child(ren) may also be released to an adult for whom the child's parent or guardian has given verbal authorization. If the staff member who releases the child does not know the adult, identification must be required to assure that the adult is authorized to pick up the child.</p> <p>K. The center must have a procedure for dealing with individuals not authorized by the parent/guardian of a child who attempts to have the child released to them.</p> <p>L. The center must have a written procedure for closing the center at the end of the day to ensure</p>		
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	<p>abuse. Staff members must sign a statement indicating that they have read and understand the center's policies and procedures.</p> <p>G. Day camp staff must receive a minimum of fifteen (15) hours of pre-camp training, in addition to Department-approved First Aid and CPR. Pre-camp training must include all training activities that staff members participate in as a whole. Training should include, but not be limited to, familiarizing staff with the camp mission, site emergency policy and procedures, how to supervise and facilitate activities with campers, and health care policies and procedures. Policies and procedures must be in writing. Staff will be supervised and additional training may be provided if needed. Day camps must have a system in place to provide staff the essential training information for late hires.</p> <p>H. The center must have a staff development plan that includes a minimum of fifteen (15) clock hours of ongoing training each year for all staff. This requirement does not apply to day camps. At least three (3) clock hours per year must be in the focus of social emotional development. The fifteen (15) clock hours of training does not include recertification in First Aid and CPR. Ongoing training and courses must demonstrate a direct connection to one or more of the following competency areas:</p> <ol style="list-style-type: none"> 1. Child growth and development, and learning or courses that align with the competency domains of child growth and development; 2. Child observation and assessment; 3. Family and community partnership; 4. Guidance; 5. Health, safety and nutrition; 6. Professional development and leadership; 7. Program planning and development; 8. Teaching practices: <ol style="list-style-type: none"> a. Each one (1) semester hour course with a direct connection to the competency area listed in section 7.712.41, j, 1-8, taken at a regionally accredited college or university may count as fifteen (15) clock hours of ongoing training. 	<p>abuse. Staff members must sign a statement indicating that they have read and understand the center's policies and procedures.</p> <p>G. Day camp staff must receive a minimum of fifteen (15) hours of pre-camp training, in addition to Department-approved First Aid and CPR. Pre-camp training must include all training activities that staff members participate in as a whole. Training should include, but not be limited to, familiarizing staff with the camp mission, site emergency policy and procedures, how to supervise and facilitate activities with campers, and health care policies and procedures. Policies and procedures must be in writing. Staff will be supervised and additional training may be provided if needed. Day camps must have a system in place to provide staff the essential training information for late hires.</p> <p>H. The center must have a staff development plan that includes a minimum of fifteen (15) clock hours of ongoing training each year for all staff. This requirement does not apply to day camps. At least three (3) clock hours per year must be in the focus of social emotional development. The fifteen (15) clock hours of training does not include recertification in First Aid and CPR. Ongoing training and courses must demonstrate a direct connection to one or more of the following competency areas:</p> <ol style="list-style-type: none"> 1. Child growth and development, and learning or courses that align with the competency domains of child growth and development; 2. Child observation and assessment; 3. Family and community partnership; 4. Guidance; 5. Health, safety and nutrition; 6. Professional development and leadership; 7. Program planning and development; 8. Teaching practices: <ol style="list-style-type: none"> a. Each one (1) semester hour course with a direct connection to the competency area listed in section 7.712.41, j, 1-8, taken at a regionally accredited college or university may count as fifteen (15) clock hours of ongoing training. 		
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Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft
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		<p>b. Training hours completed can only be counted during the year taken and cannot be carried over. I. To be counted for ongoing training, the training certificate must have documentation that includes:</p> <ol style="list-style-type: none"> 1. The title of the training; and, 2. The competency domain; and, 3. The date and clock hours of the training; and, 4. The name or signature, or other approved method of verifying the identity of trainer or entity; and, 5. Expiration of training if applicable; and, 6. Connection to social emotional focus if applicable. <p>J. All staff members must complete a Department-approved standard precautions training prior to working with children. This training must be renewed annually and may count towards ongoing training requirements.</p> <p>K. All staff members must complete a building and physical premises safety training prior to working with children. The training must include:</p> <ol style="list-style-type: none"> a. Identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic; and b. Handling and storage of hazardous materials and the appropriate disposal of biological contaminants. <p>L. All staff member responsible for the collection, review and maintenance of the child immunizations records must show evidence they have completed the Colorado Department of Public Health and Environment (CDPHE) immunization course within (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.</p> <p>M. All staff members and regular volunteers must complete a Department-approved training about child abuse prevention, including common symptoms and signs of child abuse within (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.</p>	<p>b. Training hours completed can only be counted during the year taken and cannot be carried over. I. To be counted for ongoing training, the training certificate must have documentation that includes:</p> <ol style="list-style-type: none"> 1. The title of the training; and, 2. The competency domain; and, 3. The date and clock hours of the training; and, 4. The name or signature, or other approved method of verifying the identity of trainer or entity; and, 5. Expiration of training if applicable; and, 6. Connection to social emotional focus if applicable. <p>J. All staff members must complete a Department-approved standard precautions training prior to working with children. This training must be renewed annually and may count towards ongoing training requirements.</p> <p>K. All staff members must complete a building and physical premises safety training prior to working with children. The training must include:</p> <ol style="list-style-type: none"> a. Identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic; and b. Handling and storage of hazardous materials and the appropriate disposal of biological contaminants. <p>L. All staff member responsible for the collection, review and maintenance of the child immunizations records must show evidence they have completed the Colorado Department of Public Health and Environment (CDPHE) immunization course within (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.</p> <p>M. All staff members and regular volunteers must complete a Department-approved training about child abuse prevention, including common symptoms and signs of child abuse within (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.</p>		
7.712.42 Required Personnel and	REPEAL	7.712.42 Required Personnel and Qualifications A. Program Director Each center must have an on-site program director	7.712.42 Required Personnel and Qualifications A. Program Director Each center must have an on-site program director	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022.	

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Qualifications	<p>who must be at least twenty-one (21) years of age. The program director must have demonstrated to the hiring authority maturity of judgment, administrative ability and the skill to appropriately supervise and direct school-age children in an unstructured setting.</p> <p>1. The program director must have verifiable education or training in work with school-age children in such areas as recreation, education, scouting or 4-H; and the program director must have completed at least one of the following qualifications:</p> <p>a. A four (4) year college degree with a major such as recreation, outdoor education, education with a specialty in art, elementary or early childhood education, or a subject in the human service field; or</p> <p>b. Two years of college training and six (6) months (910 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience, since attaining the age of eighteen (18), in the care and supervision of four (4) or more children; or</p> <p>c. ree years (5460 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience and one of the following qualifications:</p> <p>1) Complete six semester hours, or nine quarter hours in course work from a regionally accredited college or university; or</p> <p>2) 40 clock hours of training in course work applicable to school-age children and the department-approved courses in injury prevention, and playground safety for School-Aged Child Care Centers within the first nine months of employment.</p> <p>2. Satisfactory experience includes experience in the care and supervision of four or more children from the ages of four (4)-eighteen (18) years old, unrelated to the individual, since attaining the age of eighteen (18).</p> <p>3. The program director is responsible for planning and implementing the program and supervising the staff.</p> <p>B. Program Leaders</p>	<p>who must be at least twenty-one (21) years of age. The program director must have demonstrated to the hiring authority maturity of judgment, administrative ability and the skill to appropriately supervise and direct school-age children in an unstructured setting.</p> <p>1. The program director must have verifiable education or training in work with school-age children in such areas as recreation, education, scouting or 4-H; and the program director must have completed at least one of the following qualifications:</p> <p>a. A four (4) year college degree with a major such as recreation, outdoor education, education with a specialty in art, elementary or early childhood education, or a subject in the human service field; or</p> <p>b. Two years of college training and six (6) months (910 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience, since attaining the age of eighteen (18), in the care and supervision of four (4) or more children; or</p> <p>c. ree years (5460 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience and one of the following qualifications:</p> <p>1) Complete six semester hours, or nine quarter hours in course work from a regionally accredited college or university; or</p> <p>2) 40 clock hours of training in course work applicable to school-age children and the department-approved courses in injury prevention, and playground safety for School-Aged Child Care Centers within the first nine months of employment.</p> <p>2. Satisfactory experience includes experience in the care and supervision of four or more children from the ages of four (4)-eighteen (18) years old, unrelated to the individual, since attaining the age of eighteen (18).</p> <p>3. The program director is responsible for planning and implementing the program and supervising the staff.</p> <p>B. Program Leaders</p>	<p>CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>
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	<p>Each program leader must be at least 18 years of age, demonstrate ability to work with children, and must meet the following qualifications:</p> <ol style="list-style-type: none"> 1. Complete the Department-approved course in injury prevention; 2. Complete the Department-approved course in playground safety for School-Aged Child Care Centers. This requirement does not apply to day camps that do not regularly use a playground.; and 3. Must have at least three (3) months (460 hours) of full-time or equivalent part-time satisfactory and verifiable experience with school-age children. <p>C. Program Aides</p> <ol style="list-style-type: none"> 1. Program aides must be at least sixteen (16) years of age. Program aides must work directly under the supervision of the program director or program leaders and must never be left alone with children. 2. Program aides can be counted as staff in determining child care staff ratios. <p>D. Department-approved Child Care Health Consultant</p> <ol style="list-style-type: none"> 1. As required by these rules, staff must consult with a current Department-approved Colorado Child Care Health Consultant. To be approved the Child Care Health Consultant must be one of the following: a licensed registered nurse with knowledge and experience in maternal and child health, a pediatric nurse practitioner, a family nurse practitioner, or a pediatrician. The consultation must be specific to the needs of the facility and include some of the following topics: training, delegation and supervision of medication administration and special health procedures, health care, hygiene, disease prevention, equipment safety, interaction between children and adult caregivers, and normal growth and development. Consultation must occur as often as the child care health consultant who is delegating medications and/or medical procedures requires. 2. The date and content of each consultation must be recorded and maintained in the center's files. 3. The center must maintain documentation including the child care health consultant's (CCHC) 	<p>Each program leader must be at least 18 years of age, demonstrate ability to work with children, and must meet the following qualifications:</p> <ol style="list-style-type: none"> 1. Complete the Department-approved course in injury prevention; 2. Complete the Department-approved course in playground safety for School-Aged Child Care Centers. This requirement does not apply to day camps that do not regularly use a playground.; and 3. Must have at least three (3) months (460 hours) of full-time or equivalent part-time satisfactory and verifiable experience with school-age children. <p>C. Program Aides</p> <ol style="list-style-type: none"> 1. Program aides must be at least sixteen (16) years of age. Program aides must work directly under the supervision of the program director or program leaders and must never be left alone with children. 2. Program aides can be counted as staff in determining child care staff ratios. <p>D. Department-approved Child Care Health Consultant</p> <ol style="list-style-type: none"> 1. As required by these rules, staff must consult with a current Department-approved Colorado Child Care Health Consultant. To be approved the Child Care Health Consultant must be one of the following: a licensed registered nurse with knowledge and experience in maternal and child health, a pediatric nurse practitioner, a family nurse practitioner, or a pediatrician. The consultation must be specific to the needs of the facility and include some of the following topics: training, delegation and supervision of medication administration and special health procedures, health care, hygiene, disease prevention, equipment safety, interaction between children and adult caregivers, and normal growth and development. Consultation must occur as often as the child care health consultant who is delegating medications and/or medical procedures requires. 2. The date and content of each consultation must be recorded and maintained in the center's files. 3. The center must maintain documentation including the child care health consultant's (CCHC) 		
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	<p>Department of Regulatory Agencies (DORA) proof of RN or MD current licensure in good standing, a brief biography highlighting applicable knowledge, experience and approximate dates worked as a school nurse or Child Care health Consultant commenced.</p> <p>4. Child care health consultants (CCHC) must complete the Department-approved child care health consultant (CCHC) training prior to consulting with the center. The center must obtain and maintain proof of course completion.</p> <p>5. All Child Care Health Consultants (CCHC) must show evidence they have completed the Colorado Department of Public Health and Environment (CDPHE) immunization course annually.</p> <p>E. Employment of maintenance staff, including kitchen service, grounds, and housekeeping employees less than sixteen (16) years of age, must be in compliance with Colorado labor laws.</p> <p>F. At least one staff member with current department-approved medication administration training and delegation must be on duty at all times.</p> <p>G. First Aid and CPR Certified Staff</p> <p>1. For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member who holds current Department-approved First Aid and CPR certificate for all ages of children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR qualified staff member at each location.</p> <p>2. In a day camp, all staff members who are eighteen (18) years of age and older must have current Department-approved First Aid and CPR certificates. Uncertified staff members must work with another certified staff member.</p> <p>3. All employees caring for children, not required by rule to be certified in First Aid and CPR, must complete a Department-approved basic First Aid and CPR module within thirty (30) calendar days of employment and the module must be renewed every two (2) years.</p>	<p>Department of Regulatory Agencies (DORA) proof of RN or MD current licensure in good standing, a brief biography highlighting applicable knowledge, experience and approximate dates worked as a school nurse or Child Care health Consultant commenced.</p> <p>4. Child care health consultants (CCHC) must complete the Department-approved child care health consultant (CCHC) training prior to consulting with the center. The center must obtain and maintain proof of course completion.</p> <p>5. All Child Care Health Consultants (CCHC) must show evidence they have completed the Colorado Department of Public Health and Environment (CDPHE) immunization course annually.</p> <p>E. Employment of maintenance staff, including kitchen service, grounds, and housekeeping employees less than sixteen (16) years of age, must be in compliance with Colorado labor laws.</p> <p>F. At least one staff member with current department-approved medication administration training and delegation must be on duty at all times.</p> <p>G. First Aid and CPR Certified Staff</p> <p>1. For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member who holds current Department-approved First Aid and CPR certificate for all ages of children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR qualified staff member at each location.</p> <p>2. In a day camp, all staff members who are eighteen (18) years of age and older must have current Department-approved First Aid and CPR certificates. Uncertified staff members must work with another certified staff member.</p> <p>3. All employees caring for children, not required by rule to be certified in First Aid and CPR, must complete a Department-approved basic First Aid and CPR module within thirty (30) calendar days of employment and the module must be renewed every two (2) years.</p>		
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7.712.43 Required Staff Supervision	REPEAL	<p>7.712.43 Required Staff Supervision</p> <p>A. A program director must be present at the center at least 60 percent of any day the center is in operation. An individual who meets one of the following requirements must be present for the remaining 40 percent of the day:</p> <ol style="list-style-type: none"> 1. A qualified program leader who is at least twenty-one (21) years of age; OR 2. A qualified program leader who is at least eighteen (18) years of age and has at least one (1) year (1820 hours) full-time or equivalent part-time verifiable experience working with children; or 3. Two qualified program leaders who are at least nineteen (19) years of age. <p>B. If the program director cannot be present 60 percent of any day the center is in operation, an individual who meets program director qualifications must substitute for the director.</p> <p>C. There must be at least one (1) program leader providing supervision with each group of thirty (30) or fewer children cared for by the center. When four (4) year olds are in attendance, there must be at least one program leader providing supervision with each group of twenty-four (24) or fewer children cared for by the center.</p> <p>D. The maximum group size for children over the age of five (5) is thirty (30) children. When four (4) year olds are in attendance the maximum group size is twenty-four (24). When the center has the capacity to care for multiple groups of children, they must be separated into developmentally and age appropriate activities. Groups are not required to be separated from each other by permanent or portable dividers or walls.</p> <p>E. Group size for children in care may be exceeded for attendance time, meal and snack time, special occasions and activities. The room capacity must not be exceeded.</p> <p>F. There must be one (1) staff member for each fifteen (15) children in attendance. When four (4) year olds are in attendance, there must be at least one staff member for each twelve (12) or fewer</p>	<p>7.712.43 Required Staff Supervision</p> <p>A. A program director must be present at the center at least 60 percent of any day the center is in operation. An individual who meets one of the following requirements must be present for the remaining 40 percent of the day:</p> <ol style="list-style-type: none"> 1. A qualified program leader who is at least twenty-one (21) years of age; OR 2. A qualified program leader who is at least eighteen (18) years of age and has at least one (1) year (1820 hours) full-time or equivalent part-time verifiable experience working with children; or 3. Two qualified program leaders who are at least nineteen (19) years of age. <p>B. If the program director cannot be present 60 percent of any day the center is in operation, an individual who meets program director qualifications must substitute for the director.</p> <p>C. There must be at least one (1) program leader providing supervision with each group of thirty (30) or fewer children cared for by the center. When four (4) year olds are in attendance, there must be at least one program leader providing supervision with each group of twenty-four (24) or fewer children cared for by the center.</p> <p>D. The maximum group size for children over the age of five (5) is thirty (30) children. When four (4) year olds are in attendance the maximum group size is twenty-four (24). When the center has the capacity to care for multiple groups of children, they must be separated into developmentally and age appropriate activities. Groups are not required to be separated from each other by permanent or portable dividers or walls.</p> <p>E. Group size for children in care may be exceeded for attendance time, meal and snack time, special occasions and activities. The room capacity must not be exceeded.</p> <p>F. There must be one (1) staff member for each fifteen (15) children in attendance. When four (4) year olds are in attendance, there must be at least one staff member for each twelve (12) or fewer</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>
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		<p>children cared for by the center. Ages of Children Number of Staff Maximum Group Size Mixed age group with 4 year olds 1 staff member to 12 children 24 children 5 years and older 1 staff member to 15 children 30 children G. At any time when nine (9) or more children are in care at the center, there must be at least one (1) program leader actively supervising children and another responsible person at least sixteen (16) years of age on the premises. When eight (8) or fewer children are present, there must be at least one (1) program leader on duty and a second staff member on call who is immediately available in an emergency. H. At all times, school-age child care personnel must be directly supervising the children. I. In a mobile day camp program, an outdoor-based day camp program, or anytime a building based program is away from the facility, the staff ratio given at Section 7.712.43 must be maintained, but there must be at least two (2) program leaders at all times with the children.</p>	<p>children cared for by the center. Ages of Children Number of Staff Maximum Group Size Mixed age group with 4 year olds 1 staff member to 12 children 24 children 5 years and older 1 staff member to 15 children 30 children G. At any time when nine (9) or more children are in care at the center, there must be at least one (1) program leader actively supervising children and another responsible person at least sixteen (16) years of age on the premises. When eight (8) or fewer children are present, there must be at least one (1) program leader on duty and a second staff member on call who is immediately available in an emergency. H. At all times, school-age child care personnel must be directly supervising the children. I. In a mobile day camp program, an outdoor-based day camp program, or anytime a building based program is away from the facility, the staff ratio given at Section 7.712.43 must be maintained, but there must be at least two (2) program leaders at all times with the children.</p>		
7.712.44 Volunteers	REPEAL	<p>7.712.44 Volunteers A. If volunteers are used by the center, there must be a clearly established policy in regard to their function, orientation, and supervision. B. References must be obtained for volunteers who are counted in the staff to child ratio, consistent with Section 7.701.33B. C. Volunteers that work more than fourteen (14) calendar days (112 hours) per calendar year who are used to meet staff to child ratio must be equally qualified as a program director, program leader or program aide and must have complete staff records as defined in 7.712.82. D. Volunteers unless equally qualified must be directly supervised by a program director or program</p>	<p>7.712.44 Volunteers A. If volunteers are used by the center, there must be a clearly established policy in regard to their function, orientation, and supervision. B. References must be obtained for volunteers who are counted in the staff to child ratio, consistent with Section 7.701.33B. C. Volunteers that work more than fourteen (14) calendar days (112 hours) per calendar year who are used to meet staff to child ratio must be equally qualified as a program director, program leader or program aide and must have complete staff records as defined in 7.712.82. D. Volunteers unless equally qualified must be directly supervised by a program director or program</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		leader. E. Volunteers must be given instruction as to the center's policies and procedures.	leader. E. Volunteers must be given instruction as to the center's policies and procedures.		
7.712.5 CHILD CARE SERVICES	REPEAL	7.712.5 CHILD CARE SERVICES	7.712.5 CHILD CARE SERVICES	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.712.51 Admission Procedure	REPEAL	7.712.51 Admission Procedure A. The center can accept children only of the ages and capacity for which it has been licensed. B. Admission procedures must be completed prior to the child's first day in care at the center and must include: 1. Completion of the registration information for inclusion in the child's record, as required in Section 7.712.81; and 2. Providing the parent(s)/guardian(s) with a copy of the center's policies and procedures.	7.712.51 Admission Procedure A. The center can accept children only of the ages and capacity for which it has been licensed. B. Admission procedures must be completed prior to the child's first day in care at the center and must include: 1. Completion of the registration information for inclusion in the child's record, as required in Section 7.712.81; and 2. Providing the parent(s)/guardian(s) with a copy of the center's policies and procedures.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.712.52 Health Care	REPEAL	7.712.52 Health Care A. Statements of Health Status 1. At the time of enrollment, the parent(s)/guardian(s) must provide for each child entering the center: a. A complete health history for each child, including any communicable diseases, chronic illnesses or injuries, known drug reactions and allergies, current medications and any special diets needed, the name address and phone number for the child's health care provider and dentist. b. Documentation of immunization status or exemption as required by Colorado Department of Public Health and Environment (CDPHE). Colorado law requires proof of immunization be provided prior to or on the first day of admission. 1) Child care centers as defined in section 26-6-102 (1.5), C.R.S., located at a ski area, are exempt from obtaining immunization records for students when all	7.712.52 Health Care A. Statements of Health Status 1. At the time of enrollment, the parent(s)/guardian(s) must provide for each child entering the center: a. A complete health history for each child, including any communicable diseases, chronic illnesses or injuries, known drug reactions and allergies, current medications and any special diets needed, the name address and phone number for the child's health care provider and dentist. b. Documentation of immunization status or exemption as required by Colorado Department of Public Health and Environment (CDPHE). Colorado law requires proof of immunization be provided prior to or on the first day of admission. 1) Child care centers as defined in section 26-6-102 (1.5), C.R.S., located at a ski area, are exempt from obtaining immunization records for students when all	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

	<p>of the following conditions are met:</p> <p>a) Students attend for fifteen (15) days or less in a fifteen-consecutive-day period, no more than twice in a calendar year; and</p> <p>b) At least sixty (60) calendar days separate the two sessions within the calendar year; and</p> <p>c) The center notifies parents/guardians that non-immunized children are enrolled on the above short-term basis.</p> <p>2. The center must inform its child care health consultant (CCHC) prior to the first day of care of the enrollment of a child with special health care needs, if known, so staff receives training, delegation and supervision as indicated by the child's individualized health care plan.</p> <p>3. If the center is located at an elementary school and all the children attend that school, the immunization records may be maintained at the school office but, must be accessible to center staff members and licensing specialists during the hours the center is open.</p> <p>B. Emergency Procedures</p> <p>1. Written authorization for emergency medical care must be in the child's file as required in Section 7.712.81.</p> <p>2. When accidents, injuries, or illnesses occur, the program director or responsible adult in charge must notify the child's parent or guardian and, if necessary, seek medical care for the child.</p> <p>3. A responsible staff member must be directly supervising any ill or injured child.</p> <p>4. Portable first aid kits must be available to staff at all times, including field trips, and must be located out of reach of children and maintained in a sanitary condition. First aid kits must be checked and restocked on at least a monthly basis.</p> <p>C. Medication</p> <p>1. Any un-expired routine medication, prescription and non-prescription (over-the-counter) medications must be administered only with a current written order of a Health Care Provider with prescriptive authority and with written parental consent. Home</p>	<p>of the following conditions are met:</p> <p>a) Students attend for fifteen (15) days or less in a fifteen-consecutive-day period, no more than twice in a calendar year; and</p> <p>b) At least sixty (60) calendar days separate the two sessions within the calendar year; and</p> <p>c) The center notifies parents/guardians that non-immunized children are enrolled on the above short-term basis.</p> <p>2. The center must inform its child care health consultant (CCHC) prior to the first day of care of the enrollment of a child with special health care needs, if known, so staff receives training, delegation and supervision as indicated by the child's individualized health care plan.</p> <p>3. If the center is located at an elementary school and all the children attend that school, the immunization records may be maintained at the school office but, must be accessible to center staff members and licensing specialists during the hours the center is open.</p> <p>B. Emergency Procedures</p> <p>1. Written authorization for emergency medical care must be in the child's file as required in Section 7.712.81.</p> <p>2. When accidents, injuries, or illnesses occur, the program director or responsible adult in charge must notify the child's parent or guardian and, if necessary, seek medical care for the child.</p> <p>3. A responsible staff member must be directly supervising any ill or injured child.</p> <p>4. Portable first aid kits must be available to staff at all times, including field trips, and must be located out of reach of children and maintained in a sanitary condition. First aid kits must be checked and restocked on at least a monthly basis.</p> <p>C. Medication</p> <p>1. Any un-expired routine medication, prescription and non-prescription (over-the-counter) medications must be administered only with a current written order of a Health Care Provider with prescriptive authority and with written parental consent. Home</p>	
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Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft

CDHS Tracking #: 25-06-17-01

Office, Division, & Program: Rule Author: Logan Ellett

Phone: 720.245.1195

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	<p>remedies, including homeopathic medications, must never be given to a child.</p> <p>2. The written order by the prescribing practitioner must include:</p> <ul style="list-style-type: none">a. Child's name;b. Licensed prescribing practitioner name, telephone number, and signature;c. Date authorized;d. Name of medication and dosage;e. Time of day medication is to be given;f. Route of medication;g. Length of time the medication is to be given;h. Reason for medication (unless this information needs to remain confidential);i. Side effects or reactions to watch for; andj. Special instructions. <p>3. Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label.</p> <p>4. Over-the-counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.</p> <p>5. In the case medication needs to be given on an ongoing, long-term basis, the authorization and consent forms must be reauthorized on an annual basis. Any changes in the original medication authorization require a new written order by the prescribing practitioner and a change in the prescription label.</p> <p>6. Staff designated by the program director to give medications must complete the department-approved medication administration training and have current annual delegation or more often as determined by the Child Care Health Consultant. Delegation must be from the center's Current Child Care Health Consultant who must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current department-approved CPR, first aid training prior to administering medication with the following exceptions:</p>	<p>remedies, including homeopathic medications, must never be given to a child.</p> <p>2. The written order by the prescribing practitioner must include:</p> <ul style="list-style-type: none">a. Child's name;b. Licensed prescribing practitioner name, telephone number, and signature;c. Date authorized;d. Name of medication and dosage;e. Time of day medication is to be given;f. Route of medication;g. Length of time the medication is to be given;h. Reason for medication (unless this information needs to remain confidential);i. Side effects or reactions to watch for; andj. Special instructions. <p>3. Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label.</p> <p>4. Over the counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.</p> <p>5. In the case medication needs to be given on an ongoing, long-term basis, the authorization and consent forms must be reauthorized on an annual basis. Any changes in the original medication authorization require a new written order by the prescribing practitioner and a change in the prescription label.</p> <p>6. Staff designated by the program director to give medications must complete the department-approved medication administration training and have current annual delegation or more often as determined by the Child Care Health Consultant. Delegation must be from the center's Current Child Care Health Consultant who must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current department-approved CPR, first aid training prior to administering medication with the following exceptions:</p>		
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	<p>a. Staff determined by the program director, in consultation with the Child Care Health Consultant, to be responsible for providing routine emergency medications covered in the approved medication administration training for the treatment of severe allergies or inhaled medications for the treatment of asthma must receive training and delegation from their Child Care Health Consultant for those medications only. Staff must then provide those medications to children based on the instructions from the child's individualized health care plan.</p> <p>b. Staff determined by the director, in consultation with the Child Care Health Consultant, to be responsible for providing medications not covered in the approved medication administration training must also be permitted to administer medications and/or medical treatments such as emergency seizure medication, insulin or oxygen with individualized training and delegation from the Child Care Health Consultant based on instructions from the child's individualized health care plan.</p> <p>c. Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's Child Care Health Consultant. Such training and delegation must qualify the staff member to provide a rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.</p> <p>7. All medications, except those medications specified in the department's approved medication administration training as emergency medications, must be kept in an area inaccessible to children, but available to staff trained in administering medication. If refrigeration is required, the medication must be stored in either a separate refrigerator or a leak proof container in a designated area of a food storage refrigerator, separate from food and inaccessible to children. Controlled medications must be counted and safely secured, and specific policies regarding their handling require special attention in the center's policies. Access to these</p>	<p>a. Staff determined by the program director, in consultation with the Child Care Health Consultant, to be responsible for providing routine emergency medications covered in the approved medication administration training for the treatment of severe allergies or inhaled medications for the treatment of asthma must receive training and delegation from their Child Care Health Consultant for those medications only. Staff must then provide those medications to children based on the instructions from the child's individualized health care plan.</p> <p>b. Staff determined by the director, in consultation with the Child Care Health Consultant, to be responsible for providing medications not covered in the approved medication administration training must also be permitted to administer medications and/or medical treatments such as emergency seizure medication, insulin or oxygen with individualized training and delegation from the Child Care Health Consultant based on instructions from the child's individualized health care plan.</p> <p>c. Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's Child Care Health Consultant. Such training and delegation must qualify the staff member to provide a rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.</p> <p>7. All medications, except those medications specified in the department's approved medication administration training as emergency medications, must be kept in an area inaccessible to children, but available to staff trained in administering medication. If refrigeration is required, the medication must be stored in either a separate refrigerator or a leak proof container in a designated area of a food storage refrigerator, separate from food and inaccessible to children. Controlled medications must be counted and safely secured, and specific policies regarding their handling require special attention in the center's policies. Access to these</p>		
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	<p>medications must be limited (see section 12-22-318, C.R.S.).</p> <p>8. Emergency medications must be stored in accordance with the Child Care Health Consultant's recommendation. Emergency medications are not required to be stored in a locked area. Emergency medications may be stored in an area easily accessible and identifiable to staff but out of reach of children. When away from the classroom, staff must carry emergency medications in a bag on their person.</p> <p>9. A written medication log must be kept for each child. This log is part of the child's records. The log must contain the following:</p> <ul style="list-style-type: none">a. Child's name;b. Name of the medication, dosage, and route;c. Time medication is to be given;d. Special instructions;e. Name and initials of the individuals giving the medication; andf. Notation if the medication was not given and the reason. <p>10. Topical preparations such as petroleum jelly and bug sprays may be administered to children with written parental authorization. These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing practitioner.</p> <p>11. The center must have a written policy on the storage and access of inhalers and epinephrine auto injectors for all children in care. This policy must be reviewed by the Child Care Health Consultant.</p> <p>12. The center may, with written parental consent and authorization of the prescribing health care provider, permit children who have asthma to carry their own inhalers or children who are at risk of anaphylaxis to carry their own epinephrine, and use them as directed. The center must have a specific written policy on the storage and access of inhalers and epinephrine for children who are permitted to carry or self-administer these medications. The policy must include a contract with the</p>	<p>medications must be limited (see section 12-22-318, C.R.S.):</p> <p>8. Emergency medications must be stored in accordance with the Child Care Health Consultant's recommendation. Emergency medications are not required to be stored in a locked area. Emergency medications may be stored in an area easily accessible and identifiable to staff but out of reach of children. When away from the classroom, staff must carry emergency medications in a bag on their person.</p> <p>9. A written medication log must be kept for each child. This log is part of the child's records. The log must contain the following:</p> <ul style="list-style-type: none">a. Child's name;b. Name of the medication, dosage, and route;c. Time medication is to be given;d. Special instructions;e. Name and initials of the individuals giving the medication; andf. Notation if the medication was not given and the reason. <p>10. Topical preparations such as petroleum jelly and bug sprays may be administered to children with written parental authorization. These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing practitioner.</p> <p>11. The center must have a written policy on the storage and access of inhalers and epinephrine auto injectors for all children in care. This policy must be reviewed by the Child Care Health Consultant.</p> <p>12. The center may, with written parental consent and authorization of the prescribing health care provider, permit children who have asthma to carry their own inhalers or children who are at risk of anaphylaxis to carry their own epinephrine, and use them as directed. The center must have a specific written policy on the storage and access of inhalers and epinephrine for children who are permitted to carry or self-administer these medications. The policy must include a contract with the</p>	
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	<p>parent(s)/guardian(s), and child acknowledgement, assigning levels of responsibility of each individual. This contract must accompany orders for the medication from the health care provider, along with confirmation from Child Care Health Consultant that the student has been instructed and is capable of self-administration of the prescribed medications.</p> <p>13. All staff members and Child Care Health Consultants must be aware of which children have asthma and severe allergies, and which of those may administer their own inhaler or auto injectors.</p> <p>D. Sun Protection</p> <ol style="list-style-type: none"> 1. The center must obtain the parent/guardian's written authorization and instructions for applying sunscreen or use of another form of parent/guardian approved sun protection. A health care provider's permission is not needed to use sunscreen at the center. 2. When supplied for an individual child, the sunscreen must be labeled with the child's first and last name. 3. If sunscreen is provided by the center, parents must be notified in advance, in writing, of the type of sunscreen the center will use. 4. Children may apply sunscreen to themselves under the direct supervision of a staff member. 5. The center must apply sunscreen, have the child apply sunscreen, have the parent or guardian apply sunscreen, or use another form of parent or guardian approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label. <p>E. Control of Communicable Illness</p> <ol style="list-style-type: none"> 1. When children show signs of communicable illness, they must be separated from other children, the parent(s) or guardian(s) notified, and a doctor or medical facility consulted as needed regarding treatment. 2. Staff members with a communicable illness must not be permitted to work or have contact with children or other staff members if the illness could be readily transmitted during normal working 	<p>parent(s)/guardian(s), and child acknowledgement, assigning levels of responsibility of each individual. This contract must accompany orders for the medication from the health care provider, along with confirmation from Child Care Health Consultant that the student has been instructed and is capable of self-administration of the prescribed medications.</p> <p>13. All staff members and Child Care Health Consultants must be aware of which children have asthma and severe allergies, and which of those may administer their own inhaler or auto injectors.</p> <p>D. Sun Protection</p> <ol style="list-style-type: none"> 1. The center must obtain the parent/guardian's written authorization and instructions for applying sunscreen or use of another form of parent/guardian approved sun protection. A health care provider's permission is not needed to use sunscreen at the center. 2. When supplied for an individual child, the sunscreen must be labeled with the child's first and last name. 3. If sunscreen is provided by the center, parents must be notified in advance, in writing, of the type of sunscreen the center will use. 4. Children may apply sunscreen to themselves under the direct supervision of a staff member. 5. The center must apply sunscreen, have the child apply sunscreen, have the parent or guardian apply sunscreen, or use another form of parent or guardian approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label. <p>E. Control of Communicable Illness</p> <ol style="list-style-type: none"> 1. When children show signs of communicable illness, they must be separated from other children, the parent(s) or guardian(s) notified, and a doctor or medical facility consulted as needed regarding treatment. 2. Staff members with a communicable illness must not be permitted to work or have contact with children or other staff members if the illness could be readily transmitted during normal working 		
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		activities.	activities.	
7.712.53 Personal Hygiene	REPEAL	7.712.53 Personal Hygiene A. Children with specific toileting needs The center must have one or more designated change areas for all children in need of changing. The change area must: 1. Meet a child's individual and developmental needs and be large enough to accommodate the size of the child; 2. Have a place inaccessible to children for storing all change supplies and disinfecting solutions and products; and 3. Have sufficient supplies.	7.712.53 Personal Hygiene A. Children with specific toileting needs The center must have one or more designated change areas for all children in need of changing. The change area must: 1. Meet a child's individual and developmental needs and be large enough to accommodate the size of the child; 2. Have a place inaccessible to children for storing all change supplies and disinfecting solutions and products; and 3. Have sufficient supplies.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.
7.712.54 Food and Nutrition	REPEAL	7.712.54 Food and Nutrition A. The center must show evidence that all meals and snacks provided by the center must meet current USDA child and adult care food program meal pattern requirements and be offered at suitable intervals. Children who are at the center for more than 4 hours, day or evening, must be offered a meal. B. Centers must not provide sugar sweetened beverages to children. These are liquids that have been sweetened with various forms of sugars that add calories and include, but are not limited to: soda, fruitades, fruit drinks, flavored milks, and sports and energy drinks. C. If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than twice per week. D. In centers that do not regularly provide a meal, if a child brings a meal from home that does not appear to meet current USDA child and adult care food program meal pattern requirements, the center must have foods available to offer as a supplement to that meal. E. Meal menus must be planned at least one week in advance, dated, and available to parents. After use, menus must be filed and retained for three (3) months. Records must be available for periodic review and evaluation.	7.712.54 Food and Nutrition A. The center must show evidence that all meals and snacks provided by the center must meet current USDA child and adult care food program meal pattern requirements and be offered at suitable intervals. Children who are at the center for more than 4 hours, day or evening, must be offered a meal. B. Centers must not provide sugar sweetened beverages to children. These are liquids that have been sweetened with various forms of sugars that add calories and include, but are not limited to: soda, fruitades, fruit drinks, flavored milks, and sports and energy drinks. C. If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than twice per week. D. In centers that do not regularly provide a meal, if a child brings a meal from home that does not appear to meet current USDA child and adult care food program meal pattern requirements, the center must have foods available to offer as a supplement to that meal. E. Meal menus must be planned at least one week in advance, dated, and available to parents. After use, menus must be filed and retained for three (3) months. Records must be available for periodic review and evaluation.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.

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		F. The size of servings must be suitable for the child's age and appetite, and sufficient time must be allowed so that meals are unhurried.	F. The size of servings must be suitable for the child's age and appetite, and sufficient time must be allowed so that meals are unhurried.		
7.712.55 GUIDANCE	REPEAL	7.712.55 GUIDANCE A. Guidance must be appropriate and constructive or educational in nature and may include such measures as diversion, separation of the child from situation, talking with the child about the situation, or praise for appropriate behavior B. Children must not be subjected to physical or emotional harm or humiliation C. The director must not use, or permit a staff member or child to use, corporal or other harsh punishment, including but not limited to pinching, shaking, spanking punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of discipline. D. Guidance must not be associated with food, rest, or toileting Children should never be punished for toileting accidents. Children must not be denied food or forced to eat as a disciplinary measure. E. Separation, when used as guidance, must not exceed five minutes and must be appropriate for the child's age. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked or closed area. F. Verbal abuse and derogatory remarks about the child are not permitted. G. Authority for guidance must not be delegated to other children, and the center must not sanction one child punishing another child. H. Physical exercise must not be used as a form of guidance.	7.712.55 GUIDANCE A. Guidance must be appropriate and constructive or educational in nature and may include such measures as diversion, separation of the child from situation, talking with the child about the situation, or praise for appropriate behavior B. Children must not be subjected to physical or emotional harm or humiliation C. The director must not use, or permit a staff member or child to use, corporal or other harsh punishment, including but not limited to pinching, shaking, spanking punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of discipline. D. Guidance must not be associated with food, rest, or toileting Children should never be punished for toileting accidents. Children must not be denied food or forced to eat as a disciplinary measure. E. Separation, when used as guidance, must not exceed five minutes and must be appropriate for the child's age. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked or closed area. F. Verbal abuse and derogatory remarks about the child are not permitted. G. Authority for guidance must not be delegated to other children, and the center must not sanction one child punishing another child. H. Physical exercise must not be used as a form of guidance.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.712.56 Transportation	REPEAL	7.712.56 Transportation A. Transportation Provided by the Center 1. The center is responsible for any children it transports. 2. The center must obtain written permission from parents/guardians for any transportation of their child during child care hours. 3. The number of staff members who accompany	7.712.56 Transportation A. Transportation Provided by the Center 1. The center is responsible for any children it transports. 2. The center must obtain written permission from parents/guardians for any transportation of their child during child care hours. 3. The number of staff members who accompany	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that	

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	<p>children when being transported in the vehicle must meet the child care staff ratio found at Section 7.712.43. The driver of the center vehicle is considered a staff member.</p> <p>4. Children must not be permitted to ride in the front seat of a vehicle unless they are secured in a seat belt that is safe and free from hazard. Children must remain seated while the vehicle is in motion.</p> <p>5. Children must be loaded and unloaded out of the path of moving vehicles.</p> <p>6. Children must not be permitted to stand or sit on the floor of a moving vehicle, and their arms, legs, and heads must remain inside the vehicle at all times.</p> <p>7. Transportation arrangements for school-age children must be by agreement between the center and the children's parents/guardians, i.e., whether the children can walk, ride a bicycle or travel in a car. The center must monitor the children to ensure they arrive at the center when expected and follow up on their whereabouts if they are late. Written permission from parents or guardians for their children to attend community functions after school hours must include agreements regarding transportation.</p> <p>8. Prior to a field trip or other excursion, the center must obtain information on liability insurance from parents/guardians and staff who transport children in their own cars and verify that all drivers have valid driver's licenses.</p> <p>B. Requirements for Vehicles</p> <p>1. Any vehicle used for transporting children to and from the center or during program activities must meet the following requirements:</p> <p>a. The vehicle must be enclosed and have door locks;</p> <p>b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;</p> <p>c. The vehicle must be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights must be operational, safe and</p>	<p>children when being transported in the vehicle must meet the child care staff ratio found at Section 7.712.43. The driver of the center vehicle is considered a staff member.</p> <p>4. Children must not be permitted to ride in the front seat of a vehicle unless they are secured in a seat belt that is safe and free from hazard. Children must remain seated while the vehicle is in motion.</p> <p>5. Children must be loaded and unloaded out of the path of moving vehicles.</p> <p>6. Children must not be permitted to stand or sit on the floor of a moving vehicle, and their arms, legs, and heads must remain inside the vehicle at all times.</p> <p>7. Transportation arrangements for school-age children must be by agreement between the center and the children's parents/guardians, i.e., whether the children can walk, ride a bicycle or travel in a car. The center must monitor the children to ensure they arrive at the center when expected and follow up on their whereabouts if they are late. Written permission from parents or guardians for their children to attend community functions after school hours must include agreements regarding transportation.</p> <p>8. Prior to a field trip or other excursion, the center must obtain information on liability insurance from parents/guardians and staff who transport children in their own cars and verify that all drivers have valid driver's licenses.</p> <p>B. Requirements for Vehicles</p> <p>1. Any vehicle used for transporting children to and from the center or during program activities must meet the following requirements:</p> <p>a. The vehicle must be enclosed and have door locks;</p> <p>b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;</p> <p>c. The vehicle must be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights must be operational, safe and</p>	<p>must be repealed.</p>	
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	<p>free of hazard; and</p> <p>d. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review.</p> <p>2. In passenger vehicles with a manufacturer's established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:</p> <p>a. Each child must be restrained in an individual seat belt or child restraint system;</p> <p>b. The provider must not transport more children than any vehicle is able to safely accommodate when child restraint systems and seat belts are properly installed and used in the vehicle;</p> <p>c. Lap belts must be secured low and tight across the upper thighs and under the belly; and</p> <p>d. Children must be instructed and required to keep the seat belt properly fastened and adjusted.</p> <p>3. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required, but must be used if provided.</p> <p>C. Requirements for Drivers of Vehicles</p> <p>1. All drivers of vehicles transporting children must operate the vehicle in a safe and appropriate manner.</p> <p>2. All drivers of vehicles owned or leased by the center in which children are transported must have a current Department-approved First Aid and safety certificate that includes CPR for all ages of children</p> <p>3. In each vehicle used to transport children, drivers must have access to a First Aid kit.</p> <p>4. The driver must ensure that all doors are secured at all times when the vehicle is moving.</p> <p>5. The driver must make a good faith effort to ensure that each child is properly belted throughout the trip.</p> <p>6. The driver must not eat or use a cellular or other mobile device while driving.</p> <p>7. The required staff to child ratio must be maintained at all times.</p>	<p>free of hazard; and</p> <p>d. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review.</p> <p>2. In passenger vehicles with a manufacturer's established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:</p> <p>a. Each child must be restrained in an individual seat belt or child restraint system;</p> <p>b. The provider must not transport more children than any vehicle is able to safely accommodate when child restraint systems and seat belts are properly installed and used in the vehicle;</p> <p>c. Lap belts must be secured low and tight across the upper thighs and under the belly; and</p> <p>d. Children must be instructed and required to keep the seat belt properly fastened and adjusted.</p> <p>3. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required, but must be used if provided.</p> <p>C. Requirements for Drivers of Vehicles</p> <p>1. All drivers of vehicles transporting children must operate the vehicle in a safe and appropriate manner.</p> <p>2. All drivers of vehicles owned or leased by the center in which children are transported must have a current Department-approved First Aid and safety certificate that includes CPR for all ages of children</p> <p>3. In each vehicle used to transport children, drivers must have access to a First Aid kit.</p> <p>4. The driver must ensure that all doors are secured at all times when the vehicle is moving.</p> <p>5. The driver must make a good faith effort to ensure that each child is properly belted throughout the trip.</p> <p>6. The driver must not eat or use a cellular or other mobile device while driving.</p> <p>7. The required staff to child ratio must be maintained at all times.</p>		
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		8. All drivers must be at least 20 years of age. 9. Drivers must complete a minimum of four hours of driver training prior to transporting children. The driver training curriculum may be developed and administered by the center and must include at a minimum: behind the wheel training; participant transport attendance procedures, including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedures; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and vehicle evacuation.	8. All drivers must be at least 20 years of age. 9. Drivers must complete a minimum of four hours of driver training prior to transporting children. The driver training curriculum may be developed and administered by the center and must include at a minimum: behind the wheel training; participant transport attendance procedures, including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedures; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and vehicle evacuation.		
7.712.6 PROGRAM ACTIVITIES	REPEAL	7.712.6 PROGRAM ACTIVITIES	7.712.6 PROGRAM ACTIVITIES	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.712.61 Activity Schedules	REPEAL	7.712.61 Activity Schedules A. The center must provide parents/guardians with a list of activities it offers. B. Parents or guardians must be given the opportunity to indicate to the staff of the center if they do not want their child to participate in an activity. C. Parents/guardians must be notified in advance of all activities that will occur away from the center. D. Television viewing, including videos, should not be permitted without the approval of a child's parents/guardians, who must be advised of the center's policy regarding television and video viewing. E. A mobile day camp program must establish a daily itinerary and make available a copy to each child's parent or guardian. A copy must also be or file at the program's headquarters. The itinerary should be followed as closely as possible. In case of an emergency or change in the itinerary, the	7.712.61 Activity Schedules A. The center must provide parents/guardians with a list of activities it offers. B. Parents or guardians must be given the opportunity to indicate to the staff of the center if they do not want their child to participate in an activity. C. Parents/guardians must be notified in advance of all activities that will occur away from the center. D. Television viewing, including videos, should not be permitted without the approval of a child's parents/guardians, who must be advised of the center's policy regarding television and video viewing. E. A mobile day camp program must establish a daily itinerary and make available a copy to each child's parent or guardian. A copy must also be or file at the program's headquarters. The itinerary should be followed as closely as possible. In case of an emergency or change in the itinerary, the	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		headquarters of the mobile day camp must be notified immediately. Parents/guardians must be instructed to contact the main headquarters to determine the exact location of their child.	headquarters of the mobile day camp must be notified immediately. Parents/guardians must be instructed to contact the main headquarters to determine the exact location of their child.		
7.712.62 Physical Activity	REPEAL	7.712.62 Physical Activity A. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather, for no less than 60 minutes total for programs operating over five hours per day. Activities do not have to occur all at one time. B. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during inclement weather, for no less than 30 minutes total for programs operating from three to five hours per day. Activities do not have to occur all at one time. C. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during inclement weather, for no less than 15 minutes total for programs operating less than 3 hours per day. Activities do not have to occur all at one time.	7.712.62 Physical Activity A. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather, for no less than 60 minutes total for programs operating over five hours per day. Activities do not have to occur all at one time. B. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during inclement weather, for no less than 30 minutes total for programs operating from three to five hours per day. Activities do not have to occur all at one time. C. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during inclement weather, for no less than 15 minutes total for programs operating less than 3 hours per day. Activities do not have to occur all at one time.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.712.63 Screen Time and Media Use	REPEAL	7.712.63 Screen Time and Media Use A. All media that children are exposed to must not contain explicit language or topics. B. All television, recorded media, computer, tablet, cell phones, video games and other media devices are prohibited during snack or meal times except during a planned special occasion. C. The center must develop a media and internet usage plan outlining screen time and media use related to their curriculum. The media plan must have information on ongoing communication with children about safe online practices. The center must obtain a signed document stating that the parents/guardians have received this plan, and agree to the activities described in the plan. D. There is no time restriction for children using personal adaptive equipment or assistive technology.	7.712.63 Screen Time and Media Use A. All media that children are exposed to must not contain explicit language or topics. B. All television, recorded media, computer, tablet, cell phones, video games and other media devices are prohibited during snack or meal times except during a planned special occasion. C. The center must develop a media and internet usage plan outlining screen time and media use related to their curriculum. The media plan must have information on ongoing communication with children about safe online practices. The center must obtain a signed document stating that the parents/guardians have received this plan, and agree to the activities described in the plan. D. There is no time restriction for children using personal adaptive equipment or assistive technology.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.712.64	REPEAL	7.712.64 Equipment and Materials	7.712.64 Equipment and Materials	HB22-1295 was codified	

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Equipment and Materials		<p>A. In a building based school-age child care center, rest time and rest equipment must be provided for school-age children who require a rest time.</p> <p>B. Children at the center must have access to age-appropriate materials and equipment from at least the following categories:</p> <ol style="list-style-type: none"> 1. Activity supplies; 2. Manipulatives and games; 3. Recreation equipment; 4. Library items; and 5. Science equipment and materials. <p>C. Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading.</p>	<p>A. In a building based school-age child care center, rest time and rest equipment must be provided for school-age children who require a rest time.</p> <p>B. Children at the center must have access to age-appropriate materials and equipment from at least the following categories:</p> <ol style="list-style-type: none"> 1. Activity supplies; 2. Manipulatives and games; 3. Recreation equipment; 4. Library items; and 5. Science equipment and materials. <p>C. Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading.</p>	<p>into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
7.712.65 Field Trips	REPEAL	<p>7.712.65 Field Trips</p> <p>A. On a field trip or during a mobile school-age child care program:</p> <ol style="list-style-type: none"> 1. The center must notify the children's parents /guardians in advance of any field trip. The staff-child ratios found at section 7.712.43.C, D, I must be maintained at all times; 2. All groups of children must be directly supervised by a qualified program director or program leader at all times; 3. An accurate itinerary of each field trip must remain at the center; 4. The staff must have the following information about each child: parents/guardians contact information, health care provider's name, address, and phone number, and the written authorization from parent(s)/guardian(s) for emergency medical care. 5. If children attending the field trip require medications to be administered during the field trip or have special health needs, a staff member with current medication administration training and delegation must attend the field trip; 6. A list of all children and staff on a field trip must be kept at the center; and 7. A copy of the emergency disaster plan must accompany staff offsite. 	<p>7.712.65 Field Trips</p> <p>A. On a field trip or during a mobile school-age child care program:</p> <ol style="list-style-type: none"> 1. The center must notify the children's parents /guardians in advance of any field trip. The staff-child ratios found at section 7.712.43.C, D, I must be maintained at all times; 2. All groups of children must be directly supervised by a qualified program director or program leader at all times; 3. An accurate itinerary of each field trip must remain at the center; 4. The staff must have the following information about each child: parents/guardians contact information, health care provider's name, address, and phone number, and the written authorization from parent(s)/guardian(s) for emergency medical care. 5. If children attending the field trip require medications to be administered during the field trip or have special health needs, a staff member with current medication administration training and delegation must attend the field trip; 6. A list of all children and staff on a field trip must be kept at the center; and 7. A copy of the emergency disaster plan must accompany staff offsite. 	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
7.712.7 BUILDING AND	REPEAL	7.712.7 BUILDING AND FACILITIES	7.712.7 BUILDING AND FACILITIES	HB22-1295 was codified into law 4/25/22, creating	

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FACILITIES				CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.712.71 Facility Requirements	REPEAL	<p>7.712.71 Facility Requirements</p> <p>A. The mobile day camp program and the outdoor-based day camp program may use as a gathering place a public park or playground if the program primarily includes field trips away from the gathering place. Such programs must have a contingency plan for facilities to use during increment weather. The plan must be available to parents/guardians on a daily basis.</p> <p>B. If a room(s) inside a building are used for indoor care at least thirty (30) square feet of floor space per child is required. Indoor space is exclusive of kitchen, toilet rooms, office, staff rooms, hallways and stairways, closets, laundry rooms, furnace rooms.</p> <p>C. When a building is being used during the summer months by a center specifically as a gathering place at the beginning and end of the day, the thirty (30) square feet requirement need not apply. The total amount of time during which the number of children present may exceed the thirty (30) square feet requirement must not exceed three (3) hours. This time must be divided evenly between the morning and the evening.</p> <p>D. The building based school-age child care center must provide access to an outdoor play area. The outdoor play area may be a city park or public school ground. The play area must meet the following requirements:</p> <ol style="list-style-type: none"> 1. The center must provide a total outside play area of at least seventy-five (75) square feet per child for a minimum of one-third of the licensed capacity of the center or a minimum of 1500 square feet, whichever is greater; 2. Access to a shaded area, sheltered area, or 	<p>7.712.71 Facility Requirements</p> <p>A. The mobile day camp program and the outdoor-based day camp program may use as a gathering place a public park or playground if the program primarily includes field trips away from the gathering place. Such programs must have a contingency plan for facilities to use during increment weather. The plan must be available to parents/guardians on a daily basis.</p> <p>B. If a room(s) inside a building are used for indoor care at least thirty (30) square feet of floor space per child is required. Indoor space is exclusive of kitchen, toilet rooms, office, staff rooms, hallways and stairways, closets, laundry rooms, furnace rooms.</p> <p>C. When a building is being used during the summer months by a center specifically as a gathering place at the beginning and end of the day, the thirty (30) square feet requirement need not apply. The total amount of time during which the number of children present may exceed the thirty (30) square feet requirement must not exceed three (3) hours. This time must be divided evenly between the morning and the evening.</p> <p>D. The building based school-age child care center must provide access to an outdoor play area. The outdoor play area may be a city park or public school ground. The play area must meet the following requirements:</p> <ol style="list-style-type: none"> 1. The center must provide a total outside play area of at least seventy-five (75) square feet per child for a minimum of one-third of the licensed capacity of the center or a minimum of 1500 square feet, whichever is greater; 2. Access to a shaded area, sheltered area, or 	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>inside building area must be provided at all times to guard children against the hazards of excessive sun and heat; and</p> <p>3. The outdoor play area must be maintained in a safe condition by removing debris, dilapidated structures, and worn and broken play equipment. The center must identify hazardous, high-risk areas. These areas must be monitored to reduce the possibility of injury and accidents.</p> <p>4. Outdoor play areas provided by the center must not have equipment that exceeds six (6) feet in height for any surface area intended for children's play unless equipped with a protective barrier to prevent children from falling.</p> <p>5. All outdoor climbing equipment over eighteen (18) inches provided by the center must have least six (6) inches resilient surface throughout the use zone.</p>	<p>inside building area must be provided at all times to guard children against the hazards of excessive sun and heat; and</p> <p>3. The outdoor play area must be maintained in a safe condition by removing debris, dilapidated structures, and worn and broken play equipment. The center must identify hazardous, high-risk areas. These areas must be monitored to reduce the possibility of injury and accidents.</p> <p>4. Outdoor play areas provided by the center must not have equipment that exceeds six (6) feet in height for any surface area intended for children's play unless equipped with a protective barrier to prevent children from falling.</p> <p>5. All outdoor climbing equipment over eighteen (18) inches provided by the center must have least six (6) inches resilient surface throughout the use zone.</p>		
7.712.72 Toilet Facilities	REPEAL	<p>7.712.72 Toilet Facilities</p> <p>A. Children must be allowed the use of gender-segregated toilet facilities that are consistent with their gender identity, with toilets separated by partitions to provide privacy.</p> <p>B. There must be a minimum of one (1) toilet per thirty (30) or fewer children for which the center is licensed. Hand-washing facilities must be available at the ratio of one (1) sink per thirty (30) or fewer children. After April 1, 2018 all new construction must have a minimum of one (1) toilet and one (1) hand washing sink per every fifteen (15) or fewer children for which the center is licensed.</p>	<p>7.712.72 Toilet Facilities</p> <p>A. Children must be allowed the use of gender-segregated toilet facilities that are consistent with their gender identity, with toilets separated by partitions to provide privacy.</p> <p>B. There must be a minimum of one (1) toilet per thirty (30) or fewer children for which the center is licensed. Hand-washing facilities must be available at the ratio of one (1) sink per thirty (30) or fewer children. After April 1, 2018 all new construction must have a minimum of one (1) toilet and one (1) hand washing sink per every fifteen (15) or fewer children for which the center is licensed.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.712.73 Fire and Other Safety Requirements	REPEAL	<p>7.712.73 Fire and Other Safety Requirements</p> <p>A. General Requirements</p> <p>1. Buildings must be kept in good repair and maintained in a safe condition.</p> <p>2. Major cleaning is prohibited in rooms occupied by children.</p> <p>3. Volatile substances, such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives, and other hazardous items, must be stored away from the area used for child care and be inaccessible to children.</p> <p>4. Combustibles, such as cleaning rags, mops, and</p>	<p>7.712.73 Fire and Other Safety Requirements</p> <p>A. General Requirements</p> <p>1. Buildings must be kept in good repair and maintained in a safe condition.</p> <p>2. Major cleaning is prohibited in rooms occupied by children.</p> <p>3. Volatile substances, such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives, and other hazardous items, must be stored away from the area used for child care and be inaccessible to children.</p> <p>4. Combustibles, such as cleaning rags, mops, and</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>cleaning compounds, must be stored in well-ventilated areas separated from flammable materials and stored in areas inaccessible to children.</p> <p>5. Closets, attics, basements, cellars, furnace rooms, and exit routes must be kept free from accumulation of extraneous materials.</p> <p>6. All heating units, gas or electric, must be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them. Nothing flammable or combustible can be stored within three (3) feet of a hot water heater or furnace.</p> <p>7. Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe and free of hazards.</p> <p>8. Equipment, materials, and furnishings, including durable furniture such as tables and chairs, must be stored in a manner that is safe for children.</p> <p>9. Extension cords cannot be used in place of permanent wiring.</p> <p>10. Corridors, halls, stairs, and porches must be adequately lighted. Operable battery-powered lights must be provided in locations readily accessible to staff in the event of electric power failure.</p> <p>B. Fire Safety</p> <p>1. Every building and structure must be constructed, arranged, equipped, maintained, and operated so as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.</p> <p>2. Every building and structure must have at least two (2) approved, alternate means of egress from each floor of the building or to a common hallway leading to the exterior. They must be at different locations.</p> <p>3. Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path</p>	<p>cleaning compounds, must be stored in well-ventilated areas separated from flammable materials and stored in areas inaccessible to children.</p> <p>5. Closets, attics, basements, cellars, furnace rooms, and exit routes must be kept free from accumulation of extraneous materials.</p> <p>6. All heating units, gas or electric, must be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them. Nothing flammable or combustible can be stored within three (3) feet of a hot water heater or furnace.</p> <p>7. Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe and free of hazards.</p> <p>8. Equipment, materials, and furnishings, including durable furniture such as tables and chairs, must be stored in a manner that is safe for children.</p> <p>9. Extension cords cannot be used in place of permanent wiring.</p> <p>10. Corridors, halls, stairs, and porches must be adequately lighted. Operable battery-powered lights must be provided in locations readily accessible to staff in the event of electric power failure.</p> <p>B. Fire Safety</p> <p>1. Every building and structure must be constructed, arranged, equipped, maintained, and operated so as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.</p> <p>2. Every building and structure must have at least two (2) approved, alternate means of egress from each floor of the building or to a common hallway leading to the exterior. They must be at different locations.</p> <p>3. Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path</p>		
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		<p>of escape must be clearly marked.</p> <p>4. In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. Locks or fastening devices to prevent free escape from the inside of any building must not be installed. Only panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.</p> <p>5. If the building in which the center operates has a security lock on outside exit doors, the center must obtain written permission from the local fire department; and there must be a written sign attached to the door instructing staff that the security lock is not to be utilized when children are present and the center is in operation.</p> <p>6. Every building and structure must have an automatic or Department-approved manually operated fire alarm system to warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.</p>	<p>of escape must be clearly marked.</p> <p>4. In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. Locks or fastening devices to prevent free escape from the inside of any building must not be installed. Only panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.</p> <p>5. If the building in which the center operates has a security lock on outside exit doors, the center must obtain written permission from the local fire department; and there must be a written sign attached to the door instructing staff that the security lock is not to be utilized when children are present and the center is in operation.</p> <p>6. Every building and structure must have an automatic or Department-approved manually operated fire alarm system to warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.</p>		
7.712.8 RECORDS AND REPORTS	REPEAL	7.712.8 RECORDS AND REPORTS	7.712.8 RECORDS AND REPORTS	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.712.81 Children's Records	REPEAL	7.712.81 Children's Records A. The center must maintain and update annually a record on each child that includes: 1. The child's full name, age, current address, and date of enrollment; 2. Names, home and employment addresses and telephone numbers, which may include cell phone numbers, and e-mail of parents/guardians if available; 3. Any special instructions as to how the parents/guardians can be reached during the hours	7.712.81 Children's Records A. The center must maintain and update annually a record on each child that includes: 1. The child's full name, age, current address, and date of enrollment; 2. Names, home and employment addresses and telephone numbers, which may include cell phone numbers, and e-mail of parents/guardians if available; 3. Any special instructions as to how the parents/guardians can be reached during the hours	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>the child is at the center; 4. Names and telephone numbers of persons other than parents/guardians who are authorized to take the child from the center; 5. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if parents/guardians cannot be reached immediately; 6. Name, address, and telephone number of the child's physician, dentist, and hospital of choice; 7. A complete health history including communicable diseases, chronic illnesses or injuries, immunization history, known drug reactions or allergies, medication records, special diet needs, and health care plans as required in 7.712.52.A.1; 8. A dated written authorization for emergency medical care signed and submitted annually by the parent or guardian. The authorization must be notarized if required by the local health care facility; 9. Written authorization from a parent or guardian for the child to participate in field trips and to participate in program activities, listing all exclusions from authorization; 10. Written authorization from a parent/guardian for the center to transport the child to and from school, whether by walking or driving; and 11. Reports of serious injuries and accidents occurring during care that result in medical attention, admission to the hospital, or death of a child.</p>	<p>the child is at the center; 4. Names and telephone numbers of persons other than parents/guardians who are authorized to take the child from the center; 5. Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if parents/guardians cannot be reached immediately; 6. Name, address, and telephone number of the child's physician, dentist, and hospital of choice; 7. A complete health history including communicable diseases, chronic illnesses or injuries, immunization history, known drug reactions or allergies, medication records, special diet needs, and health care plans as required in 7.712.52.A.1; 8. A dated written authorization for emergency medical care signed and submitted annually by the parent or guardian. The authorization must be notarized if required by the local health care facility; 9. Written authorization from a parent or guardian for the child to participate in field trips and to participate in program activities, listing all exclusions from authorization; 10. Written authorization from a parent/guardian for the center to transport the child to and from school, whether by walking or driving; and 11. Reports of serious injuries and accidents occurring during care that result in medical attention, admission to the hospital, or death of a child.</p>		
<p>7.712.82 Staff Records</p>	<p>REPEAL</p>	<p>7.712.82 Staff Records A. The center office must maintain a record for each staff member, paid or volunteer, which includes the following: 1. Name, address, and birth date of the individual; 2. The date that the staff member was employed by the center; 3. Name, address, and phone number of the person(s) to be notified in the event of an emergency; 4. Verification of the staff member's certifications, qualifications and training requirements; 5. Copies of written references or notes of phone</p>	<p>7.712.82 Staff Records A. The center office must maintain a record for each staff member, paid or volunteer, which includes the following: 1. Name, address, and birth date of the individual; 2. The date that the staff member was employed by the center; 3. Name, address, and phone number of the person(s) to be notified in the event of an emergency; 4. Verification of the staff member's certifications, qualifications and training requirements; 5. Copies of written references or notes of phone</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		<p>references, as required by Section 7.712.41.D.1; 7. Verification that a criminal record check with the Colorado Bureau of Investigation and federal bureau of investigation is in process, or a copy of the results of the staff member's criminal record check; and 8. Verification that a review of the State Department's automated system for reporting child abuse and neglect has occurred or is in process. B. Each staff member's personnel file must contain all required information within thirty (30) working days of the first day of employment.</p>	<p>references, as required by Section 7.712.41.D.1; 7. Verification that a criminal record check with the Colorado Bureau of Investigation and federal bureau of investigation is in process, or a copy of the results of the staff member's criminal record check; and 8. Verification that a review of the State Department's automated system for reporting child abuse and neglect has occurred or is in process. B. Each staff member's personnel file must contain all required information within thirty (30) working days of the first day of employment.</p>		
7.712.83 Administrative Records and Reports	REPEAL	<p>7.712.83 Administrative Records and Reports A. The following records must be on file at the center: 1. Records of enrollment, daily attendance for each child, and daily record of time child arrives at and departs from the center; 2. Current health department child care inspection report issued for the assigned license number within the past two (2) years; 3. Current fire department inspection report issued within the past two (2) years; 4. A list of current staff members, substitutes, and staffing patterns. B. Each center must submit a report in writing to the Department using the online injury reporting system of any accident or illness occurring at the center that resulted in medical treatment by a physician or other health care professional, hospitalization, or death. This report must be made within twenty-four (24) hours after the accident or illness occurred. C. A report about a fatality must include: 1. The child's name, birth date, address, and telephone number; 2. The names of the child's parents or guardians and their address and telephone number if different from those of the child; 3. Date of the fatality; 4. Brief description of the incident or illness leading to the fatality; 5. Names and addresses of witnesses or persons who were with the child at the time of death; and</p>	<p>7.712.83 Administrative Records and Reports A. The following records must be on file at the center: 1. Records of enrollment, daily attendance for each child, and daily record of time child arrives at and departs from the center; 2. Current health department child care inspection report issued for the assigned license number within the past two (2) years; 3. Current fire department inspection report issued within the past two (2) years; 4. A list of current staff members, substitutes, and staffing patterns. B. Each center must submit a report in writing to the Department using the online injury reporting system of any accident or illness occurring at the center that resulted in medical treatment by a physician or other health care professional, hospitalization, or death. This report must be made within twenty-four (24) hours after the accident or illness occurred. C. A report about a fatality must include: 1. The child's name, birth date, address, and telephone number; 2. The names of the child's parents or guardians and their address and telephone number if different from those of the child; 3. Date of the fatality; 4. Brief description of the incident or illness leading to the fatality; 5. Names and addresses of witnesses or persons who were with the child at the time of death; and</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		<p>6. Name and address of police department or authority to which the report was made.</p> <p>D. The center must maintain records of reports of communicable illness made to the Colorado Department of Public Health and Environment or local public health agency.</p> <p>E. The center must submit to the Department as soon as possible but not longer than twenty-four (24) hours a written report about any child who has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted. Such report must indicate:</p> <ol style="list-style-type: none"> 1. The name, birth date, address, and telephone number of the child; 2. The names of the parents/guardians and their address and telephone number if different from those of the child; 3. The date when the child was lost; 4. The location, time, and circumstances when the child was last seen; 5. Actions taken to locate the child; and 6. The name of the staff person supervising the child. 	<p>6. Name and address of police department or authority to which the report was made.</p> <p>D. The center must maintain records of reports of communicable illness made to the Colorado Department of Public Health and Environment or local public health agency.</p> <p>E. The center must submit to the Department as soon as possible but not longer than twenty four (24) hours a written report about any child who has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted. Such report must indicate:</p> <ol style="list-style-type: none"> 1. The name, birth date, address, and telephone number of the child; 2. The names of the parents/guardians and their address and telephone number if different from those of the child; 3. The date when the child was lost; 4. The location, time, and circumstances when the child was last seen; 5. Actions taken to locate the child; and 6. The name of the staff person supervising the child. 		
<p>7.712.84 Confidentiality and Retention</p>	<p>REPEAL</p>	<p>7.712.84 Confidentiality and Retention</p> <p>A. The center must maintain complete records of personnel and children as required at Sections 7.712.81, 7.712.82, and 7.712.83.</p> <p>B. The confidentiality of all personnel and children's records must be maintained (see Section 7.701.7, General Rules for Child Care Facilities).</p> <p>C. Personnel and children's records must be available, upon request, to authorized personnel of the Department.</p> <p>D. If records for organizations having more than one center are kept in a central file, duplicate identifying and emergency information for personnel and children must also be kept on file at the center attended by the child.</p> <p>E. The records of children must be maintained by the school-age child care center for at least three (3) years.</p>	<p>7.712.84 Confidentiality and Retention</p> <p>A. The center must maintain complete records of personnel and children as required at Sections 7.712.81, 7.712.82, and 7.712.83.</p> <p>B. The confidentiality of all personnel and children's records must be maintained (see Section 7.701.7, General Rules for Child Care Facilities).</p> <p>C. Personnel and children's records must be available, upon request, to authorized personnel of the Department.</p> <p>D. If records for organizations having more than one center are kept in a central file, duplicate identifying and emergency information for personnel and children must also be kept on file at the center attended by the child.</p> <p>E. The records of children must be maintained by the school-age child care center for at least three (3) years.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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<p>7.716 COLORADO SCHOOL READINESS QUALITY IMPROVEMENT PROGRAM</p>	<p>REPEAL</p>	<p>7.716 COLORADO SCHOOL READINESS QUALITY IMPROVEMENT PROGRAM The Colorado School Readiness Quality Improvement Program is part of the Colorado Shines quality rating and improvement system. The purpose of the program is to improve the school readiness of children, five (5) years of age or younger, who are cared for at early childhood education programs pursuant to Section 26-6.5-106, C.R.S.</p>	<p>7.716 COLORADO SCHOOL READINESS QUALITY IMPROVEMENT PROGRAM The Colorado School Readiness Quality Improvement Program is part of the Colorado Shines quality rating and improvement system. The purpose of the program is to improve the school readiness of children, five (5) years of age or younger, who are cared for at early childhood education programs pursuant to Section 26-6.5-106, C.R.S.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
<p>7.716.1 DEFINITIONS</p>	<p>REPEAL</p>	<p>7.716.1 DEFINITIONS “Child” means a child five (5) years of age or younger. “Children with identified risk factors” means children who have risks that affect their overall learning ability and kindergarten readiness, risks include, but are not limited to: A. A child with a disability or developmental delay under age five who has an individual family service plan (IFSP), an individualized education program (IEP) or medical care plan; B. A child who has a home language other than English (English language learner); C. A child from a household meeting income eligibility criteria for Colorado Child Care Assistance Program; D. A child who is migrant and meets the definition of “migratory child” in elementary and secondary education act (ESEA) section 1309(2); E. A child who resides on Indian lands; F. A child who is in foster care, kinship care or receiving services through the child welfare system; G. A child who is eligible to receive free or reduced-cost meals pursuant to the provisions of the federal National School Lunch Act; H. A child who is experiencing homelessness or frequent relocations to new residences by the child’s family; I. Drug or alcohol abuse in the child’s family; J. A child living in the home with an abusive adult; or,</p>	<p>7.716.1 DEFINITIONS “Child” means a child five (5) years of age or younger. “Children with identified risk factors” means children who have risks that affect their overall learning ability and kindergarten readiness, risks include, but are not limited to: A. A child with a disability or developmental delay under age five who has an individual family service plan (IFSP), an individualized education program (IEP) or medical care plan; B. A child who has a home language other than English (English language learner); C. A child from a household meeting income eligibility criteria for Colorado Child Care Assistance Program; D. A child who is migrant and meets the definition of “migratory child” in elementary and secondary education act (ESEA) section 1309(2); E. A child who resides on Indian lands; F. A child who is in foster care, kinship care or receiving services through the child welfare system; G. A child who is eligible to receive free or reduced-cost meals pursuant to the provisions of the federal National School Lunch Act; H. A child who is experiencing homelessness or frequent relocations to new residences by the child’s family; I. Drug or alcohol abuse in the child’s family; J. A child living in the home with an abusive adult; or,</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		<p>K. Either parent of the child was less than eighteen years of age at the time of the birth of the child. “Colorado Shines quality rating and improvement system” referred to as the “Colorado Shines system” shall measure the level of preparedness of, and quality services provided by, an early childhood education program to prepare children to enter elementary school. “Early Childhood Council means an early childhood council identified or established locally in communities throughout the state, pursuant to Sections 26-6.5-103 and 26-6.5-106 for the purpose of developing and ultimately implementing a comprehensive system of early childhood services to ensure the school readiness of children five (5) years of age or younger in the community. “Early childhood education program” means a licensed child care program pursuant to Part 1 of Article 6 of this Title 26 that provides child care and education to children five (5) years of age or younger. “High quality rating” means a quality rating level of three (3), four (4), or five (5) within the Colorado Shines system. “Intentional misrepresentation” means a deliberate and willful false representation by submission or omission from an individual or early childhood education program in an attempt to deceive in order to receive a higher Colorado Shines quality rating level. This includes but is not limited to the following: A. A false statement of material fact; B. Knowledge on the part of the individual that the statement and/or submitted document is untrue; or, C. Intent of the applicant to deceive the state and all other agents working on behalf of the state. “State Department” or “State” means the Colorado Department of Human Services.</p>	<p>K. Either parent of the child was less than eighteen years of age at the time of the birth of the child. “Colorado Shines quality rating and improvement system” referred to as the “Colorado Shines system” shall measure the level of preparedness of, and quality services provided by, an early childhood education program to prepare children to enter elementary school. “Early Childhood Council means an early childhood council identified or established locally in communities throughout the state, pursuant to Sections 26-6.5-103 and 26-6.5-106 for the purpose of developing and ultimately implementing a comprehensive system of early childhood services to ensure the school readiness of children five (5) years of age or younger in the community. “Early childhood education program” means a licensed child care program pursuant to Part 1 of Article 6 of this Title 26 that provides child care and education to children five (5) years of age or younger. “High quality rating” means a quality rating level of three (3), four (4), or five (5) within the Colorado Shines system. “Intentional misrepresentation” means a deliberate and willful false representation by submission or omission from an individual or early childhood education program in an attempt to deceive in order to receive a higher Colorado Shines quality rating level. This includes but is not limited to the following: A. A false statement of material fact; B. Knowledge on the part of the individual that the statement and/or submitted document is untrue; or, C. Intent of the applicant to deceive the state and all other agents working on behalf of the state. “State Department” or “State” means the Colorado Department of Human Services.</p>		
<p>7.716.2 APPLICATION FOR FUNDING</p>	<p>REPEAL</p>	<p>7.716.2 APPLICATION FOR FUNDING A. An early childhood council seeking school readiness quality improvement program funds must apply directly to the state department through a formal procurement process that ensures an</p>	<p>7.716.2 APPLICATION FOR FUNDING A. An early childhood council seeking school readiness quality improvement program funds must apply directly to the state department through a formal procurement process that ensures an</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8</p>	

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	<p>equitable distribution between rural and urban communities.</p> <p>B. To be eligible to receive school readiness quality improvement program funds through the Colorado Shines system, an early childhood council must:</p> <ol style="list-style-type: none">1. Apply on behalf of the designated service area it represents.2. Prepare and submit to the state department a three (3) year school readiness plan that includes, at minimum:<ol style="list-style-type: none">a. A narrative that demonstrates the need to improve quality and increase the capacity of early childhood education programs in its service area, and,b. Strategies developed in partnership with community partners to include, at minimum, county departments of human or social services, for how the early childhood council will target and recruit early childhood education programs that are rated in the Colorado Shines system at a level two (2) or higher or that are licensed programs with demonstrated hardship that are actively working toward achieving Colorado Shines system level two (2) rating to:<ol style="list-style-type: none">i. Increase the access and availability of high quality child care for children participating in the Colorado Child Care Assistance Program created in Part 8 of Article 2 of Title 26;ii. Target quality improvement funding to improve the level of quality at participating early childhood education programs; and,iii. Promote family involvement as aligned to the family engagement quality indicator within the Colorado Shines quality rating and improvement system framework.3. The early childhood council must execute a memorandum of understanding with participating early childhood education programs to secure the program's commitment to engage in the Colorado Shines system and improve quality.4. The early childhood council must make provisions to prioritize the distribution of quality improvement	<p>equitable distribution between rural and urban communities.</p> <p>B. To be eligible to receive school readiness quality improvement program funds through the Colorado Shines system, an early childhood council must:</p> <ol style="list-style-type: none">1. Apply on behalf of the designated service area it represents.2. Prepare and submit to the state department a three (3) year school readiness plan that includes, at minimum:<ol style="list-style-type: none">a. A narrative that demonstrates the need to improve quality and increase the capacity of early childhood education programs in its service area, and,b. Strategies developed in partnership with community partners to include, at minimum, county departments of human or social services, for how the early childhood council will target and recruit early childhood education programs that are rated in the Colorado Shines system at a level two (2) or higher or that are licensed programs with demonstrated hardship that are actively working toward achieving Colorado Shines system level two (2) rating to:<ol style="list-style-type: none">i. Increase the access and availability of high quality child care for children participating in the Colorado Child Care Assistance Program created in Part 8 of Article 2 of Title 26;ii. Target quality improvement funding to improve the level of quality at participating early childhood education programs; and,iii. Promote family involvement as aligned to the family engagement quality indicator within the Colorado Shines quality rating and improvement system framework.3. The early childhood council must execute a memorandum of understanding with participating early childhood education programs to secure the program's commitment to engage in the Colorado Shines system and improve quality.4. The early childhood council must make provisions to prioritize the distribution of quality improvement	<p>and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
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		<p>funding to early childhood education programs that serve children with identified risk factors.</p> <p>C. The state department shall contract with an existing early childhood council to implement the school readiness quality improvement program:</p> <ol style="list-style-type: none"> 1. In areas of the state that are not covered by an early childhood council; and, 2. In cases where the early childhood council that covers a particular area of the state did not apply. 	<p>funding to early childhood education programs that serve children with identified risk factors.</p> <p>C. The state department shall contract with an existing early childhood council to implement the school readiness quality improvement program:</p> <ol style="list-style-type: none"> 1. In areas of the state that are not covered by an early childhood council; and, 2. In cases where the early childhood council that covers a particular area of the state did not apply. 		
7.716.3 EARLY CHILDHOOD EDUCATION PROGRAM ELIGIBILITY CRITERIA	REPEAL	<p>7.716.3 EARLY CHILDHOOD EDUCATION PROGRAM ELIGIBILITY CRITERIA</p> <p>A. Early childhood education programs are eligible for quality improvement funding if participating in the Colorado Shines quality rating and improvement system.</p> <p>B. Quality improvement funds shall only be awarded to early childhood education programs that meet the following criteria:</p> <ol style="list-style-type: none"> 1. Rated in the Colorado Shines system at a quality level two (2) or higher and meets the Colorado Shines quality improvement eligibility criteria, as defined within the business rules of the current early childhood council contract with the state; or, 2. Rated in the Colorado Shines system at a quality level one (1) with a demonstrated hardship that requires additional resources in order to reach a quality level two (2); and, 3. Upon award, execute a memorandum of understanding with the early childhood council serving the early childhood education program. <p>C. Participating early childhood education programs will become ineligible if they are:</p> <ol style="list-style-type: none"> 1. In receipt of a notice of child care license revocation or suspension; 2. Under review or determined to have committed intentional misrepresentation as defined in Section 7.716.1; 3. Not compliant with memorandum of understanding executed between the early childhood council and the early childhood education program; or, 4. Not compliant with improvement in ratings in 	<p>7.716.3 EARLY CHILDHOOD EDUCATION PROGRAM ELIGIBILITY CRITERIA</p> <p>A. Early childhood education programs are eligible for quality improvement funding if participating in the Colorado Shines quality rating and improvement system.</p> <p>B. Quality improvement funds shall only be awarded to early childhood education programs that meet the following criteria:</p> <ol style="list-style-type: none"> 1. Rated in the Colorado Shines system at a quality level two (2) or higher and meets the Colorado Shines quality improvement eligibility criteria, as defined within the business rules of the current early childhood council contract with the state; or, 2. Rated in the Colorado Shines system at a quality level one (1) with a demonstrated hardship that requires additional resources in order to reach a quality level two (2); and, 3. Upon award, execute a memorandum of understanding with the early childhood council serving the early childhood education program. <p>C. Participating early childhood education programs will become ineligible if they are:</p> <ol style="list-style-type: none"> 1. In receipt of a notice of child care license revocation or suspension; 2. Under review or determined to have committed intentional misrepresentation as defined in Section 7.716.1; 3. Not compliant with memorandum of understanding executed between the early childhood council and the early childhood education program; or, 4. Not compliant with improvement in ratings in 	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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<p>7.716.4 COLORADO SHINES QUALITY RATING AND IMPROVEMENT SYSTEM</p>	<p>REPEAL</p>	<p>Section 7.716.5. 7.716.4 COLORADO SHINES QUALITY RATING AND IMPROVEMENT SYSTEM A. The Colorado Shines quality rating and improvement system measures the level of preparedness of and quality services provided by an early childhood education program in the following five (5) standard areas: 1. Workforce qualifications and professional development; 2. Family partnership; 3. Leadership, management, and administration; 4. Learning environment; and, 5. Child health. B. The Colorado Shines system shall: 1. Measure elements of quality at an early childhood education program; 2. Be supported by statistically valid research as a reliable measure of quality of an early childhood education program; 3. Include a quality improvement plan that informs participating early childhood education programs of their strengths and opportunities and provides early childhood education programs with strategies to improve the quality of their services; 4. Demonstrate effectiveness at improving the level of quality of providers in geographically diverse Colorado communities; and, 5. Be variable to inform parents, counties, and other purchasers of early childhood care and education about the level of quality at an early childhood education program in a simple and easy-to-understand manner.</p>	<p>Section 7.716.5. 7.716.4 COLORADO SHINES QUALITY RATING AND IMPROVEMENT SYSTEM A. The Colorado Shines quality rating and improvement system measures the level of preparedness of and quality services provided by an early childhood education program in the following five (5) standard areas: 1. Workforce qualifications and professional development; 2. Family partnership; 3. Leadership, management, and administration; 4. Learning environment; and, 5. Child health. B. The Colorado Shines system shall: 1. Measure elements of quality at an early childhood education program; 2. Be supported by statistically valid research as a reliable measure of quality of an early childhood education program; 3. Include a quality improvement plan that informs participating early childhood education programs of their strengths and opportunities and provides early childhood education programs with strategies to improve the quality of their services; 4. Demonstrate effectiveness at improving the level of quality of providers in geographically diverse Colorado communities; and, 5. Be variable to inform parents, counties, and other purchasers of early childhood care and education about the level of quality at an early childhood education program in a simple and easy-to-understand manner.</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>
<p>7.716.5 IMPROVEMENT IN RATINGS</p>	<p>REPEAL</p>	<p>7.716.5 IMPROVEMENT IN RATINGS A. To be eligible for quality improvement funds, early childhood education programs are required to participate in the Colorado Shines quality rating system with the goal to earn and/or maintain a high quality rating. B. To maintain eligibility for funding, participating early childhood education programs must demonstrate specific and measurable gains at the</p>	<p>7.716.5 IMPROVEMENT IN RATINGS A. To be eligible for quality improvement funds, early childhood education programs are required to participate in the Colorado Shines quality rating system with the goal to earn and/or maintain a high quality rating. B. To maintain eligibility for funding, participating early childhood education programs must demonstrate specific and measurable gains at the</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>

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		<p>conclusion of each consecutive Colorado Shines rating as follows:</p> <ol style="list-style-type: none"> 1. Early childhood education programs that complete an onsite Colorado Shines assessment and do not achieve a high quality rating must re-rate within an eighteen (18) month time period. 2. Early childhood education programs that earn a quality rating level three (3) must meet one of the following criteria to maintain eligibility for funding: <ol style="list-style-type: none"> a. Increase their average environment rating scale score; b. Increase their total quality points earned; or, c. Earn a quality rating level four (4) or five (5). 3. Early childhood education programs that earn a quality rating level four (4) or five (5) must maintain either a level four (4) or level five (5). 4. Early childhood education programs that do not maintain a high quality rating level during a rating cycle, must re-rate within an eighteen (18) month time period in order to remain eligible. 	<p>conclusion of each consecutive Colorado Shines rating as follows:</p> <ol style="list-style-type: none"> 1. Early childhood education programs that complete an onsite Colorado Shines assessment and do not achieve a high quality rating must re-rate within an eighteen (18) month time period. 2. Early childhood education programs that earn a quality rating level three (3) must meet one of the following criteria to maintain eligibility for funding: <ol style="list-style-type: none"> a. Increase their average environment rating scale score; b. Increase their total quality points earned; or, c. Earn a quality rating level four (4) or five (5). 3. Early childhood education programs that earn a quality rating level four (4) or five (5) must maintain either a level four (4) or level five (5). 4. Early childhood education programs that do not maintain a high quality rating level during a rating cycle, must re-rate within an eighteen (18) month time period in order to remain eligible. 		
7.716.6 PUBLIC ACCESS TO RATINGS	REPEAL	<p>7.716.6 PUBLIC ACCESS TO RATINGS</p> <p>A. Once final, the state department publishes the early childhood education program's quality rating information on the Colorado Shines quality rating and improvement system website.</p> <p>B. Quality rating information is provided in plain language and includes the child care licensing reports of inspection for each early childhood education program.</p>	<p>7.716.6 PUBLIC ACCESS TO RATINGS</p> <p>A. Once final, the state department publishes the early childhood education program's quality rating information on the Colorado Shines quality rating and improvement system website.</p> <p>B. Quality rating information is provided in plain language and includes the child care licensing reports of inspection for each early childhood education program.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.716.7 DISPUTE RESOLUTION	REPEAL	<p>7.716.7 DISPUTE RESOLUTION</p> <p>A. The state department, through the Division of Early care and Learning, shall provide for an informal dispute resolution process to include a consultation and appeal process, through the Colorado Shines system.</p> <p>B. Early childhood education programs shall be notified of the dispute resolution process by the Colorado Shines system rating administrator when participating in the post-rating assessment consultation, information is additionally located within the online program portal.</p> <p>C. Early childhood education programs must request</p>	<p>7.716.7 DISPUTE RESOLUTION</p> <p>A. The state department, through the Division of Early care and Learning, shall provide for an informal dispute resolution process to include a consultation and appeal process, through the Colorado Shines system.</p> <p>B. Early childhood education programs shall be notified of the dispute resolution process by the Colorado Shines system rating administrator when participating in the post-rating assessment consultation, information is additionally located within the online program portal.</p> <p>C. Early childhood education programs must request</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>a post-rating assessment consultation within thirty (30) calendar days of receiving their assessment results and prior to submitting an appeal.</p> <p>D. Early childhood education programs must submit a written formal request for an appeal and all relevant documentation within ten (10) calendar days of receiving its post-rating assessment consultation.</p> <p>E. The formal appeal of the early childhood education program's assessment will be reviewed by the Colorado Shines assessment advisory committee, which determines whether or not errors have occurred and will adjust program scores, if warranted.</p> <p>F. A formal appeal of the early childhood education program's assessment, all calculations will be based on the information gathered during the rating window.</p> <p>1. Early childhood education programs are responsible for submitting any relevant data to the Colorado Shines system rating administrator within ten (10) calendar days of the post-rating assessment consultation.</p> <p>2. Changes in the early childhood education program, such as the hiring of new staff that happened after the close of the rating window, will not be considered in the rescoring process.</p> <p>G. The Colorado Shines assessment advisory committee shall notify early childhood education programs of its decisions within ten (10) business days of the meeting at which the request for review was conducted.</p>	<p>a post-rating assessment consultation within thirty (30) calendar days of receiving their assessment results and prior to submitting an appeal.</p> <p>D. Early childhood education programs must submit a written formal request for an appeal and all relevant documentation within ten (10) calendar days of receiving its post-rating assessment consultation.</p> <p>E. The formal appeal of the early childhood education program's assessment will be reviewed by the Colorado Shines assessment advisory committee, which determines whether or not errors have occurred and will adjust program scores, if warranted.</p> <p>F. A formal appeal of the early childhood education program's assessment, all calculations will be based on the information gathered during the rating window.</p> <p>1. Early childhood education programs are responsible for submitting any relevant data to the Colorado Shines system rating administrator within ten (10) calendar days of the post-rating assessment consultation.</p> <p>2. Changes in the early childhood education program, such as the hiring of new staff that happened after the close of the rating window, will not be considered in the rescoring process.</p> <p>G. The Colorado Shines assessment advisory committee shall notify early childhood education programs of its decisions within ten (10) business days of the meeting at which the request for review was conducted.</p>		
7.717 EARLY CHILDHOOD COUNCILS	REPEAL	<p>7.717 EARLY CHILDHOOD COUNCILS</p> <p>Each Early Childhood Council, whether newly established in a community or newly identified to serve as a council, shall work toward consolidating and coordinating funding. Together, the Early Childhood Councils throughout the state shall serve to create a seamless system of early childhood services representing collaboration among various public and private stakeholders for the effective</p>	<p>7.717 EARLY CHILDHOOD COUNCILS</p> <p>Each Early Childhood Council, whether newly established in a community or newly identified to serve as a council, shall work toward consolidating and coordinating funding. Together, the Early Childhood Councils throughout the state shall serve to create a seamless system of early childhood services representing collaboration among various public and private stakeholders for the effective</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		delivery of early childhood services in the areas of early care and education, family support, mental health, and health. These services shall support children eight (8) years of age or younger and their parents in a manner that is responsive to local needs and conditions.	delivery of early childhood services in the areas of early care and education, family support, mental health, and health. These services shall support children eight (8) years of age or younger and their parents in a manner that is responsive to local needs and conditions.		
7.717.1 DEFINITIONS	REPEAL	7.717.1 DEFINITIONS “Children” means children eight (8) years of age or younger. “County department” means the county Department of Human Services or Social Services. “Early care and education provider” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a licensed and legally exempt child care provider; Head Start grantee; or district preschool program representative. “Early Childhood Council” means a council identified or established locally in communities throughout the state, either as a community consolidated child care services pilot site agency that existed prior to May 31, 2007 or pursuant to § 26-6.5-103, C.R.S., that represents public and private stakeholders for the purpose of developing and ultimately implementing a comprehensive system of early childhood services for children in the community to ensure school readiness. A council may be an Early Childhood Care and Education Council so long as no more than one council exists in a given service area. “Early Childhood Council membership” means the members of a voting body of an Early Childhood Council with governing authority over all of the council’s duties enumerated in § 7.717.5. “Family support and parent education services” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from a home visitation program; family resource center; or income assistance program. “Health care entity” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from	7.717.1 DEFINITIONS “Children” means children eight (8) years of age or younger. “County department” means the county Department of Human Services or Social Services. “Early care and education provider” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a licensed and legally exempt child care provider; Head Start grantee; or district preschool program representative. “Early Childhood Council” means a council identified or established locally in communities throughout the state, either as a community consolidated child care services pilot site agency that existed prior to May 31, 2007 or pursuant to § 26-6.5-103, C.R.S., that represents public and private stakeholders for the purpose of developing and ultimately implementing a comprehensive system of early childhood services for children in the community to ensure school readiness. A council may be an Early Childhood Care and Education Council so long as no more than one council exists in a given service area. “Early Childhood Council membership” means the members of a voting body of an Early Childhood Council with governing authority over all of the council’s duties enumerated in § 7.717.5. “Family support and parent education services” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from a home visitation program; family resource center; or income assistance program. “Health care entity” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>local public health, health care providers; Women, Infants, and Children (WIC) food nutrition service; Supplemental Nutrition Assistance Program (SNAP); Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) program; or Parts B or C of the federal Individuals with Disabilities Education and Improvement Act.</p> <p>“Local government” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from the County Board of Commissioners; City Council; local school district board; or a local County Department of Human Services or Social Services.</p> <p>“Mental health care” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from the community mental health centers or a local mental health care provider.</p> <p>“Resource and referral agency” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from a child care resource and referral agency or other agency that provides this support for parents with children eight (8) years of age or younger.</p> <p>“State Department” means the Colorado Department of Human Services.</p>	<p>local public health, health care providers; Women, Infants, and Children (WIC) food nutrition service; Supplemental Nutrition Assistance Program (SNAP); Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) program; or Parts B or C of the federal Individuals with Disabilities Education and Improvement Act.</p> <p>“Local government” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from the County Board of Commissioners; City Council; local school district board; or a local County Department of Human Services or Social Services.</p> <p>“Mental health care” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from the community mental health centers or a local mental health care provider.</p> <p>“Resource and referral agency” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from a child care resource and referral agency or other agency that provides this support for parents with children eight (8) years of age or younger.</p> <p>“State Department” means the Colorado Department of Human Services.</p>		
<p>7.717.2 CREATION AND RECONFIGURATION PROCESSES</p>	<p>REPEAL</p>	<p>7.717.2 CREATION AND RECONFIGURATION PROCESSES</p> <p>A. To create a new Early Childhood Council or reconfigure an existing Early Childhood Council, the Board(s) of Commissioners in the applicable county or counties must first designate a convening entity. This convening entity may be, but is not limited to, the following agency types:</p> <ol style="list-style-type: none"> 1. A local resource and referral agency; 2. A County Department of Human Services or Social Services; 3. A local school district; 4. Department of Public Health; or, 5. A Colorado Preschool Program Council. <p>B. The convening entity shall convene an Early Childhood Council, either as part of a single county</p>	<p>7.717.2 CREATION AND RECONFIGURATION PROCESSES</p> <p>A. To create a new Early Childhood Council or reconfigure an existing Early Childhood Council, the Board(s) of Commissioners in the applicable county or counties must first designate a convening entity. This convening entity may be, but is not limited to, the following agency types:</p> <ol style="list-style-type: none"> 1. A local resource and referral agency; 2. A County Department of Human Services or Social Services; 3. A local school district; 4. Department of Public Health; or, 5. A Colorado Preschool Program Council. <p>B. The convening entity shall convene an Early Childhood Council, either as part of a single county</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		<p>or as part of a multi-county regional network, by submitting an application to the state department under paragraph E.</p> <p>C. The convening entity shall initially approve the Early Childhood Council membership, ensuring the mandatory stakeholders listed in § 7.717.4 are included.</p> <p>D. Existing Early Childhood Councils may apply to merge or reconfigure under § 7.717.2. A reconfigured council replaces the councils named in the application to reconfigure.</p> <p>E. A convening entity's application for an agency applying to be newly identified as a council or an existing Early Childhood Council(s) applying to be a newly created and reconfigured council shall designate, at minimum, the following information:</p> <ol style="list-style-type: none"> 1. An intended service area that complies with § 7.717.3; 2. The county or counties involved with the council; 3. The participating Early Childhood Council members that includes stakeholders required by § 7.717.4; 4. The designated fiscal agent; and, 5. Signatures of the Chair or Chairs of the Board or Boards of County Commissioners of all counties involved in the council, the legal signatory for the counties, and the president of any school district Board of Education involved in the council. <p>F. The State Department's approval of an Early Childhood Council's application under § 7.717.6, does not guarantee funds to that council.</p>	<p>or as part of a multi-county regional network, by submitting an application to the state department under paragraph E.</p> <p>C. The convening entity shall initially approve the Early Childhood Council membership, ensuring the mandatory stakeholders listed in § 7.717.4 are included.</p> <p>D. Existing Early Childhood Councils may apply to merge or reconfigure under § 7.717.2. A reconfigured council replaces the councils named in the application to reconfigure.</p> <p>E. A convening entity's application for an agency applying to be newly identified as a council or an existing Early Childhood Council(s) applying to be a newly created and reconfigured council shall designate, at minimum, the following information:</p> <ol style="list-style-type: none"> 1. An intended service area that complies with § 7.717.3; 2. The county or counties involved with the council; 3. The participating Early Childhood Council members that includes stakeholders required by § 7.717.4; 4. The designated fiscal agent; and, 5. Signatures of the Chair or Chairs of the Board or Boards of County Commissioners of all counties involved in the council, the legal signatory for the counties, and the president of any school district Board of Education involved in the council. <p>F. The State Department's approval of an Early Childhood Council's application under § 7.717.6, does not guarantee funds to that council.</p>		
7.717.3 SERVICE AREA	REPEAL	<p>7.717.3 SERVICE AREA</p> <p>A. To the extent practicable, a service area of an Early Childhood Council shall be representative of the various public and private stakeholders in the local community who serve children.</p> <p>B. Early Childhood Council's service area may include more than one county.</p> <p>C. No two Early Childhood Councils may cover the same service area.</p>	<p>7.717.3 SERVICE AREA</p> <p>A. To the extent practicable, a service area of an Early Childhood Council shall be representative of the various public and private stakeholders in the local community who serve children.</p> <p>B. Early Childhood Council's service area may include more than one county.</p> <p>C. No two Early Childhood Councils may cover the same service area.</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.717.4 GOVERNANCE	REPEAL	<p>7.717.4 GOVERNANCE</p> <p>A. Early Childhood Council membership shall:</p>	<p>7.717.4 GOVERNANCE</p> <p>A. Early Childhood Council membership shall:</p>	HB22-1295 was codified into law 4/25/22, creating	

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	<p>1. To the extent practicable, reflect local needs and cultural and geographic diversity within the service area;</p> <p>2. Have voting rights;</p> <p>3. Consist of a minimum of ten (10) members;</p> <p>4. Include at least one representative, who operates or resides within the council's service area, from each of the following seven (7) mandatory stakeholder groups:</p> <p>a. Early care and education;</p> <p>b. Family support and parent education services;</p> <p>c. Health care;</p> <p>d. Local government;</p> <p>e. Parent of a child five (5) years of age or younger;</p> <p>f. Mental health care; and,</p> <p>g. Resource and referral agency.</p> <p>5. Early Childhood Council membership may also include, but is not limited to, representation from any combination of the following stakeholder groups within the council's service area:</p> <p>a. Child care association;</p> <p>b. Medical practice;</p> <p>c. Dental practice;</p> <p>d. School district parent organization;</p> <p>e. Head Start Policy Council;</p> <p>F. Chamber of Commerce;</p> <p>g. Local business;</p> <p>h. Faith-based organization;</p> <p>i. Nonprofit organization;</p> <p>j. Higher education institution; and/or,</p> <p>k. Library.</p> <p>B. Each member of an Early Childhood Council shall sign a Memorandum of Understanding on behalf of the organization he or she represents to participate in and collaborate on the work of the Early Childhood Council.</p> <p>C. Each Early Childhood Council shall submit a summary of justification and a request for approval to the State Department in cases where:</p> <p>1. One (1) individual represents multiple, mandatory stakeholder groups on the Early Childhood Council membership; and/or,</p>	<p>1. To the extent practicable, reflect local needs and cultural and geographic diversity within the service area;</p> <p>2. Have voting rights;</p> <p>3. Consist of a minimum of ten (10) members;</p> <p>4. Include at least one representative, who operates or resides within the council's service area, from each of the following seven (7) mandatory stakeholder groups:</p> <p>a. Early care and education;</p> <p>b. Family support and parent education services;</p> <p>c. Health care;</p> <p>d. Local government;</p> <p>e. Parent of a child five (5) years of age or younger;</p> <p>f. Mental health care; and,</p> <p>g. Resource and referral agency.</p> <p>5. Early Childhood Council membership may also include, but is not limited to, representation from any combination of the following stakeholder groups within the council's service area:</p> <p>a. Child care association;</p> <p>b. Medical practice;</p> <p>c. Dental practice;</p> <p>d. School district parent organization;</p> <p>e. Head Start Policy Council;</p> <p>F. Chamber of Commerce;</p> <p>g. Local business;</p> <p>h. Faith-based organization;</p> <p>i. Nonprofit organization;</p> <p>j. Higher education institution; and/or,</p> <p>k. Library.</p> <p>B. Each member of an Early Childhood Council shall sign a Memorandum of Understanding on behalf of the organization he or she represents to participate in and collaborate on the work of the Early Childhood Council.</p> <p>C. Each Early Childhood Council shall submit a summary of justification and a request for approval to the State Department in cases where:</p> <p>1. One (1) individual represents multiple, mandatory stakeholder groups on the Early Childhood Council membership; and/or,</p>	<p>CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
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		<p>2. A mandatory stakeholder group is vacant for more than ninety (90) days.</p> <p>D. Each Early Childhood Council shall adopt bylaws that provide for, at minimum:</p> <ol style="list-style-type: none"> 1. Early Childhood Council name; 2. Early Childhood Council purpose; 3. Requirements for membership; 4. Members' roles and responsibilities; 5. Process for selecting members; 6. Rules for membership rotation and terms; 7. How meetings will be conducted; and, 8. Meeting frequency and the quorum required for council action. <p>E. Each Early Childhood Council shall designate and enter into a formal, written agreement with a fiscal agent that requires the fiscal agent to:</p> <ol style="list-style-type: none"> 1. Accept legal and financial responsibility for the work being performed under the contract, including all deliverables and deadlines associated with the council scope of work; 2. Acknowledge that if work is not performed in accordance with the council contract, payment may be withheld by the state department; 3. Comply with fiscal contractual requirements, in accordance with the state fiscal rules (see 2 C.F.R. Part 200) and applicable federal guidance (see 1 CCR 101-1); and, 4. Comply with the Colorado Information Security Act (see § 24-37.5, Part 4). <p>F. In the case of an Early Childhood Council that is an incorporated legal entity, including a nonprofit corporation, the entity itself may serve as the fiscal agent, in which case it is directly responsible for the obligations set out in paragraph E.</p>	<p>2. A mandatory stakeholder group is vacant for more than ninety (90) days.</p> <p>D. Each Early Childhood Council shall adopt bylaws that provide for, at minimum:</p> <ol style="list-style-type: none"> 1. Early Childhood Council name; 2. Early Childhood Council purpose; 3. Requirements for membership; 4. Members' roles and responsibilities; 5. Process for selecting members; 6. Rules for membership rotation and terms; 7. How meetings will be conducted; and, 8. Meeting frequency and the quorum required for council action. <p>E. Each Early Childhood Council shall designate and enter into a formal, written agreement with a fiscal agent that requires the fiscal agent to:</p> <ol style="list-style-type: none"> 1. Accept legal and financial responsibility for the work being performed under the contract, including all deliverables and deadlines associated with the council scope of work; 2. Acknowledge that if work is not performed in accordance with the council contract, payment may be withheld by the state department; 3. Comply with fiscal contractual requirements, in accordance with the state fiscal rules (see 2 C.F.R. Part 200) and applicable federal guidance (see 1 CCR 101-1); and, 4. Comply with the Colorado Information Security Act (see § 24-37.5, Part 4). <p>F. In the case of an Early Childhood Council that is an incorporated legal entity, including a nonprofit corporation, the entity itself may serve as the fiscal agent, in which case it is directly responsible for the obligations set out in paragraph E.</p>	
7.717.5 EARLY CHILDHOOD COUNCIL DUTIES AND DELIVERABLES	REPEAL	<p>7.717.5 EARLY CHILDHOOD COUNCIL DUTIES AND DELIVERABLES</p> <p>A. Each Early Childhood Council is responsible for the following minimum duties and functions:</p> <ol style="list-style-type: none"> 1. To apply for early childhood funding pursuant to § 26-6.5-104, C.R.S.; 2. Develop and execute a strategic plan that responds to local needs and conditions to increase 	<p>7.717.5 EARLY CHILDHOOD COUNCIL DUTIES AND DELIVERABLES</p> <p>A. Each Early Childhood Council is responsible for the following minimum duties and functions:</p> <ol style="list-style-type: none"> 1. To apply for early childhood funding pursuant to § 26-6.5-104, C.R.S.; 2. Develop and execute a strategic plan that responds to local needs and conditions to increase 	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that</p>

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	<p>and sustain the quality, accessibility, capacity, and affordability of early childhood services for children and their parents;</p> <p>3. To establish a local system of accountability to measure local progress based on the needs and goals set for program performance;</p> <p>4. To report annually the results of the accountability measurements defined in the strategic plan;</p> <p>5. To select a fiscal agent to disburse funds and serve as the employer of the Council Director, once hired;</p> <p>6. To conduct a comprehensive evaluation and report, based on the strategic plan; and,</p> <p>7. To actively inform and include small or under-represented early childhood service providers in Early Childhood Council activities and functions.</p> <p>B. Each Early Childhood Council shall submit and ensure that the State Department has current record of the council governance structure, to include at minimum:</p> <p>1. Early Childhood Council membership, to include the name and contact information for representatives from each of the mandatory stakeholder groups in § 7.717.4, A (4);</p> <p>2. An organizational chart or other description of its officer/leadership structure, including current officers;</p> <p>3. The name and contact information for the Council Director, or, if none has been hired, an interim program contact employed by the fiscal agent;</p> <p>4. The Early Childhood Council bylaws; and,</p> <p>5. An annual budget for developing a local early childhood system and infrastructure to improve and coordinate early childhood services.</p> <p>C. Each Early Childhood Council shall develop, execute, and submit for State Department compliance review, an up to date organizational strategic plan that:</p> <p>1. Reflects the state department priorities and performance standards to increase and sustain the quality, accessibility, capacity, and affordability of early childhood services for children and their</p>	<p>and sustain the quality, accessibility, capacity, and affordability of early childhood services for children and their parents;</p> <p>3. To establish a local system of accountability to measure local progress based on the needs and goals set for program performance;</p> <p>4. To report annually the results of the accountability measurements defined in the strategic plan;</p> <p>5. To select a fiscal agent to disburse funds and serve as the employer of the Council Director, once hired;</p> <p>6. To conduct a comprehensive evaluation and report, based on the strategic plan; and,</p> <p>7. To actively inform and include small or under-represented early childhood service providers in Early Childhood Council activities and functions.</p> <p>B. Each Early Childhood Council shall submit and ensure that the State Department has current record of the council governance structure, to include at minimum:</p> <p>1. Early Childhood Council membership, to include the name and contact information for representatives from each of the mandatory stakeholder groups in § 7.717.4, A (4);</p> <p>2. An organizational chart or other description of its officer/leadership structure, including current officers;</p> <p>3. The name and contact information for the Council Director, or, if none has been hired, an interim program contact employed by the fiscal agent;</p> <p>4. The Early Childhood Council bylaws; and,</p> <p>5. An annual budget for developing a local early childhood system and infrastructure to improve and coordinate early childhood services.</p> <p>C. Each Early Childhood Council shall develop, execute, and submit for State Department compliance review, an up to date organizational strategic plan that:</p> <p>1. Reflects the state department priorities and performance standards to increase and sustain the quality, accessibility, capacity, and affordability of early childhood services for children and their</p>	<p>must be repealed.</p>	
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		<p>parents; 2. Responds to the early childhood needs and conditions in the designated service area based upon a rigorous assessment; and, 3. Sets measurable goals to increase and sustain quality, accessibility, capacity, and affordability of early childhood services for children and their parents. D. The strategic plan shall be developed at least once every five (5) years and include, at minimum: 1. A description of the long-term goals to be accomplished; 2. A description of the short-term objectives; 3. A description of the expected outcomes aligned with the goals and objectives; and, 4. A definition of the data tools and methods for tracking progress towards the goals, objectives, and expected outcomes. E. Annually, each Early Childhood Council shall submit to the state department and its Early Childhood Council membership: 1. The current strategic plan; and, 2. A written, comprehensive evaluation and report of its progress based on the strategic plan accountability metrics.</p>	<p>parents; 2. Responds to the early childhood needs and conditions in the designated service area based upon a rigorous assessment; and, 3. Sets measurable goals to increase and sustain quality, accessibility, capacity, and affordability of early childhood services for children and their parents. D. The strategic plan shall be developed at least once every five (5) years and include, at minimum: 1. A description of the long-term goals to be accomplished; 2. A description of the short-term objectives; 3. A description of the expected outcomes aligned with the goals and objectives; and, 4. A definition of the data tools and methods for tracking progress towards the goals, objectives, and expected outcomes. E. Annually, each Early Childhood Council shall submit to the state department and its Early Childhood Council membership: 1. The current strategic plan; and, 2. A written, comprehensive evaluation and report of its progress based on the strategic plan accountability metrics.</p>		
7.717.6 STATE DEPARTMENT FUNDING REQUIREMENTS	REPEAL	<p>7.717.6 STATE DEPARTMENT FUNDING REQUIREMENTS A. To be eligible to receive infrastructure, quality improvement, technical assistance, and evaluation funding from the state department, an Early Childhood Council must: 1. Be properly convened; and meet the minimum service area and governance standards in § 7.717.3-4. 2. Submit strategic plan for compliance review in accordance with § 7.717.5, C and D. B. Each Early Childhood Council seeking infrastructure, quality improvement, technical assistance, and evaluation funding shall submit an application to the state department that includes or describes: 1. The Council's designated service area, as defined</p>	<p>7.717.6 STATE DEPARTMENT FUNDING REQUIREMENTS A. To be eligible to receive infrastructure, quality improvement, technical assistance, and evaluation funding from the state department, an Early Childhood Council must: 1. Be properly convened; and meet the minimum service area and governance standards in § 7.717.3-4. 2. Submit strategic plan for compliance review in accordance with § 7.717.5, C and D. B. Each Early Childhood Council seeking infrastructure, quality improvement, technical assistance, and evaluation funding shall submit an application to the state department that includes or describes: 1. The Council's designated service area, as defined</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>in § 7.717.3;</p> <p>2. The Council's current membership, including proof of a Memorandum of Understanding signed by the members representing each mandatory stakeholder group, as defined in § 7.717.4, A (4);</p> <p>3. The registered business name, certificate in good standing with the Colorado Secretary Of State, and the D-U-N-S number for the designated fiscal agent;</p> <p>4. The capacity to comply with state department data entry and data reporting requirements, as defined by the state department and other applicable funding stream requirements;</p> <p>5. Current record of the council governance structure, as defined in § 7.717.5, B;</p> <p>6. The Council director's signature; and,</p> <p>7. The Council's strategic plan, in compliance with § 7.717.5, C and D.</p> <p>C. If an Early Childhood Council fails to maintain ongoing compliance with these funding requirements, including the requirement of a current strategic plan, the State Department may deny its pending or immediately subsequent application for funding.</p> <p>D. Councils that have previously applied for and been denied funding by the State Department may re-apply by showing current compliance with state requirements.</p> <p>E. For one (1) year after March 30, 2017, in order to promote an orderly transition to a new governance structure, any Council may apply for a waiver of specific governance rules in § 7.717.4 upon a showing of substantial compliance and undue hardship. A Council shall submit any request for a waiver to the Early Childhood Leadership Commission, which shall consult with the Department on the request. The Department will grant such waivers upon recommendation by the Commission.</p>	<p>in § 7.717.3;</p> <p>2. The Council's current membership, including proof of a Memorandum of Understanding signed by the members representing each mandatory stakeholder group, as defined in § 7.717.4, A (4);</p> <p>3. The registered business name, certificate in good standing with the Colorado Secretary Of State, and the D-U-N-S number for the designated fiscal agent;</p> <p>4. The capacity to comply with state department data entry and data reporting requirements, as defined by the state department and other applicable funding stream requirements;</p> <p>5. Current record of the council governance structure, as defined in § 7.717.5, B;</p> <p>6. The Council director's signature; and,</p> <p>7. The Council's strategic plan, in compliance with § 7.717.5, C and D.</p> <p>C. If an Early Childhood Council fails to maintain ongoing compliance with these funding requirements, including the requirement of a current strategic plan, the State Department may deny its pending or immediately subsequent application for funding.</p> <p>D. Councils that have previously applied for and been denied funding by the State Department may re-apply by showing current compliance with state requirements.</p> <p>E. For one (1) year after March 30, 2017, in order to promote an orderly transition to a new governance structure, any Council may apply for a waiver of specific governance rules in § 7.717.4 upon a showing of substantial compliance and undue hardship. A Council shall submit any request for a waiver to the Early Childhood Leadership Commission, which shall consult with the Department on the request. The Department will grant such waivers upon recommendation by the Commission.</p>		
7.717.7 RULE WAIVER REQUEST	REPEAL	7.717.7 RULE WAIVER REQUEST A. A local Early Childhood Council may submit a rule waiver request to the Early Childhood Leadership Commission for any rule within C.C.R.	7.717.7 RULE WAIVER REQUEST A. A local Early Childhood Council may submit a rule waiver request to the Early Childhood Leadership Commission for any rule within C.C.R.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules	

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		2509 that would prevent a Council from implementing council projects related to the minimum duties and functions defined in § 7.717.5, A. B. The Early Childhood Council submitting a waiver request is required to demonstrate that the waiver in question is necessary to support implementation of the Early Childhood Council projects related to the minimum duties and functions defined in § 7.717.5, A. C. The waiver request shall be submitted in writing to the Early Childhood Leadership Commission Director.	2509 that would prevent a Council from implementing council projects related to the minimum duties and functions defined in § 7.717.5, A. B. The Early Childhood Council submitting a waiver request is required to demonstrate that the waiver in question is necessary to support implementation of the Early Childhood Council projects related to the minimum duties and functions defined in § 7.717.5, A. C. The waiver request shall be submitted in writing to the Early Childhood Leadership Commission Director.	from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.718 (None) [Rev. eff. 6/1/12]	REPEAL	7.718 (None) [Rev. eff. 6/1/12]	7.718 (None) [Rev. eff. 6/1/12]	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.720 RULES REGULATING NEIGHBORHOOD YOUTH ORGANIZATIONS [Eff. 4/1/11]	REPEAL	7.720 RULES REGULATING NEIGHBORHOOD YOUTH ORGANIZATIONS [Eff. 4/1/11] All Neighborhood Youth Organizations shall comply with the "General Rules for Child Care Facilities".	7.720 RULES REGULATING NEIGHBORHOOD YOUTH ORGANIZATIONS [Eff. 4/1/11] All Neighborhood Youth Organizations shall comply with the "General Rules for Child Care Facilities".	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.720.1 DEFINITIONS [Eff. 4/1/11]	REPEAL	7.720.1 DEFINITIONS [Eff. 4/1/11] "Employee" means a paid employee of a neighborhood youth organization who is of eighteen years of age or older. "Neighborhood Youth Organization" means a nonprofit organization that is designed to serve youth as young as six years of age and as old as eighteen years of age and that operates primarily during times of the day when school is not in session and provides research-based, age-	7.720.1 DEFINITIONS [Eff. 4/1/11] "Employee" means a paid employee of a neighborhood youth organization who is of eighteen years of age or older. "Neighborhood Youth Organization" means a nonprofit organization that is designed to serve youth as young as six years of age and as old as eighteen years of age and that operates primarily during times of the day when school is not in session and provides research-based, age-	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>appropriate, and character-building activities designed exclusively for the development of youth from six to eighteen years of age.</p> <p>A. These activities shall occur primarily in a facility leased or owned by the neighborhood youth organization. The activities shall occur in an environment in which youth have written parental or legal guardian consent to become a youth member of the Neighborhood Youth Organization and to arrive at and depart from the primary location of the activity on their own accord, without supervision by a parent, legal guardian, or organization.</p> <p>B. A Neighborhood Youth Organization shall not include faith-based centers, organizations or programs operated by state or city parks or special districts, or departments or facilities that are currently licensed as child care centers as defined in Section 7.702, et seq. (12 CCR 2509-8).</p> <p>“Volunteer” means a person who volunteers his or her assistance to a neighborhood youth organization and who is eighteen years of age or older.</p> <p>“Youth member” means a youth who is six years of age through eighteen years of age whose parent or legal guardian has provided written consent for the youth to participate in the activities of a Neighborhood Youth Organization and who pays a nominal fee for said membership.</p>	<p>appropriate, and character-building activities designed exclusively for the development of youth from six to eighteen years of age.</p> <p>A. These activities shall occur primarily in a facility leased or owned by the neighborhood youth organization. The activities shall occur in an environment in which youth have written parental or legal guardian consent to become a youth member of the Neighborhood Youth Organization and to arrive at and depart from the primary location of the activity on their own accord, without supervision by a parent, legal guardian, or organization.</p> <p>B. A Neighborhood Youth Organization shall not include faith-based centers, organizations or programs operated by state or city parks or special districts, or departments or facilities that are currently licensed as child care centers as defined in Section 7.702, et seq. (12 CCR 2509-8).</p> <p>“Volunteer” means a person who volunteers his or her assistance to a neighborhood youth organization and who is eighteen years of age or older.</p> <p>“Youth member” means a youth who is six years of age through eighteen years of age whose parent or legal guardian has provided written consent for the youth to participate in the activities of a Neighborhood Youth Organization and who pays a nominal fee for said membership.</p>		
<p>7.720.2 OPERATION OF A NEIGHBORHOOD YOUTH ORGANIZATION [Eff. 4/1/11]</p>	REPEAL	<p>7.720.2 OPERATION OF A NEIGHBORHOOD YOUTH ORGANIZATION [Eff. 4/1/11]</p> <p>A. The Neighborhood Youth Organization 's shall post its policies and procedures in bold print and in plain view, and shall make a written copy available to parents and guardians, which shall include the following:</p> <ol style="list-style-type: none"> 1. The address of the licensed Neighborhood Youth Organization, general hours of operation, and policy regarding closure of the Neighborhood Youth Organization. 2. The Neighborhood Youth Organization's mission statement. 3. The ages of youth accepted. 4. The procedure concerning membership 	<p>7.720.2 OPERATION OF A NEIGHBORHOOD YOUTH ORGANIZATION [Eff. 4/1/11]</p> <p>A. The Neighborhood Youth Organization 's shall post its policies and procedures in bold print and in plain view, and shall make a written copy available to parents and guardians, which shall include the following:</p> <ol style="list-style-type: none"> 1. The address of the licensed Neighborhood Youth Organization, general hours of operation, and policy regarding closure of the Neighborhood Youth Organization. 2. The Neighborhood Youth Organization's mission statement. 3. The ages of youth accepted. 4. The procedure concerning membership 	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		<p>requirements that at a minimum include: name, date of birth, parent/guardian contact information, emergency contact information, and written authorization to attend.</p> <p>5. The procedures for:</p> <p>a. Arrival and departure from the Neighborhood Youth Organization;</p> <p>b. Notification of parents and guardians, for handling emergencies;</p> <p>c. Youth's personal belongings and money;</p> <p>d. Filing a complaint against the Neighborhood Youth Organization; and,</p> <p>e. Background checks and other criminal history checks of employees and volunteers.</p> <p>6. The policies on:</p> <p>a. Guidance;</p> <p>b. Visitors;</p> <p>c. Meals and snacks;</p> <p>d. The reporting of child abuse (see Section 7.701.53 of the General Rules for Child Care Facilities).</p> <p>7. If services are offered for special needs youth that the Neighborhood Youth Organization operates in compliance with Section 7.701.14, Civil Rights.</p> <p>8. An itemized fee schedule.</p> <p>9. The role of the governing board.</p> <p>B. The fee for obtaining a Neighborhood Youth Organization License is located in the General Rules at Section 7.701.4.</p>	<p>requirements that at a minimum include: name, date of birth, parent/guardian contact information, emergency contact information, and written authorization to attend.</p> <p>5. The procedures for:</p> <p>a. Arrival and departure from the Neighborhood Youth Organization;</p> <p>b. Notification of parents and guardians, for handling emergencies;</p> <p>c. Youth's personal belongings and money;</p> <p>d. Filing a complaint against the Neighborhood Youth Organization; and,</p> <p>e. Background checks and other criminal history checks of employees and volunteers.</p> <p>6. The policies on:</p> <p>a. Guidance;</p> <p>b. Visitors;</p> <p>c. Meals and snacks;</p> <p>d. The reporting of child abuse (see Section 7.701.53 of the General Rules for Child Care Facilities).</p> <p>7. If services are offered for special needs youth that the Neighborhood Youth Organization operates in compliance with Section 7.701.14, Civil Rights.</p> <p>8. An itemized fee schedule.</p> <p>9. The role of the governing board.</p> <p>B. The fee for obtaining a Neighborhood Youth Organization License is located in the General Rules at Section 7.701.4.</p>		
7.720.3 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES [Eff. 4/1/11]	REPEAL	<p>7.720.3 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES [Eff. 4/1/11]</p> <p>Each Neighborhood Youth Organization is required to have a written mission statement. This statement shall be kept on file, updated periodically, and made known to staff and to parents and guardians, and shall be available during the licensing inspection.</p> <p>A. During the hours the Neighborhood Youth Organization is in operation, the Neighborhood Youth Organization shall provide an office and/or monitored telephone number known to the public and available to parents in order to provide immediate access to the Neighborhood Youth</p>	<p>7.720.3 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES [Eff. 4/1/11]</p> <p>Each Neighborhood Youth Organization is required to have a written mission statement. This statement shall be kept on file, updated periodically, and made known to staff and to parents and guardians, and shall be available during the licensing inspection.</p> <p>A. During the hours the Neighborhood Youth Organization is in operation, the Neighborhood Youth Organization shall provide an office and/or monitored telephone number known to the public and available to parents in order to provide immediate access to the Neighborhood Youth</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		<p>Organization. B. There shall be a land line telephone at the primary facility. C. The Neighborhood Youth Organization shall have an established means of communication between staff and the program office when youth are being transported or are away from the permanent site on a field trip. D. Emergency telephone numbers shall be posted at each permanent site and taken on all field trips and during mobile Neighborhood Youth Organization programs. The emergency numbers shall include, at a minimum, emergency 911, or rescue unit telephone number if 911 is not available; phone numbers are also required for the clinic or hospital nearest to the activity location; ambulance service; local fire, police, and health departments; and, Rocky Mountain Poison Control. E. The Neighborhood Youth Organization shall have a written emergency procedure that explains at a minimum, how youth will be evacuated to a safe area in case of fire or other disaster and the reporting of reportable communicable illnesses to the local health department pursuant to regulations of the Colorado Department of Public Health and Environment. F. The Neighborhood Youth Organization shall be able to provide emergency transportation to a health care facility at all times either via program vehicle or the emergency medical services system. G. The director of the Neighborhood Youth Organization or the director's delegated substitute shall have a means for determining at all times who is present at the Neighborhood Youth Organization. H. A written policy regarding visitors to the Neighborhood Youth Organization shall be posted and a record maintained daily by the Neighborhood Youth Organization that includes, at a minimum, the visitor's name and address and the purpose of the visit.</p>	<p>Organization. B. There shall be a land line telephone at the primary facility. C. The Neighborhood Youth Organization shall have an established means of communication between staff and the program office when youth are being transported or are away from the permanent site on a field trip. D. Emergency telephone numbers shall be posted at each permanent site and taken on all field trips and during mobile Neighborhood Youth Organization programs. The emergency numbers shall include, at a minimum, emergency 911, or rescue unit telephone number if 911 is not available; phone numbers are also required for the clinic or hospital nearest to the activity location; ambulance service; local fire, police, and health departments; and, Rocky Mountain Poison Control. E. The Neighborhood Youth Organization shall have a written emergency procedure that explains at a minimum, how youth will be evacuated to a safe area in case of fire or other disaster and the reporting of reportable communicable illnesses to the local health department pursuant to regulations of the Colorado Department of Public Health and Environment. F. The Neighborhood Youth Organization shall be able to provide emergency transportation to a health care facility at all times either via program vehicle or the emergency medical services system. G. The director of the Neighborhood Youth Organization or the director's delegated substitute shall have a means for determining at all times who is present at the Neighborhood Youth Organization. H. A written policy regarding visitors to the Neighborhood Youth Organization shall be posted and a record maintained daily by the Neighborhood Youth Organization that includes, at a minimum, the visitor's name and address and the purpose of the visit.</p>		
<p>7.720.4 PERSONNEL</p>	<p>REPEAL</p>	<p>7.720.4 PERSONNEL POLICIES, ORIENTATION, AND STAFF DEVELOPMENT [Eff. 4/1/11]</p>	<p>7.720.4 PERSONNEL POLICIES, ORIENTATION, AND STAFF DEVELOPMENT [Eff. 4/1/11]</p>	<p>HB22-1295 was codified into law 4/25/22, creating</p>	

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<p>POLICIES, ORIENTATION, AND STAFF DEVELOPMENT [Eff. 4/1/11]</p>		<p>The duties and responsibilities of each staff position and the lines of authority and responsibility within the Neighborhood Youth Organization shall be in writing. A. At the time of employment, staff members shall be informed of their duties and assigned a supervisor. B. Prior to working with youth, the staff member shall read and be instructed about the policies and procedures of the Neighborhood Youth Organization, including those relating to proper supervision of youth and reporting of child abuse. Staff members shall sign a statement indicating that they have read and understand the Neighborhood Youth Organization's policies and procedures. C. All full time staff shall be required to receive CPR and First Aid certification within the first sixty (60) calendar days of employment at their own expense or as arranged by the Neighborhood Youth Organization. D. All staff shall complete training in universal precautions within the first three (3) months of employment at their own expense or as arranged by the Neighborhood Youth Organization.</p>	<p>The duties and responsibilities of each staff position and the lines of authority and responsibility within the Neighborhood Youth Organization shall be in writing. A. At the time of employment, staff members shall be informed of their duties and assigned a supervisor. B. Prior to working with youth, the staff member shall read and be instructed about the policies and procedures of the Neighborhood Youth Organization, including those relating to proper supervision of youth and reporting of child abuse. Staff members shall sign a statement indicating that they have read and understand the Neighborhood Youth Organization's policies and procedures. C. All full time staff shall be required to receive CPR and First Aid certification within the first sixty (60) calendar days of employment at their own expense or as arranged by the Neighborhood Youth Organization. D. All staff shall complete training in universal precautions within the first three (3) months of employment at their own expense or as arranged by the Neighborhood Youth Organization.</p>	<p>CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
<p>7.720.41 General Requirements for All Personnel [Rev. eff. 6/1/12]</p>	<p>REPEAL</p>	<p>7.720.41 General Requirements for All Personnel [Rev. eff. 6/1/12] A. All personnel of the Neighborhood Youth Organization shall demonstrate an interest in and knowledge of youth development and concern for youths' well-being. B. All personnel shall be free from communicable disease and conduct that would endanger the health, safety, or well-being of youth. Each staff member shall furnish the Neighborhood Youth Organization with information concerning communicable health problems that could affect the staff member's ability to perform the duties of the job assigned. C. A child abuse and neglect and a criminal record check request for all staff shall be completed and on file at the Neighborhood Youth Organization's administrative headquarters pursuant to General</p>	<p>7.720.41 General Requirements for All Personnel [Rev. eff. 6/1/12] A. All personnel of the Neighborhood Youth Organization shall demonstrate an interest in and knowledge of youth development and concern for youths' well-being. B. All personnel shall be free from communicable disease and conduct that would endanger the health, safety, or well-being of youth. Each staff member shall furnish the Neighborhood Youth Organization with information concerning communicable health problems that could affect the staff member's ability to perform the duties of the job assigned. C. A child abuse and neglect and a criminal record check request for all staff shall be completed and on file at the Neighborhood Youth Organization's administrative headquarters pursuant to General</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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		Rules sections 7.701.32 and 7.701.33.	Rules sections 7.701.32 and 7.701.33.	
7.720.42 Volunteers and Visitors [Eff. 4/1/11]	REPEAL	7.720.42 Volunteers and Visitors [Eff. 4/1/11] If volunteers are used by the Neighborhood Youth Organization, there shall be a clearly established policy in regard to their function, orientation, training and supervision. A. Volunteers shall have qualifications suitable to the tasks assigned. B. Individuals who volunteer less than five days a month shall be: 1. Directly supervised by a program director or program leader. 2. Given instruction as to the Neighborhood Youth Organization's policies and procedures. C. Individuals who volunteer more than five days a month shall be: 1. Appropriately trained for the position; and, 2. Have the same background check as staff pursuant to Section 7.720.41, D; and, 3. Section 7.701.33, D, 5 or 6, shall be referenced to determine whether a conviction requires that the individual not be allowed to volunteer or the conviction requires reporting to the Division of Child Care. D. Visitors and youth members shall always be supervised by a staff member.	7.720.42 Volunteers and Visitors [Eff. 4/1/11] If volunteers are used by the Neighborhood Youth Organization, there shall be a clearly established policy in regard to their function, orientation, training and supervision. A. Volunteers shall have qualifications suitable to the tasks assigned. B. Individuals who volunteer less than five days a month shall be: 1. Directly supervised by a program director or program leader. 2. Given instruction as to the Neighborhood Youth Organization's policies and procedures. C. Individuals who volunteer more than five days a month shall be: 1. Appropriately trained for the position; and, 2. Have the same background check as staff pursuant to Section 7.720.41, D; and, 3. Section 7.701.33, D, 5 or 6, shall be referenced to determine whether a conviction requires that the individual not be allowed to volunteer or the conviction requires reporting to the Division of Child Care. D. Visitors and youth members shall always be supervised by a staff member.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.
7.720.5 NEIGHBORHOOD D YOUTH ORGANIZATION SERVICES	REPEAL	7.720.5 NEIGHBORHOOD YOUTH ORGANIZATION SERVICES	7.720.5 NEIGHBORHOOD YOUTH ORGANIZATION SERVICES	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.
7.720.51 Admission Procedure [Eff. 4/1/11]	REPEAL	7.720.51 Admission Procedure [Eff. 4/1/11] A. Prior to admission, the parent(s)' or legal guardian's signed authorization for the youth member to arrive or depart without parental or legal guardian supervision shall be obtained. B. The Neighborhood Youth Organization can accept youth only of the ages for which it has been	7.720.51 Admission Procedure [Eff. 4/1/11] A. Prior to admission, the parent(s)' or legal guardian's signed authorization for the youth member to arrive or depart without parental or legal guardian supervision shall be obtained. B. The Neighborhood Youth Organization can accept youth only of the ages for which it has been	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are

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		licensed. At no time shall the number of youth in attendance exceed the number for which the Neighborhood Youth Organization has been certified by the fire department. C. Admission and membership procedures shall be completed prior to the youth's attendance at the Neighborhood Youth Organization and shall include completion of the registration information for inclusion in the youth's record, as required in Section 7.720.81.	licensed. At no time shall the number of youth in attendance exceed the number for which the Neighborhood Youth Organization has been certified by the fire department. C. Admission and membership procedures shall be completed prior to the youth's attendance at the Neighborhood Youth Organization and shall include completion of the registration information for inclusion in the youth's record, as required in Section 7.720.81.	duplicate regulations that must be repealed.
7.720.52 Guidance and Discipline [Eff. 4/1/11]	REPEAL	7.720.52 Guidance and Discipline [Eff. 4/1/11] A. Corporal or other harsh punishment including, but not limited to, pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of guidance shall not be allowed. B. Separation or time-out, when used as guidance or discipline, shall be brief and appropriate for the youth's age and circumstances. The youth shall be in a safe, lighted, well-ventilated area and be within hearing and vision of a staff member. The youth shall not be isolated in a locked room, bathroom, closet, or pantry. C. Verbal abuse and derogatory remarks about the youth are not permitted. D. Authority to provide guidance and/or discipline shall not be delegated to other youth. E. Youth shall not be denied food or water as a form of guidance or discipline.	7.720.52 Guidance and Discipline [Eff. 4/1/11] A. Corporal or other harsh punishment including, but not limited to, pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of guidance shall not be allowed. B. Separation or time-out, when used as guidance or discipline, shall be brief and appropriate for the youth's age and circumstances. The youth shall be in a safe, lighted, well-ventilated area and be within hearing and vision of a staff member. The youth shall not be isolated in a locked room, bathroom, closet, or pantry. C. Verbal abuse and derogatory remarks about the youth are not permitted. D. Authority to provide guidance and/or discipline shall not be delegated to other youth. E. Youth shall not be denied food or water as a form of guidance or discipline.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.
7.720.53 Records and Reporting [Eff. 4/1/11]	REPEAL	7.720.53 Records and Reporting [Eff. 4/1/11] Each Neighborhood Youth Organization shall develop: A. A system of gathering, recording, and responding to complaints; and, B. A method and a training for employees on reporting known or suspected child abuse; and, C. A method of record keeping for staff, volunteer, visitor, youth member and other program files.	7.720.53 Records and Reporting [Eff. 4/1/11] Each Neighborhood Youth Organization shall develop: A. A system of gathering, recording, and responding to complaints; and, B. A method and a training for employees on reporting known or suspected child abuse; and, C. A method of record keeping for staff, volunteer, visitor, youth member and other program files.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.
7.720.54 Transportation [Eff. 4/1/11]	REPEAL	7.720.54 Transportation [Eff. 4/1/11] A. Transportation Provided by the Neighborhood Youth Organization 1. The Neighborhood Youth Organization is	7.720.54 Transportation [Eff. 4/1/11] A. Transportation Provided by the Neighborhood Youth Organization 1. The Neighborhood Youth Organization is	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules

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	<p>responsible for any youth it transports and shall abide by applicable State and Federal motor vehicle laws.</p> <p>2. The Neighborhood Youth Organization shall obtain written permission from parents or guardians for any transportation of their youth.</p> <p>3. Youth shall not be permitted to ride in the front seat of a vehicle unless they are secured in a constraint system that conforms to all applicable Federal Motor Vehicle Safety Standards based on the youth's weight and size.</p> <p>4. Youth shall be loaded and unloaded out of the path of moving vehicles.</p> <p>5. Youth shall remain seated while the vehicle is in motion. Youth shall not be permitted to stand or sit on the floor of a moving vehicle and their arms, legs, and heads shall remain inside the vehicle at all times.</p> <p>6. Prior to a field trip or other excursion, the Neighborhood Youth Organization shall obtain information on liability insurance from parents and staff who transport youth in their own cars and verify that all drivers have valid driver's licenses.</p> <p>B. Requirements for Vehicles</p> <p>1. Any vehicle used for transporting youth to and from the Neighborhood Youth Organization or during program activities shall meet the following requirements:</p> <p>a. The vehicle shall be enclosed and have working door locks.</p> <p>b. The seats of the vehicle shall be constructed and installed according to the vehicle manufacturer's specifications.</p> <p>c. The vehicle shall be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights shall meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division.</p> <p>d. Seating shall be comfortable, with a seat of at least ten (10) inches wide for each youth.</p> <p>2. In passenger vehicles, which include automobiles, station wagons and vans with a manufacturer's</p>	<p>responsible for any youth it transports and shall abide by applicable State and Federal motor vehicle laws.</p> <p>2. The Neighborhood Youth Organization shall obtain written permission from parents or guardians for any transportation of their youth.</p> <p>3. Youth shall not be permitted to ride in the front seat of a vehicle unless they are secured in a constraint system that conforms to all applicable Federal Motor Vehicle Safety Standards based on the youth's weight and size.</p> <p>4. Youth shall be loaded and unloaded out of the path of moving vehicles.</p> <p>5. Youth shall remain seated while the vehicle is in motion. Youth shall not be permitted to stand or sit on the floor of a moving vehicle and their arms, legs, and heads shall remain inside the vehicle at all times.</p> <p>6. Prior to a field trip or other excursion, the Neighborhood Youth Organization shall obtain information on liability insurance from parents and staff who transport youth in their own cars and verify that all drivers have valid driver's licenses.</p> <p>B. Requirements for Vehicles</p> <p>1. Any vehicle used for transporting youth to and from the Neighborhood Youth Organization or during program activities shall meet the following requirements:</p> <p>a. The vehicle shall be enclosed and have working door locks.</p> <p>b. The seats of the vehicle shall be constructed and installed according to the vehicle manufacturer's specifications.</p> <p>c. The vehicle shall be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights shall meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division.</p> <p>d. Seating shall be comfortable, with a seat of at least ten (10) inches wide for each youth.</p> <p>2. In passenger vehicles, which include automobiles, station wagons and vans with a manufacturer's</p>	<p>from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
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		<p>established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:</p> <p>a. Each youth shall be restrained in an individual seat belt.</p> <p>b. Two or more youth shall never be restrained in one seat belt.</p> <p>c. Lap belts shall be secured low and tight across the upper thighs and under the belly.</p> <p>d. Youth shall be instructed and required to keep the seat belt properly fastened and adjusted.</p> <p>3. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required, but shall be used if provided.</p> <p>4. There shall be a First-Aid kit in all vehicles.</p> <p>C. Requirements for Drivers of Vehicles</p> <p>1. All drivers of vehicles transporting youth shall comply with applicable laws of the Colorado Department of Revenue, Motor Vehicle Division, and ordinances of the municipality in which the youth care program is operated.</p> <p>2. All drivers of vehicles owned or leased by the Neighborhood Youth Organization in which youth are transported shall have a current Department-approved First Aid and safety certificate that includes CPR for all ages of youth.</p> <p>3. The driver shall ensure that all doors are secured at all times when the vehicle is moving.</p> <p>4. The driver shall periodically check that each youth is properly belted throughout the trip.</p>	<p>established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:</p> <p>a. Each youth shall be restrained in an individual seat belt.</p> <p>b. Two or more youth shall never be restrained in one seat belt.</p> <p>c. Lap belts shall be secured low and tight across the upper thighs and under the belly.</p> <p>d. Youth shall be instructed and required to keep the seat belt properly fastened and adjusted.</p> <p>3. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required, but shall be used if provided.</p> <p>4. There shall be a First-Aid kit in all vehicles.</p> <p>C. Requirements for Drivers of Vehicles</p> <p>1. All drivers of vehicles transporting youth shall comply with applicable laws of the Colorado Department of Revenue, Motor Vehicle Division, and ordinances of the municipality in which the youth care program is operated.</p> <p>2. All drivers of vehicles owned or leased by the Neighborhood Youth Organization in which youth are transported shall have a current Department-approved First Aid and safety certificate that includes CPR for all ages of youth.</p> <p>3. The driver shall ensure that all doors are secured at all times when the vehicle is moving.</p> <p>4. The driver shall periodically check that each youth is properly belted throughout the trip.</p>		
7.720.6 PROGRAM ACTIVITIES	REPEAL	7.720.6 PROGRAM ACTIVITIES	7.720.6 PROGRAM ACTIVITIES	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.720.61 Field Trips [Eff. 4/1/11]	REPEAL	7.720.61 Field Trips [Eff. 4/1/11] A. The program may include field trips, where youth	7.720.61 Field Trips [Eff. 4/1/11] A. The program may include field trips, where youth	HB22-1295 was codified into law 4/25/22, creating	

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		and staff leave the Neighborhood Youth Organization to visit sites in the community. 1. Youth shall be actively supervised at all times. 2. An accurate itinerary shall remain at the headquarters, office, primary or temporary site of the Neighborhood Youth Organization. 3. During a field trip, the staff shall have the following information with them: a. Each youth's emergency contact information; and, b. The written authorization from parent(s) or guardian(s) for emergency medical care. B. During a field trip, a list of all youth and staff on the field trip shall be kept at the headquarters or site of the Neighborhood Youth Organization. C. During all field trips, staff shall bring a First Aid kit. D. During all field trips, youth members shall have access to water and toilet facilities. E. During all field trips, staff shall carry with them information regarding the nearest health care facility. F. Field trip locations shall be accessible to emergency medical service.	and staff leave the Neighborhood Youth Organization to visit sites in the community. 1. Youth shall be actively supervised at all times. 2. An accurate itinerary shall remain at the headquarters, office, primary or temporary site of the Neighborhood Youth Organization. 3. During a field trip, the staff shall have the following information with them: a. Each youth's emergency contact information; and, b. The written authorization from parent(s) or guardian(s) for emergency medical care. B. During a field trip, a list of all youth and staff on the field trip shall be kept at the headquarters or site of the Neighborhood Youth Organization. C. During all field trips, staff shall bring a First Aid kit. D. During all field trips, youth members shall have access to water and toilet facilities. E. During all field trips, staff shall carry with them information regarding the nearest health care facility. F. Field trip locations shall be accessible to emergency medical service.	CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.720.7 BUILDING AND FACILITIES	REPEAL	7.720.7 BUILDING AND FACILITIES	7.720.7 BUILDING AND FACILITIES	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.720.71 Facility Requirements [Eff. 4/1/11]	REPEAL	7.720.71 Facility Requirements [Eff. 4/1/11] Each Neighborhood Youth Organization shall maintain and post the appropriate fire and health inspection certificates.	7.720.71 Facility Requirements [Eff. 4/1/11] Each Neighborhood Youth Organization shall maintain and post the appropriate fire and health inspection certificates.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.720.72 Food [Eff. 4/1/11]	REPEAL	7.720.72 Food [Eff. 4/1/11] A. Areas used for food preparation, dish and utensil	7.720.72 Food [Eff. 4/1/11] A. Areas used for food preparation, dish and utensil	HB22-1295 was codified into law 4/25/22, creating	

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		washing, and storage shall be in compliance with the requirements of the Colorado Department of Public Health and Environment or its local unit. B. Youth member dietary allergy information gathered during youth member admission shall be referenced when preparing food for any and all youth members.	washing, and storage shall be in compliance with the requirements of the Colorado Department of Public Health and Environment or its local unit. B. Youth member dietary allergy information gathered during youth member admission shall be referenced when preparing food for any and all youth members.	CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.
7.720.73 Fire and Other Safety Requirements [Rev. eff. 6/1/12]	REPEAL	7.720.73 Fire and Other Safety Requirements [Rev. eff. 6/1/12] A. General Requirements 1. Buildings shall be kept in good repair and maintained in a safe condition. 2. Major cleaning involving the use of household or industrial cleaners is prohibited in rooms presently occupied by youth. 3. Volatile substances such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives and other hazardous items shall be stored away from the area used for youth care and be inaccessible to youth. 4. Combustibles such as cleaning rags, mops, and cleaning compounds shall be stored in well-ventilated areas separated from flammable materials and stored in areas inaccessible to youth. 5. Closets, attic, basement, cellar, furnace room, and exit routes shall be kept free from accumulation of extraneous materials that could cause or fuel a fire or hinder an escape or evacuation. 6. All heating units, whether gas or electric, shall be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters may be used for heating purposes. All heating elements, including hot water pipes, shall be insulated or installed in such a way that youth cannot come into contact with them. Nothing flammable or combustible may be stored within three (3) feet of a hot water heater or furnace. 7. Indoor and outdoor equipment, materials, and furnishings shall be sturdy, safe and free of hazards. 8. Equipment, materials, and furnishings, including	7.720.73 Fire and Other Safety Requirements [Rev. eff. 6/1/12] A. General Requirements 1. Buildings shall be kept in good repair and maintained in a safe condition. 2. Major cleaning involving the use of household or industrial cleaners is prohibited in rooms presently occupied by youth. 3. Volatile substances such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives and other hazardous items shall be stored away from the area used for youth care and be inaccessible to youth. 4. Combustibles such as cleaning rags, mops, and cleaning compounds shall be stored in well-ventilated areas separated from flammable materials and stored in areas inaccessible to youth. 5. Closets, attic, basement, cellar, furnace room, and exit routes shall be kept free from accumulation of extraneous materials that could cause or fuel a fire or hinder an escape or evacuation. 6. All heating units, whether gas or electric, shall be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters may be used for heating purposes. All heating elements, including hot water pipes, shall be insulated or installed in such a way that youth cannot come into contact with them. Nothing flammable or combustible may be stored within three (3) feet of a hot water heater or furnace. 7. Indoor and outdoor equipment, materials, and furnishings shall be sturdy, safe and free of hazards. 8. Equipment, materials, and furnishings, including	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.

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	<p> durable furniture such as tables and chairs, shall be stored in a manner that is safe for youth. 9. Extension cords cannot be used in place of permanent wiring. 10. Corridors, halls, stairs, and porches shall be adequately lighted. Operable battery-powered or solar lights shall be provided in locations readily accessible to staff in the event of electric power failure.</p> <p>B. Fire Safety A fire safety certificate shall be on file for each Neighborhood Youth Organization or at a central location.</p> <p>C. Emergency Drills 1. Each staff member and volunteer of the Neighborhood Youth Organization shall be trained in fire safety. 2. Fire exit drills shall be held often enough that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine. Fire drills shall be consistent with local fire department procedures. A record of fire drills held over the past twelve (12) months, including date and time of drill, number of adults and youth participating, and the amount of time taken to evacuate, shall be maintained at the Neighborhood Youth Organization site. 3. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions of an actual fire. 4. Drills shall emphasize orderly evacuation under proper discipline rather than speed. No running or horseplay should be permitted. 5. Drills shall include suitable procedures for ensuring that all persons in the building or all persons subject to the drill participate. 6. Fire alarm equipment shall be used regularly in the conduct of fire exit drills. 7. Tornado and emergency evacuation and lock down drills shall be held often enough that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established</p>	<p> durable furniture such as tables and chairs, shall be stored in a manner that is safe for youth. 9. Extension cords cannot be used in place of permanent wiring. 10. Corridors, halls, stairs, and porches shall be adequately lighted. Operable battery-powered or solar lights shall be provided in locations readily accessible to staff in the event of electric power failure.</p> <p>B. Fire Safety A fire safety certificate shall be on file for each Neighborhood Youth Organization or at a central location.</p> <p>C. Emergency Drills 1. Each staff member and volunteer of the Neighborhood Youth Organization shall be trained in fire safety. 2. Fire exit drills shall be held often enough that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine. Fire drills shall be consistent with local fire department procedures. A record of fire drills held over the past twelve (12) months, including date and time of drill, number of adults and youth participating, and the amount of time taken to evacuate, shall be maintained at the Neighborhood Youth Organization site. 3. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions of an actual fire. 4. Drills shall emphasize orderly evacuation under proper discipline rather than speed. No running or horseplay should be permitted. 5. Drills shall include suitable procedures for ensuring that all persons in the building or all persons subject to the drill participate. 6. Fire alarm equipment shall be used regularly in the conduct of fire exit drills. 7. Tornado and emergency evacuation and lock down drills shall be held often enough that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established</p>		
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		routine. A record of these drills held over the past twelve (12) months shall be maintained at the Neighborhood Youth Organization site.	routine. A record of these drills held over the past twelve (12) months shall be maintained at the Neighborhood Youth Organization site.		
7.720.8 RECORDS AND REPORTS	REPEAL	7.720.8 RECORDS AND REPORTS	7.720.8 RECORDS AND REPORTS	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.720.81 Youth Records [Eff. 4/1/11]	REPEAL	7.720.81 Youth Records [Eff. 4/1/11] The central administrative facility or Neighborhood Youth Organization site shall maintain and update annually a record on each youth that includes: A. The youth's full name, age, current address, date of birth, and membership. B. Names, addresses, and telephone numbers, which may include cell phone number(s), pagers, fax, and e-mail of parents or legal guardians. C. Any special instructions as to how the parents or guardians can be reached during the hours the youth is at the Neighborhood Youth Organization. D. Names, addresses, and telephone numbers of persons who can assume responsibility for the youth in the event of an emergency if parents or guardians cannot be reached immediately. E. A dated written authorization by a parent or legal guardian for: 1. The youth member to attend and be a member of the Neighborhood Youth Organization and to arrive and depart with parental or legal guardian supervision. 2. Emergency medical care signed and submitted annually by the parent or guardian. 3. The youth to participate in field trips and to participate in program activities, listing any possible exclusions. F. Reports of critical incidents including, but not limited to, serious injuries and accidents occurring during care that result in medical attention,	7.720.81 Youth Records [Eff. 4/1/11] The central administrative facility or Neighborhood Youth Organization site shall maintain and update annually a record on each youth that includes: A. The youth's full name, age, current address, date of birth, and membership. B. Names, addresses, and telephone numbers, which may include cell phone number(s), pagers, fax, and e-mail of parents or legal guardians. C. Any special instructions as to how the parents or guardians can be reached during the hours the youth is at the Neighborhood Youth Organization. D. Names, addresses, and telephone numbers of persons who can assume responsibility for the youth in the event of an emergency if parents or guardians cannot be reached immediately. E. A dated written authorization by a parent or legal guardian for: 1. The youth member to attend and be a member of the Neighborhood Youth Organization and to arrive and depart with parental or legal guardian supervision. 2. Emergency medical care signed and submitted annually by the parent or guardian. 3. The youth to participate in field trips and to participate in program activities, listing any possible exclusions. F. Reports of critical incidents including, but not limited to, serious injuries and accidents occurring during care that result in medical attention,	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		admission to the hospital, or death of a youth. G. Information regarding food borne allergies shall be obtained from all youth members and shall be referenced when preparing or serving food to youth members to prevent allergic reactions.	admission to the hospital, or death of a youth. G. Information regarding food borne allergies shall be obtained from all youth members and shall be referenced when preparing or serving food to youth members to prevent allergic reactions.		
7.720.82 Staff Records [Eff. 4/1/11]	REPEAL	7.720.82 Staff Records [Eff. 4/1/11] A. The Neighborhood Youth Organization shall maintain a record for each adult staff member, paid or volunteer, that includes the following: 1. Name, address, and birth date of the individual. 2. The date that the staff member was employed by the Neighborhood Youth Organization. 3. Name, address, and daytime telephone number, which may include cell phone numbers, pager numbers, fax numbers and e-mail address, of the person(s) to be notified in the event of an emergency. 4. Record and verification of the staff member's training, education, and experience. 5. Copies of First-Aid and CPR certification or other certification confirming the qualifications for the responsibilities assumed at the Neighborhood Youth Organization, which may include copies of driver's licenses, college transcripts, and diplomas. 6. Verification that a criminal record check has been performed and updated every two years with the Colorado Bureau of Investigation is in process, and a copy of the results of the staff member's criminal record check. 7. Verification that a review of the State Department's automated system for reporting youth abuse and neglect has occurred or is in process. B. Each staff member's personnel file shall contain all required information within thirty (30) calendar days of the first day of employment.	7.720.82 Staff Records [Eff. 4/1/11] A. The Neighborhood Youth Organization shall maintain a record for each adult staff member, paid or volunteer, that includes the following: 1. Name, address, and birth date of the individual. 2. The date that the staff member was employed by the Neighborhood Youth Organization. 3. Name, address, and daytime telephone number, which may include cell phone numbers, pager numbers, fax numbers and e-mail address, of the person(s) to be notified in the event of an emergency. 4. Record and verification of the staff member's training, education, and experience. 5. Copies of First-Aid and CPR certification or other certification confirming the qualifications for the responsibilities assumed at the Neighborhood Youth Organization, which may include copies of driver's licenses, college transcripts, and diplomas. 6. Verification that a criminal record check has been performed and updated every two years with the Colorado Bureau of Investigation is in process, and a copy of the results of the staff member's criminal record check. 7. Verification that a review of the State Department's automated system for reporting youth abuse and neglect has occurred or is in process. B. Each staff member's personnel file shall contain all required information within thirty (30) calendar days of the first day of employment.	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.720.83 Administrative Records and Reports [Eff. 4/1/11]	REPEAL	7.720.83 Administrative Records and Reports [Eff. 4/1/11] A. The following records shall be on file at the Neighborhood Youth Organization: 1. Records of enrollment, daily attendance for each youth, and daily record of time each youth arrives at and departs from the Neighborhood Youth	7.720.83 Administrative Records and Reports [Eff. 4/1/11] A. The following records shall be on file at the Neighborhood Youth Organization: 1. Records of enrollment, daily attendance for each youth, and daily record of time each youth arrives at and departs from the Neighborhood Youth	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are	

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		<p>Organization.</p> <p>2. Current Colorado Department of Public Health and Environment or local health department inspection report within the past twenty-four (24) months.</p> <p>3. Current local fire department inspection report issued within the past twenty-four (24) months.</p> <p>4. A list of current staff members, available on site or on file at a central location.</p> <p>B. A report about a critical incident shall include:</p> <p>1. The youth's name, birth date, address, and telephone number.</p> <p>2. The names of all involved and witnesses to the incident, the youth's parents or guardians, and their address and telephone number(s) if different from those of the youth.</p> <p>3. Date of the incident.</p> <p>4. Brief description of the incident.</p> <p>5. Documentation of action taken and/or the name and address of the police department or authority if a report was made.</p> <p>C. Each Neighborhood Youth Organization shall have a written plan for action in case of natural disaster including, but not limited to, floods, tornadoes, severe weather, and injuries. This plan shall be on file at the Neighborhood Youth Organization. The staff shall have received training regarding the implementation of the plan prior to assuming supervisory responsibility for youth. Written verification of the training shall be in the staff member's personnel file.</p>	<p>Organization.</p> <p>2. Current Colorado Department of Public Health and Environment or local health department inspection report within the past twenty-four (24) months.</p> <p>3. Current local fire department inspection report issued within the past twenty-four (24) months.</p> <p>4. A list of current staff members, available on site or on file at a central location.</p> <p>B. A report about a critical incident shall include:</p> <p>1. The youth's name, birth date, address, and telephone number.</p> <p>2. The names of all involved and witnesses to the incident, the youth's parents or guardians, and their address and telephone number(s) if different from those of the youth.</p> <p>3. Date of the incident.</p> <p>4. Brief description of the incident.</p> <p>5. Documentation of action taken and/or the name and address of the police department or authority if a report was made.</p> <p>C. Each Neighborhood Youth Organization shall have a written plan for action in case of natural disaster including, but not limited to, floods, tornadoes, severe weather, and injuries. This plan shall be on file at the Neighborhood Youth Organization. The staff shall have received training regarding the implementation of the plan prior to assuming supervisory responsibility for youth. Written verification of the training shall be in the staff member's personnel file.</p>	<p>duplicate regulations that must be repealed.</p>
<p>7.720.84 Confidentiality, Records Retention, and Cooperation with Local Investigations [Eff. 4/1/11]</p>	<p>REPEAL</p>	<p>7.720.84 Confidentiality, Records Retention, and Cooperation with Local Investigations [Eff. 4/1/11]</p> <p>A. The Neighborhood Youth Organization shall maintain complete records of youth and personnel.</p> <p>B. The confidentiality of all personnel and youth's records shall be maintained, pursuant to Section 7.701.6, "Confidentiality of Records".</p> <p>C. Personnel and youth's records shall be available, upon request, to authorized personnel of the State Department, pursuant to Section 19-1-307(2)(j.7).</p>	<p>7.720.84 Confidentiality, Records Retention, and Cooperation with Local Investigations [Eff. 4/1/11]</p> <p>A. The Neighborhood Youth Organization shall maintain complete records of youth and personnel.</p> <p>B. The confidentiality of all personnel and youth's records shall be maintained, pursuant to Section 7.701.6, "Confidentiality of Records".</p> <p>C. Personnel and youth's records shall be available, upon request, to authorized personnel of the State Department, pursuant to Section 19-1-307(2)(j.7).</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>

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		<p>C.R.S. D. If records for a headquarters servicing more than one Neighborhood Youth Organization are kept in a central file, duplicate identifying and emergency information for both staff and youth must also be kept on file at the Neighborhood Youth Organization attended by the youth and where the staff member is assigned. E. The records of youth and personnel shall be maintained by the Neighborhood Youth Organization or Neighborhood Youth Organization central headquarters for at least three (3) years. F. Neighborhood Youth Organizations shall cooperate with all state and local investigations regarding incidents including but not limited to licensing violations, child abuse, and incidents affecting the health, safety, and welfare of youth members.</p>	<p>C.R.S. D. If records for a headquarters servicing more than one Neighborhood Youth Organization are kept in a central file, duplicate identifying and emergency information for both staff and youth must also be kept on file at the Neighborhood Youth Organization attended by the youth and where the staff member is assigned. E. The records of youth and personnel shall be maintained by the Neighborhood Youth Organization or Neighborhood Youth Organization central headquarters for at least three (3) years. F. Neighborhood Youth Organizations shall cooperate with all state and local investigations regarding incidents including but not limited to licensing violations, child abuse, and incidents affecting the health, safety, and welfare of youth members.</p>		
7.730 - Rules Regulating Substitute Placement Agencies	REPEAL	<p>7.730 RULES REGULATING SUBSTITUTE PLACEMENT AGENCIES All substitute placement agencies must comply with the current "General Rules for Child Care Facilities" 7.701 AND "Rules Regulating Substitute Placement Agencies (less than 24-hour care)"</p>	<p>7.730 RULES REGULATING SUBSTITUTE PLACEMENT AGENCIES All substitute placement agencies must comply with the current "General Rules for Child Care Facilities" 7.701 AND "Rules Regulating Substitute Placement Agencies (less than 24-hour care)"</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.730.1 - Definitions	REPEAL	<p>7.730.1 DEFINITIONS A. "Adverse or negative licensing action" means a final agency action resulting in the denial of an application, the imposition of fines, or the suspension or revocation of a license or the demotion of such a license to a probationary license. B. "Arrange for placement" means to act as an intermediary by assisting a child care facility in the placement of a substitute child care provider. C. "Background checks" means a set of required records that are obtained and analyzed to determine whether the history of a prospective substitute child care employee meets legal and safety criteria when considering the placement of the individual in a less</p>	<p>7.730.1 DEFINITIONS A. "Adverse or negative licensing action" means a final agency action resulting in the denial of an application, the imposition of fines, or the suspension or revocation of a license or the demotion of such a license to a probationary license. B. "Arrange for placement" means to act as an intermediary by assisting a child care facility in the placement of a substitute child care provider. C. "Background checks" means a set of required records that are obtained and analyzed to determine whether the history of a prospective substitute child care employee meets legal and safety criteria when considering the placement of the individual in a less</p>	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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	<p>than 24 hour child care facility. D. "Child care center" means a licensed child care center, preschool or licensed school age child care center. E. "Employee" means any individual who is employed by or contracted through the agency. F. "Emergency child care center substitute" means a substitute who works in place of a regular staff member in a child care facility who is unable to work their normally scheduled work hours due to an unexpected event such as an absence of a staff member or personal emergency event. The purpose of the emergency substitute is to provide coverage for a staff member for no more than three (3) calendar days. G. "Emergency family child care home substitute" means a substitute who works in place of a family child care home provider who is unable to work their normally scheduled work hours due to an unexpected event such as an illness or personal emergency event. The purpose of the emergency substitute is to provide coverage for a family child care home provider until parents are able to pick up the children in care. H. "Equally qualified" means that the employee or substitute provider has the same required training and qualifications as the primary provider as specified in the rules regulating family child care homes; rules regulating child care centers or rules regulating school age child care. I. "Family child care home" means a child care facility located within a residence of a primary provider. J. "Licensing" means the process by which the Colorado department of human services approves a facility or agency for the purpose of conducting business as a child care facility and/or substitute placement agency. K. "Long term child care center substitute" means a substitute who works in place of a regular staff member who is unable to work their normally scheduled work hours due to a planned or</p>	<p>than 24 hour child care facility. D. "Child care center" means a licensed child care center, preschool or licensed school age child care center. E. "Employee" means any individual who is employed by or contracted through the agency. F. "Emergency child care center substitute" means a substitute who works in place of a regular staff member in a child care facility who is unable to work their normally scheduled work hours due to an unexpected event such as an absence of a staff member or personal emergency event. The purpose of the emergency substitute is to provide coverage for a staff member for no more than three (3) calendar days. G. "Emergency family child care home substitute" means a substitute who works in place of a family child care home provider who is unable to work their normally scheduled work hours due to an unexpected event such as an illness or personal emergency event. The purpose of the emergency substitute is to provide coverage for a family child care home provider until parents are able to pick up the children in care. H. "Equally qualified" means that the employee or substitute provider has the same required training and qualifications as the primary provider as specified in the rules regulating family child care homes; rules regulating child care centers or rules regulating school age child care. I. "Family child care home" means a child care facility located within a residence of a primary provider. J. "Licensing" means the process by which the Colorado department of human services approves a facility or agency for the purpose of conducting business as a child care facility and/or substitute placement agency. K. "Long term child care center substitute" means a substitute who works in place of a regular staff member who is unable to work their normally scheduled work hours due to a planned or</p>		
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	<p>unplanned event that requires the regular staff member be on leave for more than two (2) calendar weeks.</p> <p>L. "Long term family child care home substitute" means a substitute who works in place of a regular family child care home provider who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular family child care home provider to be on leave for more than two (2) calendar weeks.</p> <p>M. "Short term child care center substitute" means a substitute who works in place of a regular staff member who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular staff member be on leave for more than three (3) days and less than two (2) calendar weeks.</p> <p>N. "Short term family child care home substitute" means a substitute who works in place of a regular family child care home who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular family child care home to be on leave for more than three (3) days and less than two (2) calendar weeks.</p> <p>O. "Substitute child care provider," defined at section 26-6-102(37), C.R.S., means an adult over the age of eighteen (18) years who provides temporary care for a child or children in a licensed child care facility, including a child care center, preschool, school age child center or a family child care home.</p> <p>P. "Substitute placement agency," defined at section 26-6-102(37.5), C.R.S., means any corporation, partnership, association, firm, agency, or institution that places or that facilitates or arranges placement of emergency, short-term or long-term substitute child care providers in licensed child care facilities providing less than twenty-four-hour care.</p> <p>Q. "Substitute placement," means to coordinate, arrange, and approve the process of an adult substitute child care provider entering an unrelated family child care home or child care facility to provide substitute child care services on an</p>	<p>unplanned event that requires the regular staff member be on leave for more than two (2) calendar weeks.</p> <p>L. "Long term family child care home substitute" means a substitute who works in place of a regular family child care home provider who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular family child care home provider to be on leave for more than two (2) calendar weeks.</p> <p>M. "Short term child care center substitute" means a substitute who works in place of a regular staff member who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular staff member be on leave for more than three (3) days and less than two (2) calendar weeks.</p> <p>N. "Short term family child care home substitute" means a substitute who works in place of a regular family child care home who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular family child care home to be on leave for more than three (3) days and less than two (2) calendar weeks.</p> <p>O. "Substitute child care provider," defined at section 26-6-102(37), C.R.S., means an adult over the age of eighteen (18) years who provides temporary care for a child or children in a licensed child care facility, including a child care center, preschool, school age child center or a family child care home.</p> <p>P. "Substitute placement agency," defined at section 26-6-102(37.5), C.R.S., means any corporation, partnership, association, firm, agency, or institution that places or that facilitates or arranges placement of emergency, short-term or long-term substitute child care providers in licensed child care facilities providing less than twenty-four-hour care.</p> <p>Q. "Substitute placement," means to coordinate, arrange, and approve the process of an adult substitute child care provider entering an unrelated family child care home or child care facility to provide substitute child care services on an</p>		
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		<p>emergency, temporary/short term or long-term assignment. Substitutes may be employees or contract employees of the agency.</p>	<p>emergency, temporary/short term or long-term assignment. Substitutes may be employees or contract employees of the agency.</p>		
<p>7.730.11 - Governing Body</p>	<p>REPEAL</p>	<p>7.730.11 GOVERNING BODY The governing body must be identified by its legal name. The names and addresses of individuals who hold primary financial control and officers of the governing body must be disclosed fully to the Colorado department of human services. The governing body is responsible for providing adequate financing, qualified personnel, services, and program functions for the safety and well-being of children in accordance with these rules. When changes of governing body occur, the new governing body must immediately submit an original application and pay the required fee before a new license can be issued. A. A substitute placement agency, herein referred to as "THE AGENCY" may not be operated without a license, as required by law, to be issued by the state department in conformity with all rules and regulations. B. The substitute placement agency must: 1. Maintain the written purpose and policies for the general operation and management of the agency, including the placement of substitutes. When such purpose and policies are reviewed and revised, the state department must be advised of such changes. The purpose and policies at a minimum must include: a. The types of child care facilities in which substitutes will be placed, including the ages of children served at the child care facility where substitutes will be placed and the geographic area(s) the agency expects to serve; b. The responsibilities for child care facilities utilizing the substitute placement agency; c. Itemized fee schedule, including client set up fees, if applicable; d. Refund policy; e. Cancellation policy; f. Mileage/travel policy;</p>	<p>7.730.11 GOVERNING BODY The governing body must be identified by its legal name. The names and addresses of individuals who hold primary financial control and officers of the governing body must be disclosed fully to the Colorado department of human services. The governing body is responsible for providing adequate financing, qualified personnel, services, and program functions for the safety and well-being of children in accordance with these rules. When changes of governing body occur, the new governing body must immediately submit an original application and pay the required fee before a new license can be issued. A. A substitute placement agency, herein referred to as "THE AGENCY" may not be operated without a license, as required by law, to be issued by the state department in conformity with all rules and regulations. B. The substitute placement agency must: 1. Maintain the written purpose and policies for the general operation and management of the agency, including the placement of substitutes. When such purpose and policies are reviewed and revised, the state department must be advised of such changes. The purpose and policies at a minimum must include: a. The types of child care facilities in which substitutes will be placed, including the ages of children served at the child care facility where substitutes will be placed and the geographic area(s) the agency expects to serve; b. The responsibilities for child care facilities utilizing the substitute placement agency; c. Itemized fee schedule, including client set up fees, if applicable; d. Refund policy; e. Cancellation policy; f. Mileage/travel policy;</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>g. Minimum scheduled time policy; h. Services and types of substitutes available to the community; and i. The responsibilities of the agency and the child care facility for reporting suspected child abuse or neglect.</p> <p>2. The substitute agency must obtain a fully executed and signed contract with the child care facility prior to placing substitutes in the child care facility.</p> <p>3. The substitute agency must develop and implement personnel policies including, but not limited to:</p> <ul style="list-style-type: none">a. Job descriptions for substitutes;b. Qualifications for the position in accordance with current licensing standards;c. The duties and responsibilities of substitutes;d. The responsibilities of the substitute within a child care facility;e. The proper supervision of children;f. Proper guidance techniques;g. Proper name to face attendance and transitions;h. The identification and symptoms of suspected child abuse or neglect; andi. The reporting of suspected child abuse, including the statewide child abuse reporting hotline. <p>4. Substitutes must be informed of their duties at the time of employment or acceptance of a contract with the agency, and before being placed in a child care facility.</p> <p>5. Inform the department, in writing, of:</p> <ul style="list-style-type: none">a. A change in the executive director or the main contact of the agency within ten (10) calendar days.b. The hours of operation the agency office is open and available for inspection of agency records. <p>6. Notify the department, in writing, within 24 hours, anytime a substitute is the subject of a child protection investigation that resulted while placed at a child care facility; a substitute was the staff member in charge of a classroom and a child received an injury requiring emergency medical treatment; a substitute is responsible for a safe</p>	<p>g. Minimum scheduled time policy; h. Services and types of substitutes available to the community; and i. The responsibilities of the agency and the child care facility for reporting suspected child abuse or neglect.</p> <p>2. The substitute agency must obtain a fully executed and signed contract with the child care facility prior to placing substitutes in the child care facility.</p> <p>3. The substitute agency must develop and implement personnel policies including, but not limited to:</p> <ul style="list-style-type: none">a. Job descriptions for substitutes;b. Qualifications for the position in accordance with current licensing standards;c. The duties and responsibilities of substitutes;d. The responsibilities of the substitute within a child care facility;e. The proper supervision of children;f. Proper guidance techniques;g. Proper name to face attendance and transitions;h. The identification and symptoms of suspected child abuse or neglect; andi. The reporting of suspected child abuse, including the statewide child abuse reporting hotline. <p>4. Substitutes must be informed of their duties at the time of employment or acceptance of a contract with the agency, and before being placed in a child care facility.</p> <p>5. Inform the department, in writing, of:</p> <ul style="list-style-type: none">a. A change in the executive director or the main contact of the agency within ten (10) calendar days.b. The hours of operation the agency office is open and available for inspection of agency records. <p>6. Notify the department, in writing, within 24 hours, anytime a substitute is the subject of a child protection investigation that resulted while placed at a child care facility; a substitute was the staff member in charge of a classroom and a child received an injury requiring emergency medical treatment; a substitute is responsible for a safe</p>		
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		<p>sleep violation or a substitute has been terminated as a result of his/her actions while placed at a child care facility.</p> <p>7. Document and report within 24 hours, in writing, to the Colorado department of human services when the substitute from the agency is the staff member responsible for the child(ren,) in a child care facility and the child receives an injury resulting in medical care or treatment, any accident or illness occurring at a child care facility that resulted in medical care or treatment by a physician or other health care professional, hospitalization, or death.</p> <p>8. Carry public liability insurance. The applicant or licensee must submit the amount of the insurance and the name and the address of the insurance agency providing the insurance to the agency. Documentation of current liability insurance must be on file and available for review at all times at the agency.</p> <p>9. Complete the licensing renewal requirements by:</p> <p>a. Submitting the license continuation notice and fee prior to the annual due date of the continuation notice;</p> <p>b. Paying the prescribed application or continuation fee pursuant to section 7.701.4;</p> <p>c Cooperating with on-site monitoring inspections and investigations to assess the agency's compliance with the rules for substitute placement agencies.</p>	<p>sleep violation or a substitute has been terminated as a result of his/her actions while placed at a child care facility.</p> <p>7. Document and report within 24 hours, in writing, to the Colorado department of human services when the substitute from the agency is the staff member responsible for the child(ren,) in a child care facility and the child receives an injury resulting in medical care or treatment, any accident or illness occurring at a child care facility that resulted in medical care or treatment by a physician or other health care professional, hospitalization, or death.</p> <p>8. Carry public liability insurance. The applicant or licensee must submit the amount of the insurance and the name and the address of the insurance agency providing the insurance to the agency. Documentation of current liability insurance must be on file and available for review at all times at the agency.</p> <p>9. Complete the licensing renewal requirements by:</p> <p>a. Submitting the license continuation notice and fee prior to the annual due date of the continuation notice;</p> <p>b. Paying the prescribed application or continuation fee pursuant to section 7.701.4;</p> <p>c Cooperating with on-site monitoring inspections and investigations to assess the agency's compliance with the rules for substitute placement agencies.</p>		
7.730.2 PERSONNEL	REPEAL	7.730.2 PERSONNEL	7.730.2 PERSONNEL	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.730.21 - General Requirements for All Substitutes	REPEAL	7.730.21 GENERAL REQUIREMENTS FOR ALL SUBSTITUTES A. There must be a dated letter of agreement with each substitute which includes the specific job	7.730.21 GENERAL REQUIREMENTS FOR ALL SUBSTITUTES A. There must be a dated letter of agreement with each substitute which includes the specific job	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules	

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		<p>responsibilities/job description. The letter of agreement must be executed upon hire by both the agency and the substitute. Prior to being placed at a child care facility, substitutes must sign a statement indicating that they have read and understand the agency policies and procedures. All substitutes must be notified of changes to policies and procedures.</p> <p>B. All substitutes must be eighteen (18) years or older and qualified for the position which he/she will be providing substitute care.</p> <p>C. All substitutes must be registered in the professional development information system;</p> <p>D. All substitutes must have completed all the pre-service training courses listed at 7.730.3d1-6j prior to being placed at a child care facility;</p> <p>E. All substitutes must complete the department-approved playground safety training prior to working with children and annually;</p> <p>F. All substitutes must complete the department-approved injury prevention training prior to working with children and annually;</p> <p>G. The personnel file of each substitute must contain clearance or arrest report from the Colorado Bureau of Investigation resulting from the staff member's criminal record check in accordance with section 7.701.33 of the general rules for child care facilities.</p> <p>H. The personnel file of each substitute must contain the results of the state department's automated child abuse and neglect system. In accordance with section 7.701.32 of the general rules for child care facilities.</p> <p>I. Substitutes must be current for all immunizations routinely recommended for adults by their health care provider.</p>	<p>responsibilities/job description. The letter of agreement must be executed upon hire by both the agency and the substitute. Prior to being placed at a child care facility, substitutes must sign a statement indicating that they have read and understand the agency policies and procedures. All substitutes must be notified of changes to policies and procedures.</p> <p>B. All substitutes must be eighteen (18) years or older and qualified for the position which he/she will be providing substitute care.</p> <p>C. All substitutes must be registered in the professional development information system;</p> <p>D. All substitutes must have completed all the pre-service training courses listed at 7.730.3d1-6j prior to being placed at a child care facility;</p> <p>E. All substitutes must complete the department-approved playground safety training prior to working with children and annually;</p> <p>F. All substitutes must complete the department-approved injury prevention training prior to working with children and annually;</p> <p>G. The personnel file of each substitute must contain clearance or arrest report from the Colorado Bureau of Investigation resulting from the staff member's criminal record check in accordance with section 7.701.33 of the general rules for child care facilities.</p> <p>H. The personnel file of each substitute must contain the results of the state department's automated child abuse and neglect system. In accordance with section 7.701.32 of the general rules for child care facilities.</p> <p>I. Substitutes must be current for all immunizations routinely recommended for adults by their health care provider.</p>	<p>from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	
<p>7.730.22 - Personnel Policies, Orientation and Staff Development</p>	<p>REPEAL</p>	<p>7.730.22 PERSONNEL POLICIES, ORIENTATION AND STAFF DEVELOPMENT</p> <p>A. A written statement of personnel policy shall be provided to each substitute or qualified applicant. This statement shall, at a minimum, contain the following information:</p> <p>1. A job description which outlines the duties,</p>	<p>7.730.22 PERSONNEL POLICIES, ORIENTATION AND STAFF DEVELOPMENT</p> <p>A. A written statement of personnel policy shall be provided to each substitute or qualified applicant. This statement shall, at a minimum, contain the following information:</p> <p>1. A job description which outlines the duties,</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are</p>	

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	<p>responsibilities, qualifications; and educational requirements for the position.</p> <p>2. A procedure for tracking the placement hours, including the name of the facility, the license number, facility address and ages of children where the substitute is placed.</p> <p>3. Prior to working with children, each substitute must read and be instructed about the policies and procedures of the agency, including those related to proper supervision of children, identification and symptoms of suspected child abuse or neglect, the reporting of suspected child abuse. Substitutes must sign a statement indicating that they have read and understand the agency's policies and procedures.</p> <p>4. A written pre-service training plan for each substitute. Each substitute must complete the following training before being placed in a child care facility:</p> <p>a. Each substitute working with infants less than twelve (12) months old must complete a department-approved safe sleep training prior to working with infants less than twelve (12) months old. This training must be renewed annually and may be counted towards ongoing training requirements.</p> <p>b. Each substitute working with children less than three (3) years of age must complete a department-approved prevention of shaken baby/abusive head trauma training prior to working with children less than three (3) years of age. This training must be renewed annually and counts towards ongoing training requirements.</p> <p>c. Each substitute must complete a department-approved standard precautions training that meets current occupational safety and health administration (OSHA) requirements prior to working with children. This training must be renewed annually and counts towards ongoing training requirements.</p> <p>d. Prior to working with children and annually each substitute must be trained using department-approved training about child abuse prevention,</p>	<p>responsibilities, qualifications; and educational requirements for the position.</p> <p>2. A procedure for tracking the placement hours, including the name of the facility, the license number, facility address and ages of children where the substitute is placed.</p> <p>3. Prior to working with children, each substitute must read and be instructed about the policies and procedures of the agency, including those related to proper supervision of children, identification and symptoms of suspected child abuse or neglect, the reporting of suspected child abuse. Substitutes must sign a statement indicating that they have read and understand the agency's policies and procedures.</p> <p>4. A written pre-service training plan for each substitute. Each substitute must complete the following training before being placed in a child care facility:</p> <p>a. Each substitute working with infants less than twelve (12) months old must complete a department-approved safe sleep training prior to working with infants less than twelve (12) months old. This training must be renewed annually and may be counted towards ongoing training requirements.</p> <p>b. Each substitute working with children less than three (3) years of age must complete a department-approved prevention of shaken baby/abusive head trauma training prior to working with children less than three (3) years of age. This training must be renewed annually and counts towards ongoing training requirements.</p> <p>c. Each substitute must complete a department-approved standard precautions training that meets current occupational safety and health administration (OSHA) requirements prior to working with children. This training must be renewed annually and counts towards ongoing training requirements.</p> <p>d. Prior to working with children and annually each substitute must be trained using department-approved training about child abuse prevention,</p>	<p>duplicate regulations that must be repealed.</p>	
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Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft

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	<p>including common symptoms and signs of child abuse.</p> <p>e. Prior to working with children and annually each substitute must be trained using a department-approved training on how to report, where to report and when to report suspected or known child abuse or neglect.</p> <p>f. The agency must ensure that each substitute is familiar with the licensing rules governing the specific child care license type in which the substitute will be placed within thirty (30) calendar days of employment at the Substitute Placement Agency.</p> <p>g. The agency must ensure that each substitute is familiar with the rules and regulations governing the health and sanitation of child care facilities in the state of Colorado if placed in a facility that these rules apply within thirty (30) calendar days of employment at the substitute placement agency.</p> <p>h. Each substitute must have current department-approved first aid and CPR certification before working in a classroom alone.</p> <p>i. Each substitute must complete a minimum of fifteen (15) clock hours of training each year beginning with the start date of the employee. At least three (3) clock hours per year must be in the focus of social emotional development.</p> <p>j. Ongoing training and courses shall demonstrate a direct connection to one or more of the following competency areas:</p> <ol style="list-style-type: none">1) Child growth and development, and learning or courses that align with the competency domains of child growth and development;2) Child observation and assessment;3) Family and community partnership;4) Guidance;5) Health, safety and nutrition;6) Professional development and leadership;7) Program planning and development; or,8) Teaching practices <p>k. Each one (1) semester hour course with a direct connection to the competency area listed in section</p>	<p>including common symptoms and signs of child abuse.</p> <p>e. Prior to working with children and annually each substitute must be trained using a department-approved training on how to report, where to report and when to report suspected or known child abuse or neglect.</p> <p>f. The agency must ensure that each substitute is familiar with the licensing rules governing the specific child care license type in which the substitute will be placed within thirty (30) calendar days of employment at the Substitute Placement Agency.</p> <p>g. The agency must ensure that each substitute is familiar with the rules and regulations governing the health and sanitation of child care facilities in the state of Colorado if placed in a facility that these rules apply within thirty (30) calendar days of employment at the substitute placement agency.</p> <p>h. Each substitute must have current department-approved first aid and CPR certification before working in a classroom alone.</p> <p>i. Each substitute must complete a minimum of fifteen (15) clock hours of training each year beginning with the start date of the employee. At least three (3) clock hours per year must be in the focus of social emotional development.</p> <p>j. Ongoing training and courses shall demonstrate a direct connection to one or more of the following competency areas:</p> <ol style="list-style-type: none">1) Child growth and development, and learning or courses that align with the competency domains of child growth and development;2) Child observation and assessment;3) Family and community partnership;4) Guidance;5) Health, safety and nutrition;6) Professional development and leadership;7) Program planning and development; or,8) Teaching practices <p>k. Each one (1) semester hour course with a direct connection to the competency area listed in section</p>		
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	<p>7.702.33, L, 1-8, taken at a regionally accredited college or university shall count as fifteen (15) clock hours of ongoing training.</p> <p>l. Training hours completed can only be counted during the year taken and cannot be carried over.</p> <p>m. To be counted for ongoing training, the training certificate must have documentation that includes:</p> <ol style="list-style-type: none">1) The title of the training;2) The competency domain;3) The date and clock hours of the training;4) The name or signature, or other approved method of verifying the identity of trainer or entity;5) Expiration of training if applicable; and6) Connection to social emotional focus if applicable. <p>5. The substitute must have a complete file maintained at the substitute placement agency and have a portable file available for review at all times to both licensing and the child care facility where the substitute is providing substitute care.</p> <p>Documentation of qualifications for the position includes:</p> <ol style="list-style-type: none">a. Certificate verifying all pre-service training, including name, phone number, and license number of agency;b. Department issued director letter; orc. Department issued early childhood teacher letter; ord. Official college transcript and letters of experience; ore. Credential 2.0 level 3 or higher; andf. First aid and CPR certificates; andg. Complete background check; andh. Emergency contact name, address and phone number. <p>6. Substitutes must not consume or be under the influence of any substance that impairs their ability to care for children while caring for children.</p> <p>7. Illegal drugs, drug paraphernalia, marijuana and marijuana infused products, and alcohol must never be present on the premises of the facility.</p> <p>8. Substitutes must maintain the confidentiality of</p>	<p>7.702.33, L, 1-8, taken at a regionally accredited college or university shall count as fifteen (15) clock hours of ongoing training.</p> <p>l. Training hours completed can only be counted during the year taken and cannot be carried over.</p> <p>m. To be counted for ongoing training, the training certificate must have documentation that includes:</p> <ol style="list-style-type: none">1) The title of the training;2) The competency domain;3) The date and clock hours of the training;4) The name or signature, or other approved method of verifying the identity of trainer or entity;5) Expiration of training if applicable; and6) Connection to social emotional focus if applicable. <p>5. The substitute must have a complete file maintained at the substitute placement agency and have a portable file available for review at all times to both licensing and the child care facility where the substitute is providing substitute care.</p> <p>Documentation of qualifications for the position includes:</p> <ol style="list-style-type: none">a. Certificate verifying all pre-service training, including name, phone number, and license number of agency;b. Department issued director letter; orc. Department issued early childhood teacher letter; ord. Official college transcript and letters of experience; ore. Credential 2.0 level 3 or higher; andf. First aid and CPR certificates; andg. Complete background check; andh. Emergency contact name, address and phone number. <p>6. Substitutes must not consume or be under the influence of any substance that impairs their ability to care for children while caring for children.</p> <p>7. Illegal drugs, drug paraphernalia, marijuana and marijuana infused products, and alcohol must never be present on the premises of the facility.</p> <p>8. Substitutes must maintain the confidentiality of</p>		
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		<p>the children, families and the child care facility where the substitute is placed.</p> <p>9. Substitutes are responsible for documenting experience hours with the specific ages of children cared for, while providing substitute child care for the purpose of employment verification with the agency.</p> <p>10. Substitutes must not take personal photos of children, or make reference to any personal information of children, families or other child care facilities, including staff, on social media, email, text messages or other means of communication, written or verbal.</p> <p>11. When caring for children, substitutes must refrain from personal use of electronics including, but not limited to, cell phones and portable electronic devices.</p> <p>12. Substitutes must sign in and out of every facility each time they work at a child care facility.</p>	<p>the children, families and the child care facility where the substitute is placed.</p> <p>9. Substitutes are responsible for documenting experience hours with the specific ages of children cared for, while providing substitute child care for the purpose of employment verification with the agency.</p> <p>10. Substitutes must not take personal photos of children, or make reference to any personal information of children, families or other child care facilities, including staff, on social media, email, text messages or other means of communication, written or verbal.</p> <p>11. When caring for children, substitutes must refrain from personal use of electronics including, but not limited to, cell phones and portable electronic devices.</p> <p>12. Substitutes must sign in and out of every facility each time they work at a child care facility.</p>		
7.730.23 - Substitute Qualifications	REPEAL	<p>7.730.23 SUBSTITUTE QUALIFICATIONS</p> <p>A. Substitute for a child care center</p> <ol style="list-style-type: none"> 1. Must meet requirements found at 7.730.21; and 2. Must meet the current minimum education and experience requirements for the position in which the substitute is providing child care. <p>B. Large child care center director: the educational requirements for the director or substitute director of a large center must be met by satisfactory completion of one of the following. Official college transcripts must be submitted to the department for evaluation of qualifications.</p> <ol style="list-style-type: none"> 1. A Bachelor degree in Early Childhood Education from a regionally accredited Colorado college or university; or, 2. A current Early Childhood Professional Credential Level IV version 2.0 as determined by the Colorado Department Of Education; or, 3. A Master's Degree with a major emphasis in Child Development, Early Childhood Education, Early Childhood Special Education; or, 4. Completion of all of the following three (3) semester hour courses from a regionally accredited 	<p>7.730.23 SUBSTITUTE QUALIFICATIONS</p> <p>A. Substitute for a child care center</p> <ol style="list-style-type: none"> 1. Must meet requirements found at 7.730.21; and 2. Must meet the current minimum education and experience requirements for the position in which the substitute is providing child care. <p>B. Large child care center director: the educational requirements for the director or substitute director of a large center must be met by satisfactory completion of one of the following. Official college transcripts must be submitted to the department for evaluation of qualifications.</p> <ol style="list-style-type: none"> 1. A Bachelor degree in Early Childhood Education from a regionally accredited Colorado college or university; or, 2. A current Early Childhood Professional Credential Level IV version 2.0 as determined by the Colorado Department Of Education; or, 3. A Master's Degree with a major emphasis in Child Development, Early Childhood Education, Early Childhood Special Education; or, 4. Completion of all of the following three (3) semester hour courses from a regionally accredited 	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>college or university, at either a two year, four year or graduate level, in each of the following subject or content areas:</p> <ul style="list-style-type: none"> a. Introduction To Early Childhood Professions; b. Introduction To Early Childhood Lab Techniques; c. Early Childhood Guidance Strategies For Children; d. Early Childhood Health, Nutrition, And Safety; e. Administration Of Early Childhood Care And Education Programs; f. Administration: Human Relations For Early Childhood Professions or Introduction To Business; Early Childhood Curriculum Development; g. Early Childhood Growth And Development; h. The Exceptional Child; and, i. Infant/Toddler Theory And Practice; Or The Department Approved Expanding Quality Infant/Toddler training; or, <p>5. Completion of a course of training approved by the department that includes course content listed at section 7.730.22c, a-j, and documented experience.</p> <p>6. Department approved alternative pathway or credential.</p> <p>7. The experience requirements for the director of a large center must be met by completion of the following amount of work experience in a child development program, which includes working with a group of children in such programs as a preschool, child care center, kindergarten, or Head Start program:</p> <ul style="list-style-type: none"> a. Persons with Bachelor's or Master's degree with a major emphasis in Child Development, Early Childhood Education, Early Childhood Special Education, Or An Early Childhood Professional Credential Level IV version 2.0 as determined by the Colorado Department Of Education; no additional experience is required. b. Persons with a 2-year college degree in Early Childhood Education must have twelve (12) months (1,820 hours) of verified experience working directly with children in a child development program. c. Persons with a Bachelor's degree and completion 	<p>college or university, at either a two year, four year or graduate level, in each of the following subject or content areas:</p> <ul style="list-style-type: none"> a. Introduction To Early Childhood Professions; b. Introduction To Early Childhood Lab Techniques; c. Early Childhood Guidance Strategies For Children; d. Early Childhood Health, Nutrition, And Safety; e. Administration Of Early Childhood Care And Education Programs; f. Administration: Human Relations For Early Childhood Professions or Introduction To Business; Early Childhood Curriculum Development; g. Early Childhood Growth And Development; h. The Exceptional Child; and, i. Infant/Toddler Theory And Practice; Or The Department Approved Expanding Quality Infant/Toddler training; or, <p>5. Completion of a course of training approved by the department that includes course content listed at section 7.730.22c, a-j, and documented experience.</p> <p>6. Department approved alternative pathway or credential.</p> <p>7. The experience requirements for the director of a large center must be met by completion of the following amount of work experience in a child development program, which includes working with a group of children in such programs as a preschool, child care center, kindergarten, or Head Start program:</p> <ul style="list-style-type: none"> a. Persons with Bachelor's or Master's degree with a major emphasis in Child Development, Early Childhood Education, Early Childhood Special Education, Or An Early Childhood Professional Credential Level IV version 2.0 as determined by the Colorado Department Of Education; no additional experience is required. b. Persons with a 2-year college degree in Early Childhood Education must have twelve (12) months (1,820 hours) of verified experience working directly with children in a child development program. c. Persons with a Bachelor's degree and completion 		
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	<p>of courses specified in sections 7.702.42, A, 3, A-J, must have twelve (12) months (1,820 hours) of verified experience working directly with children in a child development program.</p> <p>d. Persons who have no degree but have completed the thirty (30) semester hours specified in section 7.702.42, A, 3, A-J, must have twenty-four (24) months (3,640 hours) of verified experience working directly with children in a child development program.</p> <p>e. Verified experience acquired in a licensed COLORADO Family Child Care Home OR School-Age Child Care Center may count for up to half of the required experience for director qualifications. To have Colorado Family Child Care Home experience considered, the applicant must be or have been the licensee. The other half of the required experience must be working directly with children in a child development program;</p> <p>f. Experience with five (5) year olds must be verified as follows:</p> <p>i. If experience caring for five-year-old children occurs in a child care center classroom, the hours worked shall be counted as preschool experience; or,</p> <p>ii. If experience caring for five-year-old children occurs in an elementary school program, the hours worked shall be counted as school-age experience.</p> <p>C. The small center director qualifications must be met by satisfactory completion of:</p> <ol style="list-style-type: none">1. A current professional teaching license issued by the Colorado Department Of Education with an endorsement in the area of Early Childhood Education Or Early Childhood Special Education;2. A current Early Childhood Professional Credential Level III version 2.0 as determined by the Colorado Department Of Education;3. Three (3) years' satisfactory experience in the group care of children less than six (6) years of age (5460 hours) and at least two (2) 3-semester hours from a regionally accredited college or university, at either a two-year, four year or graduate level, in	<p>of courses specified in sections 7.702.42, A, 3, A-J, must have twelve (12) months (1,820 hours) of verified experience working directly with children in a child development program.</p> <p>d. Persons who have no degree but have completed the thirty (30) semester hours specified in section 7.702.42, A, 3, A-J, must have twenty-four (24) months (3,640 hours) of verified experience working directly with children in a child development program.</p> <p>e. Verified experience acquired in a licensed COLORADO Family Child Care Home OR School-Age Child Care Center may count for up to half of the required experience for director qualifications. To have Colorado Family Child Care Home experience considered, the applicant must be or have been the licensee. The other half of the required experience must be working directly with children in a child development program;</p> <p>f. Experience with five (5) year olds must be verified as follows:</p> <p>i. If experience caring for five-year-old children occurs in a child care center classroom, the hours worked shall be counted as preschool experience; or,</p> <p>ii. If experience caring for five-year-old children occurs in an elementary school program, the hours worked shall be counted as school-age experience.</p> <p>C. The small center director qualifications must be met by satisfactory completion of:</p> <ol style="list-style-type: none">1. A current professional teaching license issued by the Colorado Department Of Education with an endorsement in the area of Early Childhood Education Or Early Childhood Special Education;2. A current Early Childhood Professional Credential Level III version 2.0 as determined by the Colorado Department Of Education;3. Three (3) years' satisfactory experience in the group care of children less than six (6) years of age (5460 hours) and at least two (2) 3-semester hours from a regionally accredited college or university, at either a two-year, four year or graduate level, in		
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	<p>each of the following subject or content areas in early childhood education; one of the courses must be either Introduction To Early Childhood Education Or Guidance Strategies;</p> <p>4. Two (2) years' college education (sixty semester hours) at a regionally accredited college or university, at either a two-year, four year or graduate level, in each of the following subject or content areas with at least two (2) 3-semester-hour courses in early childhood education; one of which must be either Introduction To Early Childhood Education Or Guidance Strategies; and one (1) year (1820 hours) of satisfactory experience in the group care of children less than six (6) years of age;</p> <p>5. Current certification as a Child Development Associate (CDA) or other department approved credential; or,</p> <p>6. A two (2) year college degree in Child Development Or Early Childhood Education from a regionally accredited college or university, at either a two-year, four year or graduate level, in each of the following subject or content areas that must include at least one 3- semester hour course in either Introduction To Early Childhood Education Or Guidance Strategies and six (6) months (910 hours) satisfactory experience in the group care of children less than six (6) years of age.</p> <p>7. Department approved alternative pathway or credential.</p> <p>D. The Early Childhood Teacher must be met by satisfactory completion of:</p> <p>1. A Bachelor's degree from a regionally accredited college or university with a major area of study in one of the following areas:</p> <ul style="list-style-type: none">a. Early Childhood Education;b. Elementary Education;c. Special Education;d. Family And Child Development; Or,e. Child Psychology. <p>2. A Bachelor's degree from a regionally accredited college or university with a major area of study in any area other than those listed at section</p>	<p>each of the following subject or content areas in early childhood education; one of the courses must be either Introduction To Early Childhood Education Or Guidance Strategies;</p> <p>4. Two (2) years' college education (sixty semester hours) at a regionally accredited college or university, at either a two-year, four year or graduate level, in each of the following subject or content areas with at least two (2) 3-semester-hour courses in early childhood education; one of which must be either Introduction To Early Childhood Education Or Guidance Strategies; and one (1) year (1820 hours) of satisfactory experience in the group care of children less than six (6) years of age;</p> <p>5. Current certification as a Child Development Associate (CDA) or other department approved credential; or,</p> <p>6. A two (2) year college degree in Child Development Or Early Childhood Education from a regionally accredited college or university, at either a two-year, four year or graduate level, in each of the following subject or content areas that must include at least one 3- semester hour course in either Introduction To Early Childhood Education Or Guidance Strategies and six (6) months (910 hours) satisfactory experience in the group care of children less than six (6) years of age.</p> <p>7. Department approved alternative pathway or credential.</p> <p>D. The Early Childhood Teacher must be met by satisfactory completion of:</p> <p>1. A Bachelor's degree from a regionally accredited college or university with a major area of study in one of the following areas:</p> <ul style="list-style-type: none">a. Early Childhood Education;b. Elementary Education;c. Special Education;d. Family And Child Development; Or,e. Child Psychology. <p>2. A Bachelor's degree from a regionally accredited college or university with a major area of study in any area other than those listed at section</p>		
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	<p>7.730.23a5 and additional two (2) three-semester hour early childhood education college courses with one course being Either Introduction To Early Childhood Education or Guidance Strategies;</p> <p>a. Current Early Childhood Professional Credential Level III version 2.0 as determined by the Colorado Department Of Education;</p> <p>b. A 2-year college degree, sixty (60) semester hours, in early childhood education from a regionally accredited college or university, which must include at least two (2) three-semester hour courses, one of which must be either Introduction To Early Childhood Education Or Guidance Strategies; and at least six (6) months (910 hours) of satisfactory experience;</p> <p>c. Completion of twelve (12) semester hours from a regionally accredited college or university, at either a two year, four year or graduate level, in each of the following subject or content areas in early childhood education and one of the three (3) semester hour courses must be either introduction to Early Childhood Education Or Guidance Strategies, plus nine (9) months (1,395 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;</p> <p>d. Completion of a vocational or occupational education sequence in Child Growth And Development plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;</p> <p>e. Current certification as a Child Development Associate (CDA) or other Department-approved credential;</p> <p>f. Completion of a course of training approved by the Department that includes training and work experience with children in a child growth and development program plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the</p>	<p>7.730.23a5 and additional two (2) three-semester hour early childhood education college courses with one course being Either Introduction To Early Childhood Education or Guidance Strategies;</p> <p>a. Current Early Childhood Professional Credential Level III version 2.0 as determined by the Colorado Department Of Education;</p> <p>b. A 2-year college degree, sixty (60) semester hours, in early childhood education from a regionally accredited college or university, which must include at least two (2) three-semester hour courses, one of which must be either Introduction To Early Childhood Education Or Guidance Strategies; and at least six (6) months (910 hours) of satisfactory experience;</p> <p>e. Completion of twelve (12) semester hours from a regionally accredited college or university, at either a two year, four year or graduate level, in each of the following subject or content areas in early childhood education and one of the three (3) semester hour courses must be either introduction to Early Childhood Education Or Guidance Strategies, plus nine (9) months (1,395 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;</p> <p>d. Completion of a vocational or occupational education sequence in Child Growth And Development plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;</p> <p>e. Current certification as a Child Development Associate (CDA) or other Department-approved credential;</p> <p>f. Completion of a course of training approved by the Department that includes training and work experience with children in a child growth and development program plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the</p>		
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	<p>individual; or, g. Twenty-four (24) months (3,640 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual. Satisfactory experience includes being a licensee of a Colorado family child care home; a teacher's aide or teacher in a child care center, preschool, or elementary school, plus either: h. A current Colorado level I credential; or, i. Two (2) three-semester hour Early Childhood Education college courses from a regionally accredited college or university, at either a two-year, four year or graduate level, in each of the following subject or content areas with one course being either Introduction To Early Childhood Education Or Guidance Strategies. j. Department approved alternative pathway or credential. 3. All college course grades toward Early Childhood Teacher qualifications must be "C" or better. E. Assistant early childhood teacher 1. Completion of one of the Early Childhood Education courses in section 7.702.42, a, with a course grade of "C" or better and twelve (12) months (1820 hours) verified experience in the care and supervision of four (4) or more children less than six (6) years of age, who are not related to the individual. Satisfactory experience includes being a licensee of a Family Child Care Home; a teacher's aide in a center, preschool or elementary school. Assistant Early Childhood Teachers must be enrolled in and attending the second (2nd) Early Childhood Education class which will be used as the basis for their qualification for the position of Early Childhood Teacher; 2. Persons having completed two (2) of the Early Childhood Education classes referenced in section 7.702.42, a, with a course grade of "C" or better and no experience; or, 3. A current Early Childhood Professional Credential level I version 1.0 or 2.0 as determined by the</p>	<p>individual; or, g. Twenty-four (24) months (3,640 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual. Satisfactory experience includes being a licensee of a Colorado family child care home; a teacher's aide or teacher in a child care center, preschool, or elementary school, plus either: h. A current Colorado level I credential; or, i. Two (2) three-semester hour Early Childhood Education college courses from a regionally accredited college or university, at either a two-year, four year or graduate level, in each of the following subject or content areas with one course being either Introduction To Early Childhood Education Or Guidance Strategies. j. Department approved alternative pathway or credential. 3. All college course grades toward Early Childhood Teacher qualifications must be "C" or better. E. Assistant early childhood teacher 1. Completion of one of the Early Childhood Education courses in section 7.702.42, a, with a course grade of "C" or better and twelve (12) months (1820 hours) verified experience in the care and supervision of four (4) or more children less than six (6) years of age, who are not related to the individual. Satisfactory experience includes being a licensee of a Family Child Care Home; a teacher's aide in a center, preschool or elementary school. Assistant Early Childhood Teachers must be enrolled in and attending the second (2nd) Early Childhood Education class which will be used as the basis for their qualification for the position of Early Childhood Teacher; 2. Persons having completed two (2) of the Early Childhood Education classes referenced in section 7.702.42, a, with a course grade of "C" or better and no experience; or, 3. A current Early Childhood Professional Credential level I version 1.0 or 2.0 as determined by the</p>		
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	<p>Colorado Department of Education. F. Staff Aide 1. Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the Director or an Early Childhood Teacher. 2. Infant Staff Aides must be at least eighteen (18) years of age. 3. Staff Aides, without supervision from an Early Childhood Teacher or Director, may supervise no more than two (2) preschool age children while assisting the children with diapering or toileting. G. The Kindergarten teacher qualifications must be met by satisfactory completion of: 1. Each teacher of a kindergarten class must have the same qualifications as a director for a large center (see section 7.702.42), be state certified or licensed as an elementary teacher by the Colorado Department of Education, or have a four (4) year degree from a regionally accredited college or university in Elementary or Early Childhood Education. 2. A current Early Childhood Professional credential level iii version 2.0 as determined by the Colorado Department of Education. H. The Infant Program Supervisor qualifications must be met by satisfactory completion of: 1. A Registered Nurse, licensed to practice in Colorado, with a minimum of 6 months of experience in the care of infants. 2. A Licensed Practical Nurse, licensed to practice in Colorado, with twelve (12) months of experience in the care of infants. 3. An adult who holds a certificate in Infant And Toddler Care from a regionally accredited college or university with completion of a minimum of 30 semester hours in the development and care of infants and toddlers in a group setting. 4. An adult who is currently certified as a Child Development Associate (CDA) and has completed the department approved Expanding Quality in Infant and Toddler Development Course of training. 5. An adult who:</p>	<p>Colorado Department of Education. F. Staff Aide 1. Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the Director or an Early Childhood Teacher. 2. Infant Staff Aides must be at least eighteen (18) years of age. 3. Staff Aides, without supervision from an Early Childhood Teacher or Director, may supervise no more than two (2) preschool age children while assisting the children with diapering or toileting. G. The Kindergarten teacher qualifications must be met by satisfactory completion of: 1. Each teacher of a kindergarten class must have the same qualifications as a director for a large center (see section 7.702.42), be state certified or licensed as an elementary teacher by the Colorado Department of Education, or have a four (4) year degree from a regionally accredited college or university in Elementary or Early Childhood Education. 2. A current Early Childhood Professional credential level iii version 2.0 as determined by the Colorado Department of Education. H. The Infant Program Supervisor qualifications must be met by satisfactory completion of: 1. A Registered Nurse, licensed to practice in Colorado, with a minimum of 6 months of experience in the care of infants. 2. A Licensed Practical Nurse, licensed to practice in Colorado, with twelve (12) months of experience in the care of infants. 3. An adult who holds a certificate in Infant And Toddler Care from a regionally accredited college or university with completion of a minimum of 30 semester hours in the development and care of infants and toddlers in a group setting. 4. An adult who is currently certified as a Child Development Associate (CDA) and has completed the department approved Expanding Quality in Infant and Toddler Development Course of training. 5. An adult who:</p>	
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Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft

CDHS Tracking #: 25-06-17-01

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	<p>a. Holds a current Early Childhood Professional credential level III version 2.0, as determined by the Colorado Department Of Education;</p> <p>b. Has completed one three-semester-hour class in infant/toddler development; or,</p> <p>c. Has completed the department-approved "Expanding Quality in Infant and Toddler Development" and holds twelve months of verifiable full-day experience working with infants and/or toddlers.</p> <p>6. An adult who:</p> <p>a. Is at least nineteen (19) years of age, and,</p> <p>b. Is qualified as an Early Childhood Teacher and,</p> <p>c. Has a minimum of twelve (12) months of verifiable full-day experience in the group care of infants or toddlers; and,</p> <p>d. Has completed at least two (2) three (3)-semester hour college courses from a regionally accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be infant/toddler development or the Department approved Expanding Quality In Infant And Toddler Development course of training.</p> <p>7. The Infant Program Early Childhood Teacher qualifications must be met by satisfactory completion of:</p> <p>a. Eight (8) hours of orientation in the infant program from the Infant Program Supervisor including, but not limited to, the following topics: toys and equipment, appropriate activities for infants and toddlers, appropriate sleep positions for infants and toddlers, the safe and appropriate diaper change technique; and,</p> <p>b. At least six (6) months of experience in the care of infants or toddlers; and,</p> <p>c. Meet qualifications for an Early Childhood Teacher found at section 7.702.44, a, or be qualified as an infant program supervisor.</p> <p>8. The Infant Program Staff Aide must be at least eighteen (18) years of age, must have completed eight (8) hours of orientation as listed above, at the infant program and must work under the direct</p>	<p>a. Holds a current Early Childhood Professional credential level III version 2.0, as determined by the Colorado Department Of Education;</p> <p>b. Has completed one three-semester-hour class in infant/toddler development; or,</p> <p>c. Has completed the department-approved "Expanding Quality in Infant and Toddler Development" and holds twelve months of verifiable full-day experience working with infants and/or toddlers.</p> <p>6. An adult who:</p> <p>a. Is at least nineteen (19) years of age, and,</p> <p>b. Is qualified as an Early Childhood Teacher and,</p> <p>c. Has a minimum of twelve (12) months of verifiable full-day experience in the group care of infants or toddlers; and,</p> <p>d. Has completed at least two (2) three (3)-semester hour college courses from a regionally accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be infant/toddler development or the Department approved Expanding Quality In Infant And Toddler Development course of training.</p> <p>7. The Infant Program Early Childhood Teacher qualifications must be met by satisfactory completion of:</p> <p>a. Eight (8) hours of orientation in the infant program from the Infant Program Supervisor including, but not limited to, the following topics: toys and equipment, appropriate activities for infants and toddlers, appropriate sleep positions for infants and toddlers, the safe and appropriate diaper change technique; and,</p> <p>b. At least six (6) months of experience in the care of infants or toddlers; and,</p> <p>c. Meet qualifications for an Early Childhood Teacher found at section 7.702.44, a, or be qualified as an infant program supervisor.</p> <p>8. The Infant Program Staff Aide must be at least eighteen (18) years of age, must have completed eight (8) hours of orientation as listed above, at the infant program and must work under the direct</p>		
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	<p>supervision of an Infant Early Childhood Teacher.</p> <p>9. Substitutes for infant program staff must hold a current Department-approved first aid and safety certificate that includes CPR for all ages of children.</p> <p>10. The toddler program Early Childhood Teacher qualifications must be met by satisfactory completion of:</p> <p>a. A Registered Nurse, licensed to practice in Colorado, with a minimum of 6 months of experience in the care of infants and/or toddlers;</p> <p>b. An adult who holds a certificate in Infant And Toddler Care from a regionally accredited college or university with completion of at least thirty (30) semester hours or equivalent in such courses as Child Growth And Development, Nutrition, And Care Practices with children birth to three (3) years of age;</p> <p>c. An adult who is certified as a Child Development Associate (CDA) or certified Child Care Professional (CCP) or holds another Department-approved certificate;</p> <p>d. A Licensed Practical Nurse with at least twelve (12) months of verifiable experience in the care of children less than three (3) years of age;</p> <p>e. An adult who meets the education and experience requirements for Early Childhood Teacher of a large center (SECTION 7.702.44, A); or,</p> <p>f. A current Early Childhood Professional Credential level II version 1.0 or level III version 2.0 as determined by the Colorado Department of Education.</p> <p>11. The Toddler Program Staff Aide must be at least sixteen (16) years of age, must work directly under the supervision of the director or a toddler Early Childhood Teacher, and must have completed 8 hours of orientation at the toddler program.</p> <p>a. Substitutes for toddler program staff must hold a current department-approved first aid and safety certificate that includes CPR for all ages of children.</p> <p>b. Substitutes placed in an infant and toddler program affiliated with a teen parent programs that are operated by accredited public-school systems</p>	<p>supervision of an Infant Early Childhood Teacher.</p> <p>9. Substitutes for infant program staff must hold a current Department-approved first aid and safety certificate that includes CPR for all ages of children.</p> <p>10. The toddler program Early Childhood Teacher qualifications must be met by satisfactory completion of:</p> <p>a. A Registered Nurse, licensed to practice in Colorado, with a minimum of 6 months of experience in the care of infants and/or toddlers;</p> <p>b. An adult who holds a certificate in Infant And Toddler Care from a regionally accredited college or university with completion of at least thirty (30) semester hours or equivalent in such courses as Child Growth And Development, Nutrition, And Care Practices with children birth to three (3) years of age;</p> <p>c. An adult who is certified as a Child Development Associate (CDA) or certified Child Care Professional (CCP) or holds another Department-approved certificate;</p> <p>d. A Licensed Practical Nurse with at least twelve (12) months of verifiable experience in the care of children less than three (3) years of age;</p> <p>e. An adult who meets the education and experience requirements for Early Childhood Teacher of a large center (SECTION 7.702.44, A); or,</p> <p>f. A current Early Childhood Professional Credential level II version 1.0 or level III version 2.0 as determined by the Colorado Department of Education.</p> <p>11. The Toddler Program Staff Aide must be at least sixteen (16) years of age, must work directly under the supervision of the director or a toddler Early Childhood Teacher, and must have completed 8 hours of orientation at the toddler program.</p> <p>a. Substitutes for toddler program staff must hold a current department-approved first aid and safety certificate that includes CPR for all ages of children.</p> <p>b. Substitutes placed in an infant and toddler program affiliated with a teen parent programs that are operated by accredited public-school systems</p>		
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		<p>on school premises must meet the following staff requirements by:</p> <p>i. Director qualifications may be met by a certified teacher with a major in Home Economics Education or a vocationally credentialed teacher in Consumer and Homemaking or Early Childhood Occupations. The Director must complete at least three (3) semester hours in administration of a child care center.</p> <p>ii. The Director must be present in the infant program classroom or adjacent teen parent classroom at least sixty percent (60%) of any day the center is open.</p> <p>iii. If the Director cannot be present sixty percent (60%) of any day, an individual who meets director qualifications must substitute for the Director.</p> <p>iv. Infant Staff Aides must be at least fifteen (15) years of age and may be parents-to-be, parents of enrolled infants, or students enrolled in a child care related course with the sponsoring school system.</p> <p>v. Substitutes for infant program staff must be from the sponsoring school system's list of approved substitute staff members. Substitutes who do not meet minimum staff qualifications can work no more than ten (10) consecutive business days per assignment.</p> <p>vi. Substitutes for infant program staff must hold a current department-approved first aid and safety certificate that includes CPR for all ages of children.</p>	<p>on school premises must meet the following staff requirements by:</p> <p>i. Director qualifications may be met by a certified teacher with a major in Home Economics Education or a vocationally credentialed teacher in Consumer and Homemaking or Early Childhood Occupations. The Director must complete at least three (3) semester hours in administration of a child care center.</p> <p>ii. The Director must be present in the infant program classroom or adjacent teen parent classroom at least sixty percent (60%) of any day the center is open.</p> <p>iii. If the Director cannot be present sixty percent (60%) of any day, an individual who meets director qualifications must substitute for the Director.</p> <p>iv. Infant Staff Aides must be at least fifteen (15) years of age and may be parents-to-be, parents of enrolled infants, or students enrolled in a child care related course with the sponsoring school system.</p> <p>v. Substitutes for infant program staff must be from the sponsoring school system's list of approved substitute staff members. Substitutes who do not meet minimum staff qualifications can work no more than ten (10) consecutive business days per assignment.</p> <p>vi. Substitutes for infant program staff must hold a current department-approved first aid and safety certificate that includes CPR for all ages of children.</p>		
<p>7.730.24 - Family Child Care Home Substitute Qualifications</p>	<p>REPEAL</p>	<p>7.730.24 FAMILY CHILD CARE HOME SUBSTITUTE QUALIFICATIONS</p> <p>A. Regular Family Child Care Home</p> <ol style="list-style-type: none"> 1. Must meet requirements found at 7.730.21; 2. Be familiar with the Rules Regulating Family Child Care Homes; 3. Be familiar with the home and provider's policies and procedures; 4. Know the names, ages and any special needs or health concerns of the children; 	<p>7.730.24 FAMILY CHILD CARE HOME SUBSTITUTE QUALIFICATIONS</p> <p>A. Regular Family Child Care Home</p> <ol style="list-style-type: none"> 1. Must meet requirements found at 7.730.21; 2. Be familiar with the Rules Regulating Family Child Care Homes; 3. Be familiar with the home and provider's policies and procedures; 4. Know the names, ages and any special needs or health concerns of the children; 	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>5. Know the location of emergency information.</p> <p>B. Infant/Toddler Family Child Care Homes</p> <ol style="list-style-type: none">1. Must meet requirements found at 7.730.21;2. Be familiar with the Rules Regulating Family Child Care Homes;3. Be familiar with the home and provider's policies and procedures;4. Know the names, ages and any special needs or health concerns of the children;5. Know the location of emergency information.6. Must have completed one (1) year of supervised experience caring for children who are younger than three (3) years old. The experience may have been obtained as:<ol style="list-style-type: none">a. A Colorado licensed Family Child Care Home;b. A military licensed child care home;c. A provider, in a family foster home certified for children younger than three (3) years of age; or,d. An employee in a licensed child care center in an infant and/or toddler program. <p>C. The substitute for the large family child care home must be qualified by:</p> <ol style="list-style-type: none">1. A minimum of two (2) years of documented satisfactory experience in the group care of children under the age of six (6) years or as a licensed home provider in Colorado. Equal experience operating as an approved military child care home is accepted; or,2. A minimum of two (2) years of college education from a regionally accredited college or university, with at least one (1) college course in Early Childhood Education, plus one (1) year of documented satisfactory experience in the group care of children as:<ol style="list-style-type: none">a. A licensed home provider in Colorado;b. A military licensed child care home;c. A Colorado certified family foster home; or,d. A staff member in a licensed child care center.3. Current certification as a Child Development Associate (CDA); or,4. Completion prior to licensing of the State Department approved Expanding Quality	<p>5. Know the location of emergency information.</p> <p>B. Infant/Toddler Family Child Care Homes</p> <ol style="list-style-type: none">1. Must meet requirements found at 7.730.21;2. Be familiar with the Rules Regulating Family Child Care Homes;3. Be familiar with the home and provider's policies and procedures;4. Know the names, ages and any special needs or health concerns of the children;5. Know the location of emergency information.6. Must have completed one (1) year of supervised experience caring for children who are younger than three (3) years old. The experience may have been obtained as:<ol style="list-style-type: none">a. A Colorado licensed Family Child Care Home;b. A military licensed child care home;c. A provider, in a family foster home certified for children younger than three (3) years of age; or,d. An employee in a licensed child care center in an infant and/or toddler program. <p>C. The substitute for the large family child care home must be qualified by:</p> <ol style="list-style-type: none">1. A minimum of two (2) years of documented satisfactory experience in the group care of children under the age of six (6) years or as a licensed home provider in Colorado. Equal experience operating as an approved military child care home is accepted; or,2. A minimum of two (2) years of college education from a regionally accredited college or university, with at least one (1) college course in Early Childhood Education, plus one (1) year of documented satisfactory experience in the group care of children as:<ol style="list-style-type: none">a. A licensed home provider in Colorado;b. A military licensed child care home;c. A Colorado certified family foster home; or,d. A staff member in a licensed child care center.3. Current certification as a Child Development Associate (CDA); or,4. Completion prior to licensing of the State Department approved Expanding Quality		
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		<p>Infant/Toddler course; and, a. A minimum of two (2) years of experience as a licensed child care provider holding a permanent license in Colorado immediately before becoming a licensee of a large child care home; or, b. A minimum of two (2) years of full-time experience in a licensed program. The group care shall have been with children who are under the age of six (6) years. 5. Substitutes working in place as the Large Family Child Care Home Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the primary provider or a substitute who is equally qualified as a Large Family Child Care Home provider. If left alone with children, the staff aide substitute or assistant provider substitute must meet all same age and training requirements as the provider.</p>	<p>Infant/Toddler course; and, a. A minimum of two (2) years of experience as a licensed child care provider holding a permanent license in Colorado immediately before becoming a licensee of a large child care home; or, b. A minimum of two (2) years of full-time experience in a licensed program. The group care shall have been with children who are under the age of six (6) years. 5. Substitutes working in place as the Large Family Child Care Home Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the primary provider or a substitute who is equally qualified as a Large Family Child Care Home provider. If left alone with children, the staff aide substitute or assistant provider substitute must meet all same age and training requirements as the provider.</p>		
7.730.25 - School Age Child Care Substitute Qualifications	REPEAL	<p>7.730.25 SCHOOL AGE CHILD CARE SUBSTITUTE QUALIFICATIONS A. Substitute for school age child care: 1. Must meet requirements found at 7.730.21; B. Substitute program director 1. Must meet requirements at 7.730.24 A 1 AND 2; 2. The Program Director substitute must be at least twenty-one (21) years of age. The substitute program director must have demonstrated to the Agency, prior to placement at a school age child care center, maturity of judgment, administrative ability and the skill to appropriately supervise and direct school-age children in an unstructured setting. 3. The Substitute Program Director must have verifiable education or training in work with school-age children in such areas as Recreation, Education, Scouting or 4-H; and the program director must have completed at least one of the following qualifications: a. A four (4) year college degree with a major such as Recreation, Outdoor Education, Education With A Specialty In Art, Elementary Or Early Childhood Education, or a subject in the Human Service Field; or;</p>	<p>7.730.25 SCHOOL AGE CHILD CARE SUBSTITUTE QUALIFICATIONS A. Substitute for school age child care: 1. Must meet requirements found at 7.730.21; B. Substitute program director 1. Must meet requirements at 7.730.24 A 1 AND 2; 2. The Program Director substitute must be at least twenty-one (21) years of age. The substitute program director must have demonstrated to the Agency, prior to placement at a school age child care center, maturity of judgment, administrative ability and the skill to appropriately supervise and direct school-age children in an unstructured setting. 3. The Substitute Program Director must have verifiable education or training in work with school-age children in such areas as Recreation, Education, Scouting or 4-H; and the program director must have completed at least one of the following qualifications: a. A four (4) year college degree with a major such as Recreation, Outdoor Education, Education With A Specialty In Art, Elementary Or Early Childhood Education, or a subject in the Human Service Field; or;</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.</p>	

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	<p>b. Two years of college training and six (6) months (910 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience, since attaining the age of eighteen (18), in the care and supervision of four (4) or more children; or</p> <p>c. Is qualified as a Large Child Care Center Director; or</p> <p>4. Three years (5460 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience and one of the following qualifications:</p> <p>a. Complete six semester hours, or nine quarter hours in course work from a regionally accredited college or university; or</p> <p>b. 40 clock hours of training in course work applicable to school-age children and the Department-approved courses in Injury Prevention, And Playground Safety For School-Aged Child Care Centers within the first nine months of employment.</p> <p>c. Satisfactory experience includes experience in the care and supervision of four or more children from the ages of four (4)-eighteen (18) years old, unrelated to the individual, since attaining the age of eighteen (18).</p> <p>C. Substitute program leaders for school age child care centers</p> <p>1. Must meet requirements found at 7.730.21;</p> <p>2. Each Substitute Program Leader must be at least 18 years of age, demonstrate ability to work with children, and must meet the following qualifications:</p> <p>a. Complete the Department-approved course in Injury Prevention;</p> <p>b. Complete the Department-approved course in Playground Safety For School-Aged Child Care Centers. This requirement does not apply to day camps that do not regularly use a playground; and</p> <p>c. Must have at least three (3) months (460 hours) of full-time or equivalent part-time satisfactory and verifiable experience with school-age children.</p> <p>D. Substitute program aides for school age child care centers</p> <p>1. Substitute Program Aides must be at least sixteen</p>	<p>b. Two years of college training and six (6) months (910 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience, since attaining the age of eighteen (18), in the care and supervision of four (4) or more children; or</p> <p>c. Is qualified as a Large Child Care Center Director; or</p> <p>4. Three years (5460 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience and one of the following qualifications:</p> <p>a. Complete six semester hours, or nine quarter hours in course work from a regionally accredited college or university; or</p> <p>b. 40 clock hours of training in course work applicable to school-age children and the Department-approved courses in Injury Prevention, And Playground Safety For School-Aged Child Care Centers within the first nine months of employment.</p> <p>c. Satisfactory experience includes experience in the care and supervision of four or more children from the ages of four (4)-eighteen (18) years old, unrelated to the individual, since attaining the age of eighteen (18).</p> <p>C. Substitute program leaders for school age child care centers</p> <p>1. Must meet requirements found at 7.730.21;</p> <p>2. Each Substitute Program Leader must be at least 18 years of age, demonstrate ability to work with children, and must meet the following qualifications:</p> <p>a. Complete the Department-approved course in Injury Prevention;</p> <p>b. Complete the Department-approved course in Playground Safety For School-Aged Child Care Centers. This requirement does not apply to day camps that do not regularly use a playground; and</p> <p>c. Must have at least three (3) months (460 hours) of full-time or equivalent part-time satisfactory and verifiable experience with school-age children.</p> <p>D. Substitute program aides for school age child care centers</p> <p>1. Substitute Program Aides must be at least sixteen</p>		
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		(16) years of age. Program Aides must work directly under the supervision of the Program Director or Program Leaders and must never be left alone with children. 2. Substitute Program Aides can be counted as staff in determining child care staff ratios.	(16) years of age. Program Aides must work directly under the supervision of the Program Director or Program Leaders and must never be left alone with children. 2. Substitute Program Aides can be counted as staff in determining child care staff ratios.		
7.730.26 - Personnel Files	REPEAL	7.730.26 PERSONNEL FILES A. The center office must maintain a record for each staff member that includes the following: 1. Documentation for any substitute employed by the agency to determine if the individual has ever been convicted of a disqualifying crime as found at section 7.701.33 of the general rules for child care facilities. The personnel file of each substitute of the center must contain clearance or arrest report from the Colorado Bureau of Investigation; 2. Documentation for any substitute employed by the Agency to determine if the individual has a confirmed report for child abuse or neglect reported to the State Department's Automated System as found at section 7.701.32 of the General Rules for Child Care Facilities. The personnel file of each substitute must contain the results of the State Department's Automated System. 3. Substitutes must be current for all immunizations routinely recommended for adults by their health care provider. 4. Prior to being placed in a child care facility, substitutes must submit to the Agency a medical statement, signed and dated by a licensed Physician or other Health Care Professional, verifying that they are in good mental, physical, and emotional health appropriate for the position for which they have been hired. This statement must be dated no more than 6 months prior to employment or within thirty (30) calendar days after the date of employment. This statement must indicate when subsequent medical statements are required. Subsequent medical statements must be submitted as required in writing by a Physician or other Health Care Professional. 5. If, in the opinion of a Physician or Mental Health	7.730.26 PERSONNEL FILES A. The center office must maintain a record for each staff member that includes the following: 1. Documentation for any substitute employed by the agency to determine if the individual has ever been convicted of a disqualifying crime as found at section 7.701.33 of the general rules for child care facilities. The personnel file of each substitute of the center must contain clearance or arrest report from the Colorado Bureau of Investigation; 2. Documentation for any substitute employed by the Agency to determine if the individual has a confirmed report for child abuse or neglect reported to the State Department's Automated System as found at section 7.701.32 of the General Rules for Child Care Facilities. The personnel file of each substitute must contain the results of the State Department's Automated System. 3. Substitutes must be current for all immunizations routinely recommended for adults by their health care provider. 4. Prior to being placed in a child care facility, substitutes must submit to the Agency a medical statement, signed and dated by a licensed Physician or other Health Care Professional, verifying that they are in good mental, physical, and emotional health appropriate for the position for which they have been hired. This statement must be dated no more than 6 months prior to employment or within thirty (30) calendar days after the date of employment. This statement must indicate when subsequent medical statements are required. Subsequent medical statements must be submitted as required in writing by a Physician or other Health Care Professional. 5. If, in the opinion of a Physician or Mental Health	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

Title of Proposed Rule: 12 CCR 2509-8 - CDEC Repeal Proposed Rules Draft

CDHS Tracking #: 25-06-17-01

Office, Division, & Program: Rule Author: Logan Ellett

Phone: 720.245.1195

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		<p>Practitioner, an employee's examination or test results indicate a physical, emotional, or mental condition that could be hazardous to a child, other staff, or self, or that would prevent satisfactory performance of duties must not be assigned or returned to a position until the condition is cleared to the satisfaction of the examining Physician or other Health Care Professional.</p> <p>6. Name, address, phone number and birthdate of the individual;</p> <p>7. Verification of education, work experience, employment, training, and completion of first aid and CPR courses;</p> <p>8. Date of employment;</p> <p>9. Record of placements including dates, number of hours worked, name, address and license number of the child care facility where the substitute was placed.</p> <p>10. Names, addresses, and telephone numbers of persons to be notified in the event of an emergency.</p> <p>11. Substitute records must be available, upon request, to authorized personnel of the State Department or Department Representatives.</p> <p>12. The records of the substitute must be maintained by the Substitute Placement Agency for at least three (3) years. The current files must be maintained at the Agency, The Previous Two (2) Years May Be Stored at Either the Agency or a Central Location. If Requested, The Records Must Be Provided To The Department or Department Representative.</p> <p>B. The personnel file for each substitute must contain all required information before the substitute can be placed at a child care facility.</p>	<p>Practitioner, an employee's examination or test results indicate a physical, emotional, or mental condition that could be hazardous to a child, other staff, or self, or that would prevent satisfactory performance of duties must not be assigned or returned to a position until the condition is cleared to the satisfaction of the examining Physician or other Health Care Professional.</p> <p>6. Name, address, phone number and birthdate of the individual;</p> <p>7. Verification of education, work experience, employment, training, and completion of first aid and CPR courses;</p> <p>8. Date of employment;</p> <p>9. Record of placements including dates, number of hours worked, name, address and license number of the child care facility where the substitute was placed.</p> <p>10. Names, addresses, and telephone numbers of persons to be notified in the event of an emergency.</p> <p>11. Substitute records must be available, upon request, to authorized personnel of the State Department or Department Representatives.</p> <p>12. The records of the substitute must be maintained by the Substitute Placement Agency for at least three (3) years. The current files must be maintained at the Agency, The Previous Two (2) Years May Be Stored at Either the Agency or a Central Location. If Requested, The Records Must Be Provided To The Department or Department Representative.</p> <p>B. The personnel file for each substitute must contain all required information before the substitute can be placed at a child care facility.</p>		
<p>7.730.3 - Health and Safety</p>	<p>REPEAL</p>	<p>7.730.3 HEALTH AND SAFETY</p>	<p>7.730.3 HEALTH AND SAFETY</p>	<p>HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that</p>	

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7.730.31 - Control of Communicable Illnesses	REPEAL	7.730.31 Control Of Communicable Illnesses A. When a substitute has worked in a child care facility where there has been an increase in or outbreak of communicable illness among staff, or children the substitute must immediately notify the agency. Individuals' confidentiality must be maintained. B. The Placement Agency must have a written agreement with the child care facility which requires the child care facility to: a. Notify the agency of an increase of illness or outbreak at the time the placement will occur. b. Notify the agency of any substitute exposed to a communicable illness at a child care facility, and, the agency must be notified within 24 hours. C. When the substitute placement agency has been notified that a substitute has been in a placement where the individual has been exposed to a communicable illness, the agency and the substitute must consult with and comply with all Health Department requirements before being placed at another facility.	7.730.31 Control Of Communicable Illnesses A. When a substitute has worked in a child care facility where there has been an increase in or outbreak of communicable illness among staff, or children the substitute must immediately notify the agency. Individuals' confidentiality must be maintained. B. The Placement Agency must have a written agreement with the child care facility which requires the child care facility to: a. Notify the agency of an increase of illness or outbreak at the time the placement will occur. b. Notify the agency of any substitute exposed to a communicable illness at a child care facility, and, the agency must be notified within 24 hours. C. When the substitute placement agency has been notified that a substitute has been in a placement where the individual has been exposed to a communicable illness, the agency and the substitute must consult with and comply with all Health Department requirements before being placed at another facility.	must be repealed. HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.730.4 - Administrative	REPEAL	7.730.4 ADMINISTRATIVE	7.730.4 ADMINISTRATIVE	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	
7.730.41 - Administrative Records and Reports	REPEAL	7.730.41 Administrative Records and Reports A. The following records must be on file at the Agency: 1. A list of current substitutes, and substitute placements; 2. Reports from contracted child care facilities where any incident reports occur. 3. Contracts with both substitutes and child care facilities. 4. Within thirty (30) calendar days of the last day of	7.730.41 Administrative Records and Reports A. The following records must be on file at the Agency: 1. A list of current substitutes, and substitute placements; 2. Reports from contracted child care facilities where any incident reports occur. 3. Contracts with both substitutes and child care facilities. 4. Within thirty (30) calendar days of the last day of	HB22-1295 was codified into law 4/25/22, creating CDEC on July 1, 2022. CDEC removed rules from 12 CCR 2509-8 and moved them into 8 CCR 1402-1. These are duplicate regulations that must be repealed.	

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		employment, staff members must be provided a letter verifying their experience at the Agency. The letter must contain the Agency's address, phone number and license number, the employee's start and end date and the total number of hours worked with children. Hours worked with infants and toddlers must be documented separately from hours worked with other age groups. The letter must be signed by a director, owner or Human Resources Agent of the Agency.	employment, staff members must be provided a letter verifying their experience at the Agency. The letter must contain the Agency's address, phone number and license number, the employee's start and end date and the total number of hours worked with children. Hours worked with infants and toddlers must be documented separately from hours worked with other age groups. The letter must be signed by a director, owner or Human Resources Agent of the Agency.		
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STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

The Colorado Department of Human Services' (CDHS) Provider Services Unit (PSU) was consulted regarding this repeal as well as the Colorado Department of Early Childhood (CDEC) prior to public feedback sessions. CDEC confirmed that the regulations being repealed is appropriate. CDEC was also present with CDHS staff during all public feedback sessions.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

The public feedback is [captured here](#), and the participants from the public feedback sessions are [linked here](#).

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

Colorado Department of Human Services' (CDHS) Provider Services Unit (PSU)
 Colorado Department of Early Childhood (CDEC)
[Feedback Linked Here](#)

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Name of Sub-PAC	Child Welfare SubPAC		
Date presented	Presented October 2, 2025		
What issues were raised?	No issues raised		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous vote to move forward		
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

Yes No

Date presented	Will be presented November 6, 2025		
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

Other Comments

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Comments were received from stakeholders on the proposed rules:

Yes No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

[Department Feedback Document](#)

[Public, County, and Provider Feedback Document](#)

[Feedback Session Participants](#)

DEPARTMENT OF HUMAN SERVICES

Social Services Rules

CHILD CARE FACILITY LICENSING

12 CCR 2509-8

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

7.702 — RULES REGULATING CHILD CARE CENTERS THAT PROVIDE LESS THAN 24-HOUR CARE

All childcare centers must comply with the current “General Rules for Child Care Facilities” 7.701; “Rules Regulating Child Care Centers that provide less than 24-hour care” 7.702; “Rules Regulating Special Activities” 7.719; 6 CCR 1010-7, “The Health and Sanitation Rules and Regulations Governing the Sanitation of Child Care Facilities in the State of Colorado C.R.S.; and the USDA CACFP Part 266.20(1.5).

Drop-in, part day, mobile preschool, teen parent, and other programs operated by public school districts must be in compliance with all rules found in this section. Additional rules or substitution to rules can be found under section 7.702.100.

Hardship waivers

Any applicant or licensee who has applied for or been issued a license to operate a childcare facility has a right to appeal, pursuant to § 26-6-106(3), C.R.S., any rule or standard which, in his or her opinion, poses an undue hardship on the person, facility, or community. An “undue hardship” is defined as a situation where compliance with the rule creates a substantial, unnecessary burden on the applicant or licensee’s business operation or the families or community it serves, which reasonable means cannot remedy. An undue hardship does not include the normal cost of operating the business.

7.702.1 — DEFINITIONS

A. — Childcare centers that provide less than 24-hour care (referred to as “centers”) provide comprehensive care for children when the parents or guardians are employed or otherwise unavailable to care for the children. Childcare centers may operate twenty four (24) hours a day, but the children are cared for at the center fewer than twenty-four (24) hours a day.

B. — Childcare centers that provide less than 24-hour programs of care include the following types of facilities:

1. — A “large childcare center” provides care for 16 or more children between the ages six (6) weeks and eighteen (18) years.
2. — A “small childcare center” provides care for up to fifteen (15) children between the ages of two (2) and eighteen (18) years.
3. — An “infant program” provides care for children between the ages of six (6) weeks and eighteen (18) months.
4. — A “toddler program” provides care for children between the ages of twelve (12) months (when walking independently or with a health care provider’s statement indicating developmental appropriateness of placement in a toddler program) and thirty-six (36) months.

5. — A “preschool” is a childcare program for five (5) or more children between the ages of two and one-half (2 1/2) and seven (7) years.
6. — A “mobile part-day preschool program” is a program with a mobile classroom that uses no permanent building on a regular basis, for children three (3) to seven (7) years of age, with no more than (8) eight children at any given time. Each class session must not exceed five (5) hours.
7. — A “kindergarten program” provides a program for children the year before they enter the first grade. Only private kindergarten programs not regulated by the Colorado Department of Education are required to be licensed.
8. — A “full-day program” enrolls children for five (5) or more hours per day.
9. — A “part-day program” enrolls children for a maximum of up to five (5) hours per day. Individual children shall not attend more than one (1) five (5) hour session per day.
10. — A “drop-in childcare center” provides occasional care for 40 or fewer children between the ages of twelve (12) months and thirteen (13) years of age for short periods of time not to exceed six (6) hours in any 24-hour period of time or fifteen (15) hours in any seven (7) day period of time.
11. — A “teen parent program” provides care for children fourteen (14) days old to thirty-six (36) months and is operated by an accredited public school system on school premises. Infants between seven (7) and thirteen (13) days old may be accepted for care with written approval from a health care provider.
12. — “Staff” all references to staff or staff positions include paid staff, equally qualified volunteers, and substitutes under Section 7.702.45.
- C. — Licensed childcare centers enrolling children five (5) years of age or younger are required to participate in Colorado Shines, the state quality rating and improvement system.

7.702.2 — ADMINISTRATION

(See also “Administration” at section 7.701.5 of the General Rules for Child Care Facilities)

- A. — The governing body must appoint a Director who will be responsible to the governing body and who will be delegated the authority and responsibility for the operation of the center according to its defined purpose and policies.
- B. — The governing body must formulate the purpose and policies to be followed by the center. It must have a regular planned review of such purpose and policies to determine that the center is in compliance with licensing rules.
- C. — The governing body is responsible for providing necessary facilities, adequate financing, qualified personnel, services, and program functions for the safety and well-being of children in accordance with these rules.
- D. — Any center having a Director assigned to a classroom must have qualified and adequate staff, allowing the Director or qualified staff the ability to attend to the duties of a director as they arise.
- E. — The Director of the center is responsible for administering the center in accordance with licensing rules. The Director must plan and supervise the child development program, plan for or participate in selection of staff, plan for orientation and staff development, supervise and coordinate staff activities, evaluate staff performance, and participate in the program activities.

7.702.3 — POLICIES AND PROCEDURES

7.702.31 — Statement of Policies and Procedures

A. ~~At the time of enrollment, and upon amendments to policies and procedures, the center must give the parent(s)/guardian(s) the center's policies and procedures and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The center must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures, and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures.~~

B. ~~The written policies and procedures must be developed, implemented, and followed, and must include at a minimum the following information:~~

1. ~~The center's purpose and its philosophy on childcare;~~

2. ~~The ages of children accepted;~~

3. ~~The hours the center is open, specific hours during which special programs are offered, and holidays when the center is closed;~~

4. ~~The procedure regarding inclement and excessively hot weather;~~

5. ~~The procedure concerning admission and registration of children including whether non-immunized or under immunized children are enrolled in the program;~~

6. ~~An itemized fee schedule;~~

7. ~~The procedure for identifying where children are at all times including times of transition;~~

8. ~~The center's procedure on positive guidance, behavior expectations, positive instruction, supporting positive behaviors, as well as strategies and techniques for supporting children with challenging behaviors, including how the center will:~~

a. ~~Promote responsive and positive child, staff, and family relationships and interactions;~~

b. ~~Create and maintain a program-wide culture that promotes children's mental health, social, and emotional well-being;~~

c. ~~Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children; and,~~

d. ~~Provide individualized social and emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting, and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions.~~

9. ~~How decisions are made and what steps are taken prior to the suspension, expulsion, or request to parents or guardians to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the center's policy on guidance and positive instruction, and include documentation of the steps taken to understand and respond to challenging behavior including:~~

a. ~~Identify and consult with an early childhood mental health consultant or other specialist as needed.~~

10. ~~The procedure, including notification of parent(s)/guardian(s), for handling children's illnesses, accidents, and injuries;~~

11. ~~The procedures for emergencies and disaster preparedness such as but not limited to lost children, tornadoes, fires, shelter in place, lockdown, active shooter on premises, reunification with~~

families after emergency or disaster, and evacuating children with disabilities as specified in section 7.701.100 of the general rules for child care facilities;

12. — The procedure for transporting children, if applicable, including transportation arrangements and parental permission for excursions and related activities;

13. — The procedure for governing field trips, television and video viewing, and special activities, including staff responsibility for the supervision of children;

14. — Media and internet usage policy outlining screen and media use related to their curriculum. The media plan must have information on ongoing communication with children about online safe practices for children over the age of five (5);

15. — The procedure on children's safety related to riding in a vehicle, seating, supervision, and emergency procedures on the road;

16. — The procedure for releasing children from the center only to persons for whom the center has written authorization and the procedure for picking up the child during an emergency;

17. — The procedures followed when a child is picked up from the center after the center is closed or not picked up at all, and to ensure that all children are picked up before the staff leave for the day;

18. — The procedure for caring for children who arrive late to the center and their class/group is away from the center on a field trip or excursion;

19. — The procedure for storing and administering children's medication and delegation of medication administration in compliance with Section §12-38-132, C.R.S., of the "Nurse Practice Act";

20. — The procedure concerning children's personal belongings and money;

21. — The provision of meals and snacks;

22. — The procedure for diapering, toilet training, and toileting;

23. — The procedure for allowing visitors to the center;

24. — The procedure for conducting parent and staff conferences to partner with the parents(s)/guardian(s) to discuss the child's progress, social, emotional, and physical needs;

25. — The procedure for filing a complaint about childcare (see section 7.701.55 of the General Rules for Child Care Facilities);

26. — The procedure for reporting of child abuse (see section 7.701.53, of the General Rules for Child Care Facilities);

27. — The procedure of the protection of infants from secondhand and thirdhand smoke;

28. — The procedure for establishing safe sleep environments for infants including how staff will supervise and physically check on infants who are sleeping;

29. — The procedure for dressing children appropriately for the weather; and,

30. — Notification when childcare service is withdrawn and when parent(s)/guardian(s) withdraw their children from the center.

C. — Policies and procedures must be reviewed annually. Any changes must be incorporated and must be communicated to the parent(s)/guardian(s).

7.702.32 — Communication, Emergency, and Security Procedures

A. — For security purposes, a sign-in/sign-out sheet or other mechanism for parents/guardians, or staff if children are being transported, must be maintained daily by the center. It must include, for each child in care, the date, the child's name, the time when the child arrived at and left the center, and the parent/guardian or staff member's signature or other unique identifier. For children who are transported, parent(s)/guardian(s) must verify the accuracy of the sign-in/sign-out sheet at least weekly.

B. — The center must have a working telephone with the number available to the public. Emergency telephone numbers of the following must be posted near the telephone: a 911 notice, where 911 is available, or rescue unit if 911 isn't available; a hospital or emergency medical clinic; the local fire, police, and health departments; and Rocky Mountain Poison Control. The telephone must be available to staff at all times that the center is in operation.

C. — The center must be able to provide emergency transportation to a health care facility at all times.

D. — The Director of the center, or the Director's delegated substitute, must have a means for determining at all times who is present at the center.

E. — A written policy regarding visitors to the center must be posted and a record maintained daily by the center that includes at a minimum the date, time, visitor's name, and the purpose of the visit. At least one (1) piece of identification must be inspected for individuals who are unknown to personnel at the center.

F. — The center must release the child only to an individual over the age of sixteen (16) for whom written authorization has been given by the parent(s)/guardian(s) and is maintained in the child's record (see Section 7.702.34). In an emergency, the child may also be released to an individual for whom the child's parent/guardian has given verbal authorization. If the staff member who releases the child does not know the individual, identification must be required to assure that the individual is authorized to pick up the child.

G. — The center must have a procedure for dealing with individuals not authorized by the parent or guardian of a child who attempts to have the child released to them.

H. — The center must have a written procedure for closing the center at the end of the day to ensure that all children are picked up.

7.702.33 — Administrative Records and Reports

A. — The following records must be on file at the center:

1. — Records of enrollment, daily attendance for each child, and daily record of the time the child arrives at and departs from the center;

2. — A list of current staff members, substitutes, and staffing patterns;

3. — Copies of menus; and

4. — A record of visitors to the center.

B. — The center must submit to the Department as soon as possible, but not longer than twenty-four (24) hours, a written report about any child who has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted. Such report must indicate:

1. — The name, birth date, address, and telephone number of the child;

2. — The names of the parent(s)/guardian(s) and their address and telephone number if different from those of the child;

3. — The date when the child was lost;

4. — The location, time, and circumstances when the child was last seen;

5. — Actions taken to locate the child; and,

6. — The name of the staff person supervising the child.

C. — All programs must register their operational status information in the Office of Early Childhood Provider Status Portal every calendar year in the months of April and October.

1. — All programs must update their information any time their operational status changes during a declared state emergency.

D. — All prospective and current staff members in the following roles must register with the Colorado Shines Professional Development Information System:

1. — Large Center Director;

2. — Large Center Assistant Director;

3. — Small Center Director;

4. — Early Childhood Teacher;

5. — Infant Program Supervisor;

6. — Infant Early Childhood Teacher;

7. — Toddler Early Childhood Teacher;

8. — Kindergarten Teacher;

9. — Assistant Early Childhood Teacher; and,

10. — Staff Aide.

7.702.34 — Children's Records

A. — An admission record must be completed for each child prior to or at the time of the child's admission. This record must be updated annually and when changes occur. The admission record must include:

1. — The child's full name, birth date, current address, and date of enrollment;

2. — Parent(s)/guardian(s) names; home and e-mail addresses; telephone numbers, including home, work, and cell numbers; employer name and work address; and, any special instructions as to how the parent(s)/guardian(s) may be reached during the hours that the child is in care at the center;

3. — Names, addresses, and telephone numbers of persons authorized to pick up the child from the center;

4. — Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if the parent(s)/guardian(s) cannot be reached immediately;

5. ~~Name, address, and telephone numbers of the child's health care provider, dentist, and if applicable, their hospital of choice;~~

6. ~~A health history, including any health care plans, which indicates communicable diseases and chronic illnesses or injuries the individual has had, any known drug reactions and allergies, medications being taken, any necessary health procedures or special diets, and immunization record;~~

7. ~~A dated, written authorization for emergency medical care signed and updated annually by the parent(s)/guardian(s). The authorization must be notarized if required by the local hospital, clinic, or emergency health care facility;~~

8. ~~Written authorization, obtained in advance of the event from a parent/guardian, for a child to participate in field trips or special activities, whether scheduled or unscheduled, whether walking or riding in an approved vehicle; and;~~

9. ~~Written authorization from a parent/guardian for media release.~~

B. ~~The center must maintain and update annually and upon changes, a record on each child that includes:~~

1. ~~A written record of any serious accident, illness, or injury occurring during care must be retained in each child's record, with a copy provided to the parent(s)/guardian(s).~~

2. ~~Observations of the child's development to document the child's progress and challenges to be discussed at parent conferences;~~

3. ~~A record of parent conferences, including dates of conferences, and names of center staff and parent(s)/guardian(s) involved; and;~~

4. ~~A copy of the child's health statement completed by a health care provider.~~

7.702.35 ~~Staff Records~~

A. ~~A record must be maintained, either written or electronic, for each staff member that includes the following:~~

1. ~~Name, address, telephone number, and birth date of the individual;~~

2. ~~Verification of qualifications and training;~~

3. ~~Immunization record or statement, and health history;~~

4. ~~Dates of employment and employment history;~~

5. ~~Names, addresses, and telephone numbers of persons to be notified in the event of an emergency; and;~~

6. ~~All information from background checks as required in the General Rules for Child Care Facilities at Section 7.701.32.~~

7.702.36 ~~Confidentiality and Retention~~

A. ~~The confidentiality of all staff and children's records must be maintained. See Section 7.701.6 of the General Rules for Child Care Facilities.~~

B. ~~Staff and children's records must be available, upon request, to authorized personnel of the Department.~~

C. — If records for organizations having more than one (1) center are kept in a central file, duplicate identifying and emergency information for both staff and children must also be kept on file at the center attended by the child and where the staff member is assigned.

D. — The records of children and staff must be maintained by the center for at least three (3) years after the last date of attendance or employment with the program.

E. — The health and mental health consultation records must be maintained by the center for at least three (3) years from the date of consultation.

F. — Records of enrollment, daily attendance for each child and daily records of the time the child arrives at and departs from the center for the past twelve (12) months must be on file at the center. The previous two (2) years must be on file at either the center or a central location or storage.

G. — Posting of any personal information or photos of children on social media or advertisement without written parental consent is prohibited.

7.702.4 — STAFF

7.702.41 — General Requirements for All Staff

A. — All staff at the center must demonstrate knowledgeable decision making, judgment, and concern for the proper care and well-being of children.

B. — Staff must not consume or be under the influence of any substance that impairs their ability to care for children.

C. — Illegal drugs and drug paraphernalia, must never be present on the premises of the center.

D. — Staff must not use marijuana and marijuana infused products, tobacco products of any kind, or alcohol in the presence of children. To prevent exposure to secondhand smoke, child care centers must prohibit the use of tobacco and marijuana products on all center property, both indoors and outdoors. All marijuana and marijuana infused products, vaping and tobacco products, and alcohol must be kept inaccessible to children at all times.

E. — When caring for children, staff must refrain from the personal use of electronics including, but not limited to, cell phones and portable electronic devices.

F. — Staff members must be current for all immunizations routinely recommended for adults by their health care provider.

G. — All staff members must submit to the center a medical statement, signed and dated by a physician or other health care provider, verifying that they are in good mental, physical, and emotional health appropriate for the position for which they have been hired. This statement must be dated no more than six (6) months prior to employment or within thirty (30) calendar days after the first date of employment. Subsequent self-reported health histories must be submitted annually.

H. — The duties and responsibilities of each staff position and the lines of authority and responsibility within the center must be in writing.

I. — At the time of employment, staff members must be informed of their duties and assigned a supervisor.

J. — Prior to working with children, each staff member must read and be instructed about all policies and procedures of the center. Staff members must sign a statement indicating that they have read and understand the center's policies and procedures.

K. Within thirty (30) calendar days of employment at the center, each staff member must read and be instructed about all licensing rules governing childcare centers. Staff members must sign a statement indicating that they have read and understand the licensing rules.

L. If volunteers are used by the center, there must be a clearly established policy regarding their function, orientation, and supervision. See also Section 7.702.44 A-E.

M. Within thirty (30) calendar days of the last day of employment, staff members must be provided a letter verifying their experience at the center. The letter must contain the center's address, phone number, and license number; the employee's start date and end date; and the total number of hours worked with children. Hours worked with infants and toddlers must be documented separately from hours worked with other age groups. The letter must be signed by a Director, owner, or human resources agent of the center or governing body.

7.702.42 Training

A. All staff must complete a pre-service Building and Physical Premises Safety training prior to working with children. The training must include identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, vehicular traffic handling and storage of hazardous materials and the appropriate disposal of biological contaminants.

1. This training is developed and facilitated by the program for staff to identify program specific environmental hazards. Staff must be retrained if there are changes to the building and physical premises.

B. All staff must complete a Department approved Standard Precautions training that meets current Occupational Safety and Health Administration (OSHA) requirements prior to working with children. This training must be renewed annually and will be counted towards ongoing professional development.

C. Staff working with infants less than twelve (12) months old must complete a Department approved Safe Sleep training prior to working with infants less than twelve (12) months old. This training must be renewed annually and will be counted towards ongoing professional development.

D. Staff working with children less than three (3) years of age must complete a Department approved Prevention of Shaken Baby/Abusive Head Trauma training prior to working with children less than three (3) years of age. This training must be renewed every two (2) years and will be counted towards ongoing professional development.

E. For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member on duty who holds a current Department approved First Aid and Safety Certificate (including CPR for all ages of children) and is responsible for administering First Aid and CPR to children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR qualified staff member at each location.

F. Within thirty (30) calendar days of employment, all employees caring for children, not required by rule to be certified in First Aid and CPR, must complete the Department approved Introduction to First Aid and CPR module. The module must be renewed every two (2) years.

G. Within thirty (30) calendar days of employment, all employees and regular volunteers must be trained using a Department approved training about child abuse prevention, which includes common symptoms and signs of child abuse, how to report, where to report, and when to report suspected or known child abuse or neglect. This training must be renewed annually.

H. Within ninety (90) calendar days of employment, all staff required to register with the Colorado Shines Professional Development Information System (listed in Section 7.702.33, d) must complete the Department approved training course: Introduction to the Early Intervention and Preschool Special Education Programs. This course is required once and will be counted towards ongoing professional development.

I. Within ninety (90) calendar days of employment, all staff required to register with the Colorado Shines Professional Development Information System (listed in Section 7.702.33, d) must complete the Department approved Recognizing the Impact of Bias on Early Childhood Professionals training or other Department approved training on implicit bias. This course is required once and will be counted towards ongoing professional development.

J. Within ninety (90) calendar days of employment, all Directors and Assistant Directors must complete the Department approved training: Working with an Early Childhood Mental Health Consultant. This course is required once and will be counted towards ongoing professional development.

K. Within ninety (90) calendar days of employment, all Directors and Assistant Directors must complete the department approved training: Introduction to Child Care Health Consultation. This course is required once and will be counted towards ongoing professional development.

L. All staff who work with children must complete a minimum of fifteen (15) clock hours of ongoing professional development each year, beginning with the start date of the employee. At least three (3) clock hours per year must be in the focus of social emotional development.

1. Ongoing professional development courses must demonstrate a direct connection to one (1) or more of the following competency areas:

- a. Child growth and development, and learning
- b. Child observation and assessment;
- c. Family and community partnerships;
- d. Social emotional health and development promotion;
- e. Health, safety and nutrition;
- f. Professional practice;
- g. Teaching practices

2. Each one (1) semester credit hour course with a direct connection to the competency area listed in Section 7.702.42, L, 1, a-h, taken at an accredited college or university shall count as fifteen (15) clock hours of ongoing professional development.

3. Training hours completed can only be counted during the year taken and cannot be carried over.

4. To be counted for ongoing professional development, the training certificate must have documentation that includes:

- a. The title of the training;
- b. The competency domain or from a nationally approved vendor list;
- c. The date and clock hours of the training;
- d. The name or signature of the trainer, or other approved method of verifying the identity of trainer or entity;
- e. Expiration of training, if applicable; and,
- f. Connection to social emotional focus, if applicable.

5. The trainer must have documentation of the qualifications for each topic of training conducted, which must be available for review by the department.

M. Within thirty (30) calendar days of employment and annually, all staff responsible for the collection, review, and maintenance of the child immunizations records must complete the Colorado Department of Public Health and Environment immunization course.

7.702.43 Director Qualifications – Large Child Care Center

A. Large center directors must have a current director qualifications letter issued by the Department or a current Early Childhood Professional Credential level III or higher in version 3.0 as determined by the Department prior to working as the director of a large center.

B. The educational requirements for the director of a large center must be met by satisfactory completion of one (1) of the following. (All course hours are given in semester credit hours, but equivalent quarter credit hours are acceptable.) Official college transcripts must be submitted to the Department for evaluation of qualifications.

1. A Bachelor's, Master's, or Doctorate degree from an accredited college or university in one (1) of the following:

- a. Child Development;
- b. Child Psychology;
- c. Early Childhood Education;
- d. Early Childhood Special Education;
- e. Educational Leadership and Administration;
- f. Elementary Education;
- g. Family and Human Development;
- h. Family Studies; or,
- i. Special Education; or,

2. Completion of all of the following three (3) semester credit hour courses from an accredited college or university in each of the following subject or content areas:

- a. Introduction to Early Childhood Professions;
- b. Introduction to Early Childhood Techniques;
- c. Guidance Strategies for Young Children or has been issued the Colorado Pyramid Model Training certificate of completion;
- d. Health, Nutrition, and Safety;
- e. Administration of Early Childhood Care and Education Programs;
- f. Administration: Human Relations for Early Childhood Professions or Introduction to Business;
- g. Curriculum Development: Methods and Techniques;

~~h. — Child Growth and Development;~~

~~i. — The Exceptional Child; and,~~

~~j. — Infant/Toddler Theory and Practice or have been issued the Expanding Quality Infant/Toddler Training certificate of completion; or,~~

~~3. — Completion of a course of training approved by the Department that includes course content listed at Section 7.702.43, B, 1; and experience listed at Section 7.702.43, C.~~

~~C. — The experience requirements for the director of a large center must include direct work with young children and families within an early care and education setting and is based on the completion of the following amount of verified work experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual:~~

~~1. — Persons with a Bachelor's, Master's, or Doctorate degree with a major emphasis as listed in Section 7.702.43, B, 1, or individuals with an Early Childhood Professional Credential Level III Version 3.0 as determined by the Department; no additional experience is required.~~

~~2. — Persons with an Associate's degree in Early Childhood Education or Child Development must have three (3) months (455 hours) of verified experience.~~

~~3. — Persons with a Bachelor's degree and have completed the thirty (30) semester credit hours specified in Section 7.702.43, B, 2, must have three (3) months (455 hours) of verified experience.~~

~~4. — Persons who have no degree but have completed the thirty (30) semester credit hours specified in Section 7.702.43, B, 2, must have six (6) months (910 hours) of verified experience.~~

~~5. — Additional requirements for verified experience include:~~

~~a. — Verified experience acquired in a school-age childcare center may count for up to half of the required experience for director qualifications. The other half of the required experience must be working directly with children in a child development program; and,~~

~~b. — For family childcare home experience to be considered, the applicant must be, or have been, the licensee in the State of Colorado.~~

~~D. — Renewal of Large Center Director Qualifications Letter~~

~~1. — All individuals who were previously qualified as a large center director by the Department, who have not completed the required courses in each of the following subject or content areas, must take one (1) course every two (2) years from an accredited college or university, with all courses completed by February 1, 2022, or be in compliance with a current Transitory Director Qualification Letter. Official transcripts listing completion of one (1) or more of the five (5) courses shall be submitted to the Department within thirty (30) calendar days of completing each course until all five (5) courses have been completed in:~~

~~a. — Guidance Strategies for Young Children or has been issued a Colorado Pyramid Model Training certificate of completion;~~

~~b. — Health, Nutrition and Safety or Child Nutrition;~~

~~c. — The Exceptional Child;~~

~~d. — Infant/Toddler Theory and Practice or have been issued the Expanding Quality in Infant and Toddler Care Training certificate of completion; and,~~

e. Administration: Human Relations for Early Childhood Professions or Introduction to Business.

2. Except for individuals holding an Early Childhood Professional Credential Level III Version 3.0 as determined by the Department, directors meeting all large center director requirements in Section 7.702.43, B, in centers operating more than six (6) hours a day must complete a three (3) semester credit hour course from an accredited college or university every five (5) years in a subject related to the operation of a center and must be able to demonstrate the relationship of the course taken to the operation of the center.

3. The renewal application and the official transcripts must be submitted to the Department. The renewed director letter shall expire five (5) years from approval of the renewal application.

4. Director letters must be renewed prior to the expiration date or the letter becomes invalid and the individual no longer qualifies as a director of a large center.

E. Revocation of Large Center Director Letter

1. Persons may be denied an original or renewal of a director letter; a director letter may be revoked if substantial evidence has been found that the applicant or director is responsible for one or more of the following at any childcare facility, including, but not limited to:

a. Committing fraud;

b. Responsible for egregious or repetitive grounds for negative licensing actions;

c. Providing false information;

d. Providing false transcripts for self or staff; or,

e. Providing false letters of experience for self or staff.

2. Persons who have had a Director Letter revoked or denied for the reasons listed in Section 7.702.43, E, 1, a-e, may submit a new application for consideration after a period of two (2) years from the date of denial or revocation.

3. A person issued a new director letter after a denial or revocation shall receive a provisional letter for no less than nine (9) months. After the provisional period has been completed, a new application may be submitted for consideration of a five (5) year time limited letter.

4. Persons whose director letter has been denied or revoked for the reasons listed in Section 7.702.43, E, 1, a-e, may file an appeal in the same manner as a request for waiver, as specified in Section 7.701.13 of the "General Rules for Child Care Facilities".

F. Assistant Director Requirements

1. An Assistant Director working under the supervision of a Director must be at least eighteen (18) years of age, have at least nine (9) months (1,365 hours) of experience as an Early Childhood Teacher, and must meet one (1) of the following qualifications:

a. A Bachelor's, Master's, or Doctorate degree from an accredited college or university; or,

b. Completion of at least half of the required coursework for director qualifications in section 7.702.43, B, 3, including the following two (2) administration courses:

(1) Administration of Early Childhood Care and Education Programs; and,

(2) Administration: Human Relations for Early Childhood Professions, or Introduction to Business.

G. All course grades used for the large center Director or Assistant Director requirements must be a "C" or better.

7.702.44 Director Qualifications – Small Child Care Center

A. The Director or Substitute Director of a Small Center must either: meet large center Director qualifications or meet at least one (1) of the following qualifications:

1. Posses a current professional teaching license issued by the Colorado Department of Education with an endorsement in the area of Elementary Education, Early Childhood Education, Early Childhood Special Education, or Early Childhood Special Education Specialist; or,

2. Possess a current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department; or,

3. Current certification as a Child Development Associate (CDA) credential in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or other Department approved credential; or,

4. Two (2) years and nine (9) months (5,005 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual, and at least two (2) three (3) semester credit hour courses from an accredited college or university in Early Childhood Education, and one (1) of the courses must be either:

a. Introduction to Early Childhood; or,

b. Early Childhood Guidance Strategies for Children or has been issued Colorado Pyramid Model Training certificate of completion; or,

5. Nine (9) months (1,365 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual, and an Associate's degree from an accredited college or university, with at least two (2) three (3) semester credit hour courses in Early Childhood Education, and one (1) of the courses must be either:

a. Introduction to Early Childhood Professions; or,

b. Early Childhood Guidance Strategies for children or has been issued a Colorado Pyramid Model Training certificate of completion; or,

6. Three (3) months (455 hours) of satisfactory experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual; and an Associate's degree in Child Development or Early Childhood Education from an accredited college or university, with at least two (2) three (3) semester credit hour courses in either:

a. Introduction to Early Childhood Professions or possesses a Child Development Associate (CDA) credential in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or,

b. Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion.

B. Satisfactory experience includes all options listed at Section 7.702.43, B and C.

C. All course grades used for the small child care center Director requirements must be a "C" or better.

D. Substitute Director Requirements

1. In the absence of the Director of a small center, an individual who meets Director qualifications for a small center or a large center must substitute for the Director.

7.702.45 Qualifications for Teachers, Substitutes, Staff Aides, and Volunteers

A. Early Childhood Teacher

1. An Early Childhood Teacher, assigned responsibility for a single group of children and working under the supervision of a Director, must be at least eighteen (18) years of age and meet at least one (1) of the following qualifications:

a. A Bachelor's, Master's, or Doctorate degree from an accredited college or university with a major area of study in one (1) of the following areas:

(1) Child Development;

(2) Child Psychology;

(3) Early Childhood Education;

(4) Early Childhood Special Education;

(5) Educational Leadership and Administration;

(6) Elementary Education;

(7) Family and Human Development;

(8) Family Studies; or,

(9) Special Education; or,

b. A Bachelor's, Master's, or Doctorate degree from an accredited college or university with a major area of study in any area other than those listed at Section 7.702.45, A, 1, a, and an additional two (2) three (3) semester credit hour courses in Early Child Education, with one (1) course as the following:

(1) Introduction to Early Childhood Professions; or,

(2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or,

c. An Associate's degree (60 semester credit hours) from an accredited college or university in Early Childhood Education or Child Development, which must include at least two (2), three (3) semester credit hour courses in either:

(1) Introduction to Early Childhood Professions; or,

(2) Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or,

d. A current professional teaching license issued by the Colorado Department of Education with an Endorsement in the area of Elementary Education, Early Childhood Education, Early Childhood Special Education, or Early Childhood Special Education Specialist; or,

e. A current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department; or,

f. ——— A current certification as a Child Development Associate (CDA) in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; or other Department-approved credential; or,

g. ——— Completion of a course of training approved by the Department and published on the Department's approval list; and nine (9) months (1,365 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual; or,

h. ——— Three (3) months (455 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual; and the completion of eighteen (18) semester credit hours from an accredited college or university in Early Childhood Education, with one (1) course as:

(1) ——— Introduction to Early Childhood Professions; or,

(2) ——— Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion; or,

i. ——— Twenty one (21) months (3,185 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual. Satisfactory experience includes being a licensee of a Colorado Family Child Care Home, a Teacher's Aide or Teacher in a childcare center, preschool, or elementary school. In addition, the individual must either:

(1) ——— Possess a current Early Childhood Professional Credential Level I or higher in Version 3.0 as determined by the Department; or,

(2) ——— Complete two (2) three (3) semester credit hour courses from an accredited college or university in Early Childhood Education with one (1) course as either:

(a) ——— Introduction To Early Childhood Professions or has been issued the Child Development Associate (CDA) Credential; Or,

(b) ——— Early Childhood Guidance Strategies for Children or has been issued a Colorado Pyramid Model Training certificate of completion.

2. ——— All course grades used for the Early Childhood Teacher requirements must be a "C" or better.

B. ——— Infant Program Staff

1. ——— Staff Requirements

a. ——— The infant program must have an Infant Program Supervisor who meets at least one (1) of the following qualifications:

(1) ——— A Registered Nurse, licensed to practice in Colorado, with a minimum of three (3) months (455 hours) of verifiable experience in the care and supervision of infants who are not related to the individual; or,

(2) ——— A Licensed Practical Nurse, licensed to practice in Colorado, a minimum of nine (9) months (1,365 hours) of verifiable experience in the care and supervision of infants who are not related to the individual; or,

(3) ——— An adult who holds a certificate in infant and toddler care from an accredited college or university with completion of a minimum of thirty (30) semester credit hours in the development and care of infants and toddlers in a group setting; or,

~~(4) — An adult who is currently certified as a child development associate (CDA) in: Center-Based, Preschool; Center-Based, Infant-Toddler; or Family Child Care; and has completed the Infant/Toddler Theory and Practice or has been issued the Expanding Quality in Infant and Toddler Care Training certificate of completion; or,~~

~~(5) — An adult who holds a current Early Childhood Professional Credential Level II or higher in Version 3.0, as determined by the Department, has a minimum of nine (9) months (1,365 hours) of verifiable experience in the care and supervision of infants and/or toddlers, and:~~

~~(a) — Has completed one (1) three (3) semester credit hour course in Infant/Toddler Development; or,~~

~~(b) — Has completed the Department-approved Expanding Quality in Infant and Toddler Care training course.~~

~~(6) — An adult who:~~

~~(a) — Is at least nineteen (19) years of age;~~

~~(b) — Is qualified as an Early Childhood Teacher (Section 7.702.45, A);~~

~~(c) — Has a minimum of nine (9) months (1,365 hours) of verifiable experience in the group care of infants or toddlers; and,~~

~~(d) — Has completed at least two (2) three (3) semester credit hour courses from an accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be:~~

~~(i) — Infant/Toddler Development; or,~~

~~(ii) — The Department-approved Expanding Quality in Infant and Toddler Care training course; or,~~

~~(7) — An adult who:~~

~~(a) — Is at least nineteen (19) years of age;~~

~~(b) — Is qualified as an Early Childhood Teacher (Section 7.702.45, A);~~

~~(c) — Has a minimum of one (1) year and nine (9) months (3,185 hours) of verifiable experience in the group care and supervision of infants or toddlers; and,~~

~~(d) — Will complete, within the first six (6) months of employment, two (2) three (3) semester credit hour courses from an accredited college or university, one (1) of which must be:~~

~~(i) — Infant/Toddler Development; or,~~

~~(ii) — The Department-approved Expanding Quality in Infant and Toddler Care training course.~~

~~b. — An Infant Program Early Childhood Teacher must meet the following requirements:~~

~~(1) — Meet the qualifications for an Early Childhood Teacher found at Section 7.702.45, A, or be qualified as an Infant Program Supervisor; and,~~

~~(2) — Has a minimum three (3) months (455 hours) of verifiable experience in the care and supervision of children under three (3) years of age.~~

c. — Prior to being assigned a group of children, the Infant Program Early Childhood Teacher must complete eight (8) hours of orientation in the infant program under the supervision of the Infant Program Supervisor. The orientation may include, but not limited to, the following topics:

(1) — Toys and equipment, appropriate activities for infants and toddlers, appropriate sleep positions for infants and toddlers, and the safe and appropriate diaper change technique.

d. — The Infant Program Staff Aide must be at least eighteen (18) years of age, must have completed eight (8) hours of orientation as listed above at the infant program, and must work under the direct supervision of an Infant Early Childhood Teacher.

e. — There must be at least one (1) staff member on duty in each infant room at all times who holds a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.

2. — Required Staff and Supervision

(See chart in Section 7.702.46)

a. — In the infant program, there must be a qualified Infant Program Supervisor present sixty percent (60%) of the hours of operation of the infant program who is responsible for the care of the infants. An individual qualified as an Infant Early Childhood Teacher must be responsible during the remaining time.

b. — The Infant Program Supervisor or an Infant Early Childhood Teacher must be assigned to each group of ten (10) or fewer infants in attendance. An Infant Program Staff Aide may be assigned to assist the Infant Program Supervisor or the Infant Early Childhood Teacher when six (6) through ten (10) infants are in care in the group to maintain the staff ratio of one (1) adult for each five (5) infants.

c. — There must be assigned at least one (1) Infant Program Supervisor in the infant program for each twenty (20) or fewer infants in attendance.

C. — Toddler Program Staff

1. — Staff Requirements

The Toddler Early Childhood Teacher, a staff member assigned responsibility for a single group and working under the supervision of the Director, must meet at least one (1) of the following qualifications:

a. — A Registered Nurse, licensed to practice in Colorado, with a minimum of three (3) months (455-hours) of verifiable experience in the care and supervision of children less than three (3) years of age who are not related to the individual; or,

b. — A Licensed Practical Nurse, licensed to practice in Colorado, with at least nine (9) months (1,365-hours) of verifiable experience in the care and supervision of children less than three (3) years of age who are not related to the individual; or,

c. — An adult who holds a certificate in infant and toddler care from an accredited college or university with completion of at least thirty (30) semester credit hours or equivalent in such courses as child growth and development, nutrition, and care practices with children birth to three (3) years of age; or,

d. — An adult who is certified as a Child Development Associate (CDA) in: Center-Based, Preschool; Center-Based, Infant Toddler; or Family Child Care; or is certified as a Child Care Professional (CCP); or holds another Department-approved certificate; or,

e. — An adult who meets the education and experience requirements for an Early Childhood Teacher of a large center (Section 7.702.45, A); or,

f. ~~———— A current Early Childhood Professional Credential Level II or higher in Version 3.0 as determined by the Department.~~

2. ~~———— Staff Aides must be at least sixteen (16) years of age, must work directly under the supervision of the Director or a Toddler Early Childhood Teacher, and must have completed eight (8) hours of orientation at the toddler program.~~

3. ~~———— For every fifteen (15) or fewer toddlers, there must be at least one (1) staff member in the toddler program at all times who has a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.~~

D. ~~———— Kindergarten Teacher~~

~~A Kindergarten Teacher, assigned responsibility for a single group of children during times specified in Section 7.702.46, must meet one (1) of the following qualifications:~~

1. ~~———— Each teacher of a kindergarten class must have the same qualifications as a Director for a large-center (see Section 7.702.43); or must possess a current professional teaching license issued by the Colorado Department of Education in Elementary Education; or,~~

2. ~~———— A current Early Childhood Professional Credential Level III or higher in Version 3.0 as determined by the Department.~~

E. ~~———— Assistant Early Childhood Teacher~~

~~An Assistant Early Childhood Teacher, assigned responsibility for a single group of children during times specified in Section 7.702.46, must meet one (1) of the following qualifications:~~

1. ~~———— Completion of one (1) of the Early Childhood Education courses in Section 7.702.43 B, 3, with a course grade of “C” or better; and a minimum of nine (9) months (1,365 hours) of verified experience in the care and supervision of four (4) or more children less than eight (8) years of age who are not related to the individual. Assistant Early Childhood Teachers must be enrolled in and attending the second (2nd) Early Childhood Education course, which will be used as the basis for their qualification for the position of Early Childhood Teacher; or,~~

2. ~~———— Completion of two (2) of the Early Childhood Education courses referenced in Section 7.702.43, B, 3, with a course grade of “C” or better and no experience; or,~~

3. ~~———— A current Early Childhood Professional Credential Level I or higher in Version 3.0 as determined by the Department.~~

F. ~~———— Substitute Staff~~

1. ~~———— Equally qualified staff must be available to substitute for regularly assigned staff who are sick, on vacation, or otherwise unable to be on duty.~~

2. ~~———— For short term unscheduled Early Childhood Teacher vacancies up to ten (10) business days per calendar year, an Assistant Early Childhood Teacher can substitute for the Early Childhood Teacher. The date and times of substitution must be recorded and available for review at all times.~~

G. ~~———— Staff Aide~~

1. ~~———— Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the Director or an Early Childhood Teacher.~~

2. ~~———— Infant Staff Aides must be at least eighteen (18) years of age.~~

3. — Staff Aides, without supervision from an Early Childhood Teacher or Director, may supervise no more than two (2) preschool-age children while assisting the children with diapering or toileting.

H. — Volunteers

1. — Volunteers who are used to meet staff to child ratio must be equally qualified as an Early Childhood Teacher, Assistant Early Childhood Teacher, or Staff Aide. Equally qualified volunteers must have complete staff records as required in Section 7.702.35 and complete training requirements as required in Section 7.702.42.

2. — Volunteers who are not required to be equally qualified or successfully complete background checks must be supervised and given instruction as to the center's policies and procedures.

3. — Volunteers between the ages of twelve (12) and sixteen (16) must have a written purpose developed by the center for volunteering and may not volunteer for more than two (2) hours per day.

7.702.46 — Required Staff and Supervision

A. — Staff-Child Ratios

1. — For the purposes of this subsection A, in determining staff-child ratios, only staff members and/or volunteers qualified under Section 7.702.45, who work directly with children are counted.

2. — For full day programs, during times of low attendance and/or during the first and last hour of the day, when only eight (8) or fewer children are present in the facility, there must be at least one (1) Early Childhood Teacher or Assistant Early Childhood Teacher working with the children and a second staff member must be on site and immediately available. There must be no more than two (2) children less than the age of two (2) present. When nine (9) or more children are in attendance, at least two (2) staff members must be on duty.

3. — The Director of the center must be present at the center at least sixty percent (60%) of any day that the center is open.

a. — Centers licensed under the same governing body that provide care for preschool-age children only at multiple locations are not required to have a large center Director-qualified staff member assigned to each program. To qualify, centers must have an organizational structure that includes employees of the center that provide at least ten (10) administrative support elements from the following:

1. — Colorado Preschool Program Coordinator;

2. — Parent Educational Specialist;

3. — Principal or Executive Director;

4. — Health Coordinator;

5. — Nurse;

6. — Health Technician;

7. — Food Service Director;

8. — A Registered Dietitian or an individual with a Master's level or higher education in Nutrition;

9. — Fire/Health/Safety Inspector;

10. — Mental Health Team;

11. — Speech Language Pathologist;
12. — Occupational/Physical Therapist;
13. — School Psychologist;
14. — Family Outreach Worker;
15. — Human Resource Specialist; or,
16. — Transportation Manager.

b. — The program must obtain a Director who meets large center Director qualifications if substantial evidence has been found leading to an adverse licensing action for any of the following:

1. — Lack of supervision;
2. — Operating out of the approved staff member to child ratio;
3. — Operating without sufficient qualified staff.
4. — If the Director of a large center cannot be present sixty percent (60%) of any day, an Assistant Director must be on site acting in the capacity of the Director.
5. — When there is a Director vacancy or absence, an Assistant Director may substitute for the director for a maximum of up to twelve (12) weeks per calendar year. The Assistant Director must be on site at least sixty percent (60%) of any day the center is open. For vacancies exceeding twelve (12) weeks, an individual meeting Director qualification must be on site acting as director until a new Director is appointed. The dates must be documented and kept on file for review.
6. — An Assistant Director must consult with a qualified Director on administering the center in accordance with early childhood principles and practices and licensing rules.
7. — There must be assigned at least one (1) qualified Early Childhood Teacher supervising each group of children unless otherwise specified in rules. A Director may be the assigned teacher for one (1) group of children.
8. — Full day programs may have Assistant Early Childhood Teachers supervise preschool-age and older children during the following periods of operation:
 - a. — Opening hours: an Assistant Early Childhood Teacher may be alone with children for the first two (2) hours of a center's daily operating hours;
 - b. — Nap time: an Assistant Early Childhood Teacher may be alone with children for up to one (1) hour during nap time;
 - c. — Closing hours: an Assistant Early Childhood Teacher may be alone with children for up to the two (2) hours prior to the closing time of a center's daily operations;
 - d. — Taking children to the restroom or diapering; and,
 - e. — When substituting for an Early Childhood Teacher in compliance with Section 7.702.45, F, 2.
9. — At least one (1) staff member with the current Department approved Medication Administration training and delegation must be on duty at all times.

10. — At nap time, the child to staff ratio may be doubled for children two and one half (2 ½) years of age and older in preschool classrooms when the following conditions have been met:

- a. — At least half of the children are sleeping;
- b. — Another staff member is onsite in the center and immediately available;
- c. — Maximum group size and room capacity are not exceeded; and,
- d. — Staff member supervising children is qualified as an Early Childhood Teacher or Assistant Early Childhood Teacher.

11. — Formal kindergarten class sessions must have one (1) staff member for each twenty five (25) or fewer children in attendance. At other parts of the day when children are in attendance, the ratio must be one (1) staff member to each fifteen (15) or fewer children.

12. — Children of the Director or of staff members who attend the center and other children on the premises for supervision and care must be counted against the licensed capacity in the appropriate age groups.

13. — In determining staff child ratios, children who are in attendance for only part of the day are counted only while at the center.

14. — Staff Child Ratios

AGES OF CHILDREN	NUMBER OF STAFF
6 weeks to 18 months (infants)	1 staff member to 5 infants
12 months to 36 months	1 staff member to 5 toddlers
24 months to 36 months	1 staff member to 7 toddlers
2 1/2 years to 3 years	1 staff member to 8 children
3 years to 4 years	1 staff member to 10 children
4 years to 5 years	1 staff member to 12 children
5 years and older	1 staff member to 15 children
Mixed age group 2 1/2 years to 6 years	1 staff member to 10 children

a. — In other preschool age combinations, the staff ratio for the youngest child must be utilized if more than twenty percent (20%) of the group is composed of younger children. This does not apply to infants and toddlers. The ratio for toddler groups is based on the youngest child in the group.

15. — Maximum Group Size for Children

AGES OF CHILDREN	MAXIMUM GROUP SIZE
6 weeks to 18 months	10 infants
12 months to 36 months	10 toddlers
24 months to 36 months	14 toddlers
2 1/2 years to 3 years	16 children
3 years to 4 years	20 children
4 years to 5 years	24 children
5 years and older	30 children
Mixed age group 2 1/2 to 6 years of age	20 children

a. — In other preschool age combinations, the maximum group size for the youngest child must be utilized if more than twenty percent (20%) of the group is composed of younger children. This does not apply to infants and toddlers. The group size for toddler groups is based on the youngest child in the group.

b. — Preschool age and school-age groups of children must be separated into developmentally appropriate activities. Groups are not required to be separated from each other by permanent or portable dividers or walls.

c. — Group size for children in preschool and school-age classrooms may be exceeded for circle time, meal and snack time, special occasions, and activities.

d. — The licensed room capacity must not be exceeded at any time.

e. — Toddler age groups of children must be separated from each other by permanent or portable dividers or other methods as approved by the Department.

f. — When combining age groups, not including individual child transitions, children must be cared for in the room licensed for the youngest child in care, including the outdoor play area.

16. — Emergency Situations

A. — In the case of an emergency situation, including but not limited to illness, death, accident, law enforcement action, road closure, hazardous weather, emergency bodily function, child elopement, or providing emergency attention or care to a child, the child care center may operate under the following guidelines:

(1) — The facility may temporarily use a staff member, who has successfully completed criminal background check requirements, to supervise children for no more than two (2) hours until a qualified staff member is secured. The dates and times must be recorded and made available for review at all times.

(2) — A large child care center or a child care center that operates on the property of a school district, district charter school, or institute charter school, may permit a staff member, who has successfully completed criminal background check requirements but is not a qualified caregiver, to supervise children for an amount of time that is reasonably necessary to address an emergency circumstance.

(3) — During any emergency situation, the facility must be in compliance with the staff-to-child ratio.

B. — Service/Housekeeping Personnel

1. — Service personnel must be available for housekeeping and food preparation as needed for adequate operation and maintenance of the center.

2. — Assignment of housekeeping and maintenance duties to childcare staff must not interfere with their supervisory responsibilities and childcare duties.

C. — Child Care Health Consultant

1. — Center staff must have a monthly consultation with a current Department approved Child Care Health Consultant who must meet one (1) of the following qualifications:

a. — A Licensed Registered Nurse with knowledge and experience in maternal and child health;

b. — A Pediatric Nurse Practitioner;

c. — A Family Nurse Practitioner; or,

d. — A Physician with knowledge and experience in pediatrics or maternal and child health.

2. — The monthly consultation must be specific to the needs of the facility and include some of the following topics: training, delegation and supervision of medication administration and special health-

procedures, health care plans, hygiene, disease prevention, equipment safety, nutrition, interaction between children and adult caregivers, and child growth and development.

3. — The monthly consultation must be conducted on-site at least quarterly or more frequently as required by the Child Care Health Consultant. Teleconsultations are allowed for the remaining months.

4. — The date and content of each consultation must be recorded and maintained in the center's files for three (3) years.

5. — For the Department-approved Child Care Health Consultant, the center must maintain documentation from the Colorado Department of Regulatory Agencies that the Registered Nurse or the Medical Doctor's licensure is in good standing.

6. — For the Department-approved Child Care Health Consultant, the center must maintain documentation of a brief biography highlighting applicable knowledge, experience, and approximate dates worked as a school nurse or Child Care Health Consultant.

7. — All Department-approved Child Care Health Consultants must complete the Department-approved Child Care Health Consultant Introductory training course within six (6) months of hire. Child Care Health Consultants must complete Department-approved ongoing professional development training every three (3) years. The center must obtain and maintain proof of training completion.

8. — All Department-approved Child Care Health Consultants must complete the Department-approved Colorado Department of Public Health and Environment immunization course annually. The center must obtain and maintain proof of course completion.

9. — All Department-approved Child Care Health Consultants must complete the Department-approved training about child abuse prevention, which includes common symptoms and signs of child abuse or neglect. This training must be completed within thirty (30) days of hire and renewed every three (3) years.

7.702.5 — ADMISSION PROCEDURE

A. — The center must accept and care only for children of the ages for which it has been licensed. At no time shall the number of children in attendance exceed the number for which the center has been licensed.

B. — Admission procedures must be completed prior to the child's attendance at the center and must include:

1. — A pre-admission interview with the child's parent(s)/guardian(s) to determine whether the services offered by the center will meet the needs of the child and the parent(s)/guardian(s);

2. — Completion of the registration information required for inclusion in the child's record as required in Section 7.702.34 and;

3. — If applicable, a Department-approved health care plan authorized by the child's health care provider and parent(s)/guardian(s) defining the interventions needed to care for a child who has an identified health or developmental condition or concern including, but not limited to seizures, asthma, diabetes, severe allergies, heart or respiratory conditions, and physical disabilities. Any applicable medications, supplies, and/or medical equipment must be available to the staff prior to the child's first day of care. The staff working with a child with a health care plan must be informed, trained, and delegated responsibility for carrying out the health care plan by the Department-approved Child Care Health Consultant; supervision of the plan and interventions must be documented.

C. — Children with Special Needs

1. — The admission of children who have special health care needs, disabilities, or developmental delays which includes children with social emotional and behavioral needs must be in alignment with the training and ability of staff and in compliance with the Americans with Disabilities Act. Services offered must show that a reasonable effort is made to accommodate the child's needs and to integrate the child with other children. (See Section 7.701.14 of the General Rules for Child Care Facilities)
2. — The center must inform its Department approved Child Care Health Consultant prior to the first day of care of the enrollment of a child with special health care needs, if known, so staff receive training, delegation and supervision by the Department approved Child Care Health Consultant as indicated by the child's individualized health care plan.
3. — For a child with special health care needs requiring intervention and/or medication, the center must obtain written instructions for providing services from the child's parent(s)/guardian(s), and the health care provider. If an existing individualized health care plan is provided for the child, it must be reviewed and followed by the center staff when caring for the child. If the child does not have an existing individualized health care plan, the individualized health care plan must be obtained by the child's first day of care.
4. — For an enrolled child with a newly identified special health care need, the center must obtain written instructions for providing services from the child's parent(s)/guardian(s) and the health care provider. If the child with special health care needs does not have an existing individualized health care plan, the individualized health care plan and all associated medication(s) and/or equipment must be provided within thirty (30) calendar days of the child's identified need.
5. — The individual health care plan must be updated at least every twelve (12) months from the date of the initial plan and as changes occur. The plan must include all information needed to care for the child, must be signed by the health care provider, parent(s)/guardian(s) and must include, but not be limited to, the following:
 - a. — Medication and dosing schedule;
 - b. — Nutrition and feeding instructions;
 - c. — Medical equipment or adaptive devices, including instructions;
 - d. — Medical emergency instructions;
 - e. — Toileting and personal hygiene instructions;
 - f. — Behavioral interventions; and,
 - g. — Medical procedure/intervention orders.
- D. — If the parent(s)/guardian(s) agree(s) that the center should care for a child in the infant program who is eighteen (18) months or older, the center must have on file a written statement from a health care provider confirming that care for the child is appropriate in the infant program.
- E. — If the parent(s)/guardian(s) agree(s) that the center should care for a child in the toddler program who is twelve (12) months old but not walking independently, or is over thirty-six (36) months old, the center must have on file a written statement from a health care provider confirming that care for the child is appropriate in the toddler program.

7.702.51 — Health Care

A. — Statements of Health Status

1. — The center has the right to refuse to admit a child if a statement from a health care provider or documentation of immunization status, or exemption, is not submitted.

2. — At the time of admission, the parent(s)/guardian(s) must provide for each child entering the center:

a. — Documentation of school-required immunization status or Certificate of Medical or Nonmedical Exemption, is required by the Colorado Board of Health. Up-to-date school-required immunizations must be documented as specified on the Colorado Department of Public Health and Environment Certificate of Immunization or on an “approved alternate” Certificate of Immunization. Colorado law requires proof of immunization status or exemption be provided prior to or on the first day of admission.

b. — Within thirty (30) calendar days of admission, and within thirty (30) calendar days following the expiration date of a previous health statement, the parent(s)/guardian(s) of each child must submit a statement of the child’s current health status or written verification of a scheduled appointment with a health care provider. The statement of the child’s current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2½) years of age. The statement must include when the next visit is required by the health care provider. All health statements must be kept at the center.

c. — Statements of health status of children less than two (2) years of age must be updated in accordance with the American Academy of Pediatrics recommended schedule for routine health supervision or as required in writing by the health care provider.

d. — Health statements for children over two (2) years of age to seven (7) years of age must be updated in accordance with the American Academy of Pediatrics recommended schedule for routine well-child exams.

e. — For children seven (7) years of age and older or who have completed the first (1st) grade, subsequent statements of health status must be obtained every three (3) years.

B. — Medication

1. — Any unexpired routine medication, prescription or non-prescription (over the counter), must be administered only with a current written order of a health care provider with prescriptive authority and with written parental consent. Home remedies, homeopathic medication, vitamins, and supplements must not be administered to children in childcare.

2. — The written order by the person with prescriptive authority shall include:

a. — Child’s name;

b. — Licensed prescribing practitioner name, telephone number, and signature;

c. — Date authorized;

d. — Name of medication and dosage;

e. — Time of day medication is to be given;

f. — Route of medication;

g. — Length of time the medication is to be given;

h. — Reason for medication (unless this information needs to remain confidential);

i. — Side effects or reactions to watch for; and,

j. — Special instructions.

3. — Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label.
4. — Over the counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.
5. — In the case medication needs to be given on an ongoing, long-term basis, the authorization and consent forms must be reauthorized on an at least annual basis. Any changes in the original medication authorization require a new written order by the prescribing practitioner and a change in the prescription label.
6. — Staff designated by the Director to give medications must complete the Department approved Medication Administration training and have current annual delegation or more often as determined by the Department approved Child Care Health Consultant. Delegation must be from the center's current Department approved Child Care Health Consultant who must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current CPR and First Aid training prior to administering medication with the following exceptions:
 - a. — Staff determined by the Director, in consultation with the Department approved Child Care Health Consultant, to be responsible for providing emergency medications must complete the Department approved Medication Administration training: Severe Allergy or Asthma. After completing the training, staff must receive delegation from their Department approved Child Care Health Consultant for those medications only. Staff must then provide those medications to children based on the instructions from the child's individualized health care plan.
 - b. — Staff determined by the Director, in consultation with the Department approved Child Care Health Consultant, to be responsible for providing medications not covered in the approved medication administration training shall also be permitted to administer medications and/or medical treatments such as emergency seizure medication, insulin, or oxygen with individualized training and delegation from the Department approved Child Care Health Consultant based on instructions from the child's individualized health care plan.
 - c. — Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's Department approved Child Care Health Consultant. Such training and delegation shall qualify the staff member to provide a rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.
7. — All medications, except those medications specified in the Department approved medication administration training as emergency medications, must be locked and inaccessible to children, but available to staff trained in administering medication. Controlled medications must be counted and safely secured, and specific policies regarding their handling require special attention in the center's policies. Access to these medications must be limited.
 - a. — Emergency medications are not required to be locked but must be stored in an area inaccessible to children, and easily accessible and identifiable to staff. Emergency medications must be stored in accordance with the Department approved Child Care Health Consultant's recommendation.
 - b. — When away from the classroom, staff assigned to supervise the child must carry the emergency medication.
8. — The center must have a written policy on the storage and access of inhalers and epinephrine carried by school-age children. The policy must include a written contract with the parent(s)/guardian(s) and child acknowledgement assigning levels of responsibility of each individual. This contract includes orders for the medication from a health care provider, along with confirmation from the health care provider and the Department approved Child Care Health Consultant that the student has been instructed and is capable of self administration of the prescribed medications.

9. — Children are not allowed to bring medications to childcare unless accompanied by a responsible adult.

10. — If a medication is out of date or left over, the parent(s)/guardian(s) is responsible for picking up the medication. If the parent(s)/guardian(s) do not respond, the center must dispose of the medications as required by the Colorado Department of Public Health and Environment.

11. — Topical preparations such as petroleum jelly, diaper rash ointments, sunscreen, insect repellent, and other ointments may be administered to children with written authorization from the parent(s)/guardian(s). These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing health care provider.

12. — A written medication log must be kept for each child. This log is part of the child's records. The log must contain the following:

a. — Child's name and birthdate;

b. — name of the medication, dosage, and route;

c. — time medication is to be given by written medication authorization;

d. — time medication is administered to child;

e. — Special instructions;

f. — Name and initials of the individuals giving the medication; and,

g. — Notation if the medication was not given and the reason.

C. — Sun Protection

1. — The center must obtain written authorization and instructions from the parent(s)/guardian(s) for the application of sunscreen or the use of another form of parent(s)/guardian(s) approved sun protection with a full-spectrum UVA/UVB rating of SPF thirty (30) or greater to their children's exposed skin prior to outside play year-round. a doctor's permission is not needed to use sunscreen at the center.

2. — The center must apply sunscreen, have the parent(s)/guardian(s) apply sunscreen, or use another form of parent/guardian approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label.

a. — When the parent(s)/guardian(s) applies sunscreen, the center must have a mechanism for documenting application times to ensure sunscreen is reapplied as directed by the product label. If documentation of application time is not available, the center must ensure that sunscreen is applied thirty (30) minutes before going outdoors. If the child will be outside for more than one hour, sunscreen must be reapplied every two hours.

3. — When supplied for an individual child, the sunscreen must be labeled with the child's first and last name.

4. — If sunscreen is provided by the center, parent(s)/guardian(s) must be notified in advance, in writing, of the type of sunscreen the center will use.

5. — Children over four (4) years of age may apply sunscreen to themselves under the direct supervision of a staff member.

6. ——— Infants under six (6) months must be kept out of direct sunlight while outdoors.

7.702.6 ——— CHILD CARE SERVICES

7.702.61 ——— Personal Hygiene

A. ——— Diapering

1. ——— All diaper change areas must:

a. ——— Be a minimum of thirty-six (36) by eighteen (18) inches in size and large enough to accommodate the size of the child;

b. ——— Have a place inaccessible to children for storing all diaper change supplies and disinfecting solutions and products;

c. ——— Have a sufficient supply of diapers at all times; and,

d. ——— Be located and arranged to provide privacy for older children in need of diaper changing.

2. ——— Children being diapered must be within arm's reach of the staff member and actively supervised throughout the diapering process.

3. ——— One (1) diaper change area is required in every infant and toddler classroom.

4. ——— One (1) designated diaper change area is required for every twenty-four (24) preschool age children.

b. ——— Toileting

1. ——— There must be no attempt to toilet train children until they are able to communicate or otherwise indicate need, help manage their own clothing, and be able to access toileting facilities.

2. ——— For each child who is learning to use a toilet, the child's individual developmental abilities and needs must be accommodated as stated in the written policies and procedures for the center.

7.702.62 ——— Physical Care and Supervision

A. ——— General

1. ——— All children must be under the direct supervision at all times of a qualified adult who has been assigned the responsibility to supervise.

2. ——— The time a child arrives and leaves the center each day must be recorded. Staff members must complete written attendance verification periodically throughout the day, including during transitions.

3. ——— Staff must be awake, alert, and actively supervising all children.

4. ——— Staff must directly supervise children and maintain staff to child ratio during special activities that occur with an outside vendor or provider and where the vendor uses their expert staff to facilitate the activity.

5. ——— The staff must ensure that children are dressed appropriately for the weather before going outside.

B. ——— Infant and Toddler Programs

1. ——— Outside of mealtimes, children who are awake must not be confined for more than fifteen (15) minutes at a time to cribs, playpens, swings, highchairs, infant seats, or other equipment that confines movement. Children must have the opportunity for freedom of gross motor movement.
2. ——— Throughout the day, each child must have frequent, individual, personal contact, and attention from an adult, such as being held, rocked, taken on walks inside and outside the center, talked to, read to, and sung to.
3. ——— Staff must investigate whenever children cry, scream, or appear to withdraw and must try to verbally or physically soothe the child. When putting infants to sleep, staff may allow for a period of no longer than ten (10) minutes without verbally or physically soothing the child to enable the infant to try to self soothe and fall asleep.
4. ——— Children must be allowed to form and observe their own pattern of sleep and waking periods. Special provision must be made so that children requiring a morning nap time have a separate area for their nap apart from space used for play.
 - a. ——— Children must be allowed to leave their sleeping area immediately upon waking.

C. ——— Safe Sleep Environments for Infants

1. ——— Each infant up to eighteen (18) months of age and enrolled in the infant program must be provided with an individual crib, futon approved for infants, or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards. Individual cribs or futons must provide each infant with sufficient space for the infant's length, size, and movement.
2. ——— In the infant room, soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants, or other approved sleep/rest equipment. Soft bedding means, but is not limited to, any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diaper bibs, plush toys, pacifiers with stuffed animals attached, and stuffed animals.
 - a. ——— Mattresses for cribs and futons must have a properly fitted, clean sheet.
3. ——— Approved sleeping equipment must be firm and mattresses must fit snugly ensuring no more than two fingers are able to be inserted between the mattress and the side of the approved sleeping equipment.
4. ——— Toys, including mobiles and other types of play equipment that are designed to be attached to any part of sleeping equipment, must be kept away from sleeping infants and out of sleep environments, including hanging toys. Blankets and other items must not be hung from or draped over the sides or any part of sleeping equipment.
5. ——— All sleep/rest equipment must be safe, sturdy, and free from hazards including, but not limited to broken or loose slats, torn mattress, chipping paint or loose screws.
6. ——— Drop side and stacking cribs are prohibited.
7. ——— Bassinets and playpens are prohibited in childcare centers.
8. ——— Other sleep equipment not manufactured for commercial use is prohibited.
9. ——— An infant must be placed on his/her back for sleeping.
10. ——— Alternative sleep positions for infants must only be allowed with a health care plan completed and signed by the child's physician.

11. — Swaddling of infants must only be allowed with a health care plan completed and signed by the child's health care provider.
 12. — Each infant up to twelve (12) months of age who uses a pacifier must have the pacifier offered when being put down to sleep unless the parent(s)/guardian(s) direct(s) otherwise.
 13. — Infant sound monitors must be used in separate sleeping rooms for infants unless qualified staff remain in the room with sleeping infants at all times. When monitors are used, the following conditions must be met:
 - a. — The sound monitoring equipment is able to pick up the sounds of all sleeping infants;
 - b. — The receiver of the sound monitoring equipment is actively monitored by staff at all times;
 - c. — All sleeping infants must be physically observed at least every ten (10) minutes by a staff member;
 - d. — Sound monitoring equipment must be regularly checked to ensure it is working correctly; and,
 - e. — The monitor must be out of reach of children.
 14. — Separate sleep rooms are prohibited in new construction, change of governing body, and change of capacity in childcare centers.
 15. — Infants who fall asleep in a piece of equipment not approved for sleep must immediately be moved to their approved sleep area and placed on their back to sleep.
 16. — Cribs must be used for sleeping, not extended play nor confinement.
 17. — If music is played in the infant sleep area, the music must not be played at a loud volume that would prevent infants from being heard by staff. Music equipment must not be placed under a crib or within three (3) feet of the sleeping infant.
 18. — Supervised tummy time must be offered to infants one (1) month of age or older at least four (4) times per day for full day programs for short periods (3-5 minutes) and increase the amount of time as the infant shows they enjoy the activity. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.
 19. — When staff place infants in approved sleeping equipment for sleep, they must check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed (not overheated or sweaty), and that bibs, necklaces, and garments with ties or hoods are removed.
 - a. — Clothing sacks or other clothing designed for sleep must be worn in lieu of blankets if needed for additional warmth. clothing must not restrict the movement of the child's arms or legs.
 20. — Infants must not be placed to sleep in the same crib or futon as another infant or child at the same time.
- D. — Rest Time and Equipment
1. — Children must not be forced to sleep.
 2. — In rooms used for napping, the lighting must be dim at nap time to promote an atmosphere conducive to sleep but must be bright enough for supervision of children.

3. — When the room provided for rest is used for other program activities, the cots, pads, and linens must be stored in an area that is not included in the required square footage assigned for play space.
4. — In the toddler room, a crib, sleeping cot, or two (2) inch mat must be provided for each child, and there must be a minimum of two (2) feet between each crib or cot. Aisles between cots or cribs must be kept free of all obstructions while cribs are occupied. No child less than the age of two (2) years should use a cot for sleeping without written permission of the parent or guardian.
 - a. — Individual cribs must provide each toddler with sufficient space for the toddler's length, size, and movement, and must meet federal Consumer Product Safety Commission standards. Each crib must be fitted with a firm, comfortable mattress. If individual cribs are used, they must be separated by a sturdy divider from the area used for activities.
 - b. — Sleeping cots and mats must be of firm construction and in good repair.
 - c. — A fitted sheet and a blanket, or suitable covering, must be provided for each child to be used only by that child.
5. — If preschool-age children are in care for longer than five (5) hours, the center must provide at least a thirty (30) minute rest period meeting the following:
 - a. — A firm cot or two (2) inch mat with a sheet and blanket, or other suitable covering, must be provided for each child;
 1. — Cots or pads must be spaced at least two (2) feet apart on all sides during rest time. Children must have a safe area in which to rest that is easily supervised, out of the path of traffic, and free of hazards.
 - b. — Quiet activities must be available for children who do not sleep during the thirty (30) minute period. Older children requiring a rest time must be given one;
 - c. — Children who do not sleep after thirty (30) minutes must be allowed to move to another area and be provided with quiet toys and equipment to play with such as puzzles or books; and,
 - d. — Children who fall asleep must be allowed to leave their napping area within ten (10) minutes of waking.

7.702.63 — Food and Nutrition

- A. — Meals and Snacks provided by the center
 1. — All meals and snacks provided by the center must meet current United States Department of Agriculture (USDA) Child and Adult Care Food Program (CACFP) meal pattern requirements and be offered at suitable intervals not more than three (3) hours apart. Children who are at the center for more than four (4) hours, day or evening, must be offered a meal. Arrangements must be made for feeding children who are in care before 6 a.m. or after 6 p.m.
 2. — If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than two (2) times per week.
 3. — Centers must not provide sugar sweetened beverages to children. These are beverages that have been sweetened with various forms of sugars that add calories and include, but are not limited to: soda, fruitades, fruit drinks, flavored milks, and sports and energy drinks.
 4. — The size of servings must be suitable for the child's age and sufficient time must be allowed so that meals are unhurried.

5. — Foods offered shall be age appropriate and not pose a choking hazard.
6. — In centers that do not regularly provide a meal, if a child brings a meal from home that does not appear to meet current USDA Child and Adult Care Food Program meal pattern requirements, the center must have foods available to offer as a supplement to that meal.
7. — Staff members must sit with the children and encourage them to try a variety of food served. During meals, children should be encouraged to engage in conversation and to express their independence.
8. — Children must not be given foods that are contrary to the religious beliefs of their families or that are known to cause an allergic reaction or a health hazard.
9. — Food and beverages are not to be used as a reward.
10. — Meal menus must be planned at least one week in advance, dated, and posted in a place visible to parents. After use, menus must be filed and retained for three (3) months.
11. — A table, counter, or shelf, separate from the diaper changing area, must be available for preparing infants' and toddlers' food.

B. — Feeding the Infant

1. — An individualized diet and feeding schedule must be provided according to a written plan submitted by the parent or by the child's physician with the knowledge and consent of the parent. A change of diet and schedule must be noted on each child's daily activity schedule and posted in an area clearly visible to the staff.
2. — All infants less than six (6) months of age must be held for bottle feeding. Bottles must not be propped. Older infants must not be allowed to hold their own bottles when lying flat. Bottles must not be allowed in a crib with the infant.
3. — Older infants must be provided with suitable solid foods that encourage freedom in self-feeding and must be fed in safe chairs such as highchairs or baby feeding tables.
4. — When the infant program provides food other than breast milk or formula, food must be varied and include food from cereal, vegetable, fruit, and protein sources. When the center does not provide solid food, it must supply any additional foods and/or monitor the infant's total nutritional intake.
5. — A staff member may not mix cereal with breast milk or formula and feed it to an infant from a bottle or infant feeder unless there are written instructions from the child's health care provider.
6. — In infant nurseries, an adequate number of highchairs, or other suitable pieces of equipment that meet federal Consumer Product Safety Commission standards, must be provided for infant feeding.
7. — Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved once feeding is complete.

C. — Feeding the Toddler

1. — Staff members must either feed toddlers or supervise them when they are eating, and children must be encouraged to try a variety of food served.
2. — Toddlers must be sitting when eating or drinking.

3. — Children who are actively eating may be in a highchair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved away from the feeding location once feeding is complete.

7.702.64 — Guidance

A. — Guidance used at the center must be appropriate to the development of the child and is used as an opportunity to teach children social-emotional skills, such as self-regulation, problem-solving, and empathy for others.

B. — Children must not be subjected to physical or emotional harm, humiliation, or threats.

C. — The Director must not use, or permit a staff person or child to use, corporal or other harsh punishment.

D. — Guidance must not be associated with food, rest, or toileting. No child should be punished for toileting accidents. Food must not be denied to or forced upon a child as a disciplinary measure.

E. — Physical activity and outdoor time must not be withheld as a disciplinary measure.

F. — Separation, when used for guidance, must not exceed five (5) minutes and must be appropriate for the child's development. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked, closed room, or closet.

G. — Verbal abuse and derogatory remarks about the child are not permitted.

H. — Any form of restraint is not permitted.

I. — Physical redirection may be used to keep a child from immediate imminent danger. The child must be immediately released once removed from imminent danger.

7.702.65 — Activities

A. — Activity Schedules

1. — The center must carry out a planned program suitable to the needs of the children. This program must be described in writing and be available for review when requested by the department or by parents or guardians of children in care.

2. — Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather, to children toddler age and older for no less than sixty (60) minutes total for full day programs. Activities do not have to occur all at once.

a. — Programs who qualify for an outdoor space hardship per Section 7.702.74, B,1, must provide daily physical gross motor activities indoors or outdoors.

3. — Children's access to outdoor space must be provided daily, except during inclement weather.

4. — Infants must be provided access to outdoor play at least three (3) times per week, weather permitting.

5. — If the center takes children on routine short excursions, such activities and locations must be posted at the center.

6. — Portable first aid kits must be available to staff at all times, including field trips and short excursions, and must be checked and restocked on at least a monthly basis.

7. — If a child participates in activities away from the facility, the center must obtain the parent or guardian's written permission for the child to participate in the activity at a specific location and day. Staff ratios found at Section 7.702.46 must be maintained.

B. — Screen Time and Media Use

1. — Screen time, which includes, television, recorded media, computer, tablet, cell phones, video games, and other media devices, is prohibited for children less than two (2) years of age.

2. — Screen time is prohibited during snack or meal times.

3. — All media that children are exposed to must not contain explicit language or topics.

4. — For children two (2) to five (5) years of age, screen time must be limited to no more than thirty (30) minutes per day.

5. — For children two (2) years of age and older, screen time may only exceed sixty (60) minutes for a special occasion and must not occur more than once every two (2) weeks.

6. — All children must be provided with a developmentally appropriate alternative activity once the child(ren) loses interest in the media activity.

7. — There is no time restriction for children using personal adaptive equipment or assistive technology or participating in mandatory school activities.

C. — Field Trips

1. — The center must notify the children's parents or guardians in advance of any field trip. The staff-child ratio found at Section 7.702.46 must be maintained at all times.

2. — All groups of children must be actively supervised by a qualified Early Childhood Teacher at all times.

3. — Children must be actively supervised at all times.

4. — An accurate itinerary must remain at the center.

5. — When taking children on a field trip, staff must have the following information about each child: name, address, and phone number of the child's physician or other appropriate health care professional and the written authorization from the parent or guardian for emergency medical care.

6. — If children attending the field trip require routine medications be administered during the field trip or have special health needs, a staff member with current medication administration training and delegation must attend on the field trip.

7. — A list of all children and staff on a field trip must be kept at the center.

7.702.66 — Transportation

A. — Transportation Provided by the Center

1. — The center is responsible for any children it transports.

2. — The center must obtain written permission from the parent(s)/guardian(s) for any transportation of their child(ren) while in care.

3. — The number of staff members who accompany children when being transported in the vehicle must meet the childcare staff ratio found at Section 7.702.46. The driver of the vehicle is considered a staff member.
4. — Children must not be permitted to ride in the front seat of a vehicle and must remain seated while the vehicle is in motion. All children must be secured in a child restraint system that is appropriate for the age and development of that child. The child restraint must conform to all applicable Federal Motor Vehicle Safety Standards and Colorado child passenger safety laws.
5. — Children must be loaded and unloaded out of the path of moving vehicles.
6. — Children must not be permitted to stand or sit on the floor of a moving vehicle, and their arms, legs, and heads must remain inside the vehicle at all times.
7. — Children must not be left unattended in the vehicle.
8. — Transportation arrangements for school-age children must be by agreement between the center and the children's parents, i.e., whether the child can walk, ride a bicycle, or travel in a car. The center must monitor the children to be sure they arrive at the center when expected and follow up on their whereabouts if they are late. Written permission from parents or guardians for their children to attend community functions after school hours must include agreements regarding transportation.
9. — Prior to a field trip or other excursion, the center must obtain information on liability insurance from parents and staff who transport children in their own cars and verify that all drivers have valid driver's licenses.
10. — Attendance must be verified as children enter and exit the vehicle to ensure all children are accounted for.

B. — Requirements for Vehicles

1. — Any vehicle used for the transportation of children to and from the center or during center activities must meet the following requirements:
 - a. — The vehicle must be enclosed and have working door locks;
 - b. — The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;
 - c. — The vehicle must be kept in satisfactory condition to ensure the safety of occupants. Vehicle tires, brakes, and lights must meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division;
 - d. — Seating must be comfortable with a seat of at least ten (10) inches wide for each child;
 - e. — The provider must not transport more children than any vehicle is able to safely accommodate when child restraint systems and seat belts are properly installed in the vehicle. Two (2) or more children must never be restrained in one (1) seat belt or child restraint system; and,
 - f. — Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review.
2. — In passenger vehicles, which include automobiles, station wagons, and vans with a manufacturer's established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:

- a. — Each child must be restrained in an individual seat belt;
 - b. — Two (2) or more children must never be restrained in one (1) seat belt;
 - c. — Lap belts must be secured low and tight across the upper thighs and under the belly; and,
 - d. — Children must be instructed and encouraged to keep the seat belt properly fastened and adjusted.
3. — In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required.

C. — Requirements for Drivers of Vehicles

1. — All drivers of vehicles transporting children must comply with applicable laws of the Colorado Department of Revenue, Motor Vehicle Division, and ordinances of the municipality in which the center operates.
2. — All drivers of vehicles owned or leased by the center in which children are transported must have a current Department approved First Aid and Safety certificate that includes CPR for all ages of children.
3. — In each vehicle used to transport children, drivers must have access to a First Aid kit.
4. — The driver must ensure that all doors are secured at all times when the vehicle is moving.
5. — The driver must make a good faith effort to ensure that each child is properly belted throughout the trip.
6. — The driver must not eat, smoke, or use a cellular device while driving.
7. — The required staff to child ratio must be maintained at all times.
8. — All drivers must be at least twenty (20) years of age.
9. — Drivers must complete a minimum of four (4) hours of Department approved driver training. The Department's approval will be based on the review of a training curriculum that includes at a minimum: behind the wheel training; participant transport attendance procedures including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedure; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and vehicle evacuation.

D. — Transporting Infants and Toddlers

1. — Children must be properly fastened into a child restraint system that conforms to all applicable Federal Motor Vehicle Safety Standards pursuant to Colorado law.
2. — There must be at least one (1) adult, in addition to the driver, for each five (5) or fewer infants/toddlers being transported. Each adult must have a current Department approved First Aid and Safety certificate that includes CPR for all ages of children.
3. — An adult must accompany each child to and from the vehicle.
4. — Infants and toddlers must not be transported in the front seat of a vehicle.

7.702.67 — Overnight Care

A. All of the provisions required in Section 7.702 of these rules for childcare centers apply to centers offering overnight care of children which includes care that extends beyond midnight. In addition, centers must observe the following provisions:

1. A nutritious evening meal must be made available to children. If provided by the center, the meal must meet current USDA Child and Adult Care Food Program meal pattern requirements.

2. Quiet activities must immediately precede the children's bedtime.

3. Children's faces and hands must be washed, children's teeth must be brushed according to the child's age, and children must be changed into comfortable clothing for sleeping.

4. Each child must be provided with a comfortable separate bed, crib, or cot suitable for the child's age or a two (2) inch sleeping mat or mattress. Each child must also be provided with sheets and a clean, washable covering. If mats or mattresses are used, the room temperature at floor level must be 68 to 72 degrees. Pads and mattresses must be fitted with a clean, washable, removable covering. Permission of parents/guardians must be obtained for each child who uses a sleeping mat or mattress placed on the floor.

5. Staff must be awake, alert, and actively supervising all children.

6. The staff-child ratio for sleeping children is one (1) adult to every six (6) or fewer children in attendance. Once one (1) child is awake, the staff-child ratio as defined in Section 7.702.46 must be maintained.

7.702.7 CHILD CARE EQUIPMENT AND MATERIALS

7.702.71 General Requirements

A. Durable furniture such as tables and chairs must be child-sized or appropriately adapted for children's use.

B. Window blind cords must be secured out of children's reach to prevent strangulation.

C. Items labeled "keep out of reach of children" must be inaccessible to children.

D. Staples must be inaccessible to children less than three (3) years of age.

E. Thumb tacks must not be used in areas accessible to children less than three (3) years of age.

F. Glitter must not be used with children under three (3) years of age.

G. Loose plastic bags must be stored in areas inaccessible to children.

H. Sharp tools and instruments must be stored in areas inaccessible to children.

I. For every five (5) infants for which the center is licensed, there must be at least one (1) piece of sturdy mobile equipment that is easily accessible to safely and effectively evacuate infants.

J. If using a crib is not designed for emergency evacuation, the crib must be reinforced with a kit manufactured for this purpose.

K. Evacuation equipment must not block exit routes. Nothing may be stored in or under any evacuation equipment.

Evacuation equipment must:

1. — Be located in the room or immediately outside the interior classroom door;

2. — Be labeled for easy identification;

3. — Be ready for use; and,

4. — Fit through doorways.

L. — Toys, toy parts, furnishings, equipment, and any materials accessible to children under than three (3) years of age must not be a choke hazard or able to be inhaled. Any area of the facility accessible to children less than three (3) years of age must be free of any choke or inhalation hazards.

M. — Toys, toy parts, furnishings, equipment, and materials made of brittle, easily breakable plastic or glass are not permitted for children less than five (5) years of age.

N. — The infant program must have an adult rocking chair.

O. — In the infant program, some play equipment from the following list must be provided: rubber-washable toys, rattles, blocks, balls, and music player.

P. — Some sand or equivalent dry material or water play should be offered to children eighteen (18) months of age or older, indoors or outdoors, at least monthly and year-round.

Q. — At least three (3) examples of materials must be available to the children that are developmentally appropriate, culturally sensitive, and represent diversity in ethnicity, race, gender, age, and abilities. Variety must exist in toys, books, and pictures.

R. — The center must have enough play materials and equipment so that at any one time each child for which the center is licensed for can be individually involved. Separate play rooms or separate interest centers must be provided for each category of equipment required for the program. A variety of material and equipment from the following categories must be available:

1. — Art;

2. — Blocks and accessories;

3. — Books and pictures;

4. — Dramatic play;

5. — Gross motor;

6. — Manipulatives;

7. — Music; and,

8. — Science and math.

S. — In the toddler program, some play materials and equipment easily accessible to children must be provided from each of the following categories:

1. — Books and pictures;

2. — Dramatic play;

3. — Gross motor;

4. — Manipulatives; and,

5. — Music.

T. — If the center serves school-age children, it must have some age-appropriate materials and equipment from each of the following categories:

1. — Arts and crafts;

2. — Games;

3. — Sports;

4. — Science and math; and,

5. — Literature.

U. — An appropriate supply of play materials must be readily accessible to children and must be arranged in an orderly manner so that children can select, remove, and replace the play materials either independently or with minimum assistance.

7.702.72 — Indoor/Outdoor Equipment, Materials, and Surfaces

A. — A variety of play equipment and materials appropriate for children's age, size, developmental needs, and activities must be provided for both indoor and outdoor structured and free play.

1. — Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 are not required to provide equipment and materials for outdoor play.

B. — Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe, and free of hazards.

C. — All other indoor or outdoor playground facilities, with permanently installed or portable climbing equipment, without an annually certified playground inspection must meet the following requirements:

1. — Resilient Surfacing

a. — All climbing equipment eighteen (18) inches or higher must have resilient surfacing of at least six (6) inches in the use zone surrounding the equipment.

b. — Department-approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and AstroTurf with built in resilient pad.

c. — Loose fill resilient surface must be raked regularly to retain its resiliency and to retain a depth of at least six (6) inches.

d. — Any newly installed solid unitary materials used for resilient materials must have written documentation from manufacturer stating the material meet current federal safety standards. The documentation must be available for review at all times.

2. — Maximum Height of Equipment

a. — The maximum height for toddler climbing equipment cannot exceed thirty-two (32) inches.

b. — The maximum height for preschool and school-age climbing equipment must not exceed six (6) feet in height with six (6) inches of Department-approved resilient surfacing.

3. — Use Zone

a. — Toddler climbing equipment must have a three (3) foot use zone surrounding the equipment. Toddler slides require a six (6) foot use zone extending out from the base of the slide.

b. — The use zone for swings used by toddlers is determined by measuring the distance from the top of the swing to the bottom of the bucket seat. This measured distance must extend from both the front and the back of the swing.

c. — Preschool and school-age climbing equipment must have a six (6) foot use zone surrounding the equipment. For slides exceeding six (6) feet in height, the use zone from the base of the slide must be as long as the slide height.

d. — The use zone for swings used by children preschool age and older is determined by measuring the distance from the top of the swing to the ground. This measured distance must extend from both the front and the back of the swing.

4. — Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.

5. — Metal equipment must be placed in the shade.

6. — All pieces of playground equipment must be designed to guard against entrapment and strangulation. Any openings in gross motor equipment above ground must be smaller than three and one-half (3½) inches or greater than nine (9) inches to prevent entrapment.

7. — Swings must have seats made of a flexible material and all "S" hooks must be secured.

8. — All outdoor play areas used for children's activities must be checked daily and kept safe and free from hazardous materials or debris by removal of debris, dilapidated structures, and broken or worn play equipment. The staff must identify hazardous, high-risk areas; those areas must be made inaccessible to children to reduce the possibility of injuries and accidents.

D. — For purposes of a playground facility inspection, the Department shall accept as satisfactory proof of valid certification of the playground facility, certification, or a copy of certification, from an individual who is licensed or certified to perform playground safety inspections through the National Recreation and Park Association, or other nationally recognized playground facility safety organization. The Department shall not require a duplicate inspection if there is a satisfactory inspection report.

1. — All playground facilities who hold a certified playground safety inspection must maintain resilient surfacing in compliance with the certification.

E. — Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading. The helmet must be removed after the activity. Motorized riding toys are not permitted.

F. — Trampolines and inflatable bouncers are prohibited.

7.702.73 — Indoor Learning Environment

A. — Indoor Space Requirements

1. — There must be open, indoor play space of at least thirty (30) square feet of floor space per child, including space for movable furniture and equipment. For space to be counted in the square footage calculation, the space must be accessible and used by children.

2. Indoor play areas must be uncluttered, safe, and allow for freedom of movement.
3. Adequate storage space must be provided for indoor and outdoor equipment and supplies.
4. Number of Children Allowed in One (1) Room

AGE OF CHILDREN	MAXIMUM NUMBER OF CHILDREN IN A ROOM
6 weeks to 18 months	10 infants
12 months to 18 months	10 infants
12 months to 36 months	20 toddlers
18 months to 24 months	20 toddlers
24 months to 36 months	28 toddlers
30 months to 36 months	28 toddlers

5. Square Footage Requirement per Child

AGE OF CHILD	SEPARATE FREE PLAY AREA	SEPARATE SLEEP AREA	COMBINED SLEEP AND PLAY AREA
6 weeks to 18 months (infants)	35 square feet	Adequate space to accommodate size of cribs and needs of infant and staff	50 square feet
12 months to 36 months (toddlers)	30 square feet	30 square feet	45 square feet
2 1/2 years to 5 years (preschool)	N/A	N/A	30 square feet
5 years and over (school-age)	N/A	N/A	30 square feet

6. In the infant program, the minimum indoor space per infant for sleep and activities is fifty (50) square feet.

1. In a combination sleep/activity rooms, the sleep area must be separated by a sturdy divider from the area used for activities, and cribs must be arranged so that all infants and cribs are easily accessible to staff members.

7.702.74 Outdoor Learning Environment

A. Outdoor Space Requirements

1. Readily accessible gross motor play space and access to outdoor space must be provided.
2. The outdoor learning environment for preschool age and older must provide a minimum of seventy-five (75) square feet of space per child for a group of children using the total play area at any one time. the total play area must accommodate at least thirty-three percent (33%) of the licensed capacity for children preschool age and older or a minimum of 1500 square feet, whichever is greater.
 - a. Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must meet the minimum outdoor learning environment square footage requirements indoors or through a combination of indoor and outdoor space.
3. The play area must be fenced or have natural barriers, such as hedges or stationary walls at least four (4) feet high, to restrict children from unsafe areas.

a. — Centers licensed to provide care for preschool-age children only may use the centers perimeter fencing if they maintain a ratio of one (1) staff member to eight (8) children.

4. — The play area must be designed so that it is easily supervised.

5. — A minimum of one hundred fifty (150) square feet of shaded area in the fenced play area must be provided to guard children against the hazards of excessive sun and heat. Shaded areas must be provided year-round.

6. — In the infant program, the outdoor play area must be a minimum of four hundred (400) square feet.

7. — In the infant program, the outdoor area can be used by other age groups at the center, but it must not be used by any other group of children while infants are using it.

8. — The total outdoor play area for toddler age groups must be a minimum of seven hundred fifty (750) square feet if licensed for ten (10) toddlers and one thousand fifty (1,050) square feet if licensed for fourteen (14) or more toddlers, or seventy-five (75) square feet per child for the largest group size for which the program is licensed.

9. — In the toddler program, the outdoor play area can be shared by infants, but infants and toddlers must not be allowed to use the play area at the same time.

B. — Outdoor Space Hardship

1. — If an outdoor play space is not directly attached to the facility or accessible via secure access, or the childcare facility cannot meet outdoor space requirements due to a hardship based on the location of the facility, the facility must develop a site-specific plan, which will be submitted to the Department for review and approval, that includes the following:

a. — Identification of an accessible (appropriate for the age group of children served) alternate outdoor space including a description and approximate square footage of the space;

b. — A diagram outlining how children will safely travel to and from this location;

c. — A plan for supervision, including any special staffing requirements, to safely access and utilize the alternate outdoor space that includes:

(1) — Attendance tracking upon arrival to the outdoor space and return to the facility;

(2) — Children's toileting and diapering needs;

(3) — Children's routine and emergency medical needs including the use of first aid kits and accessibility of emergency contact information when not on site at the childcare facility;

(4) — Plans for alternate activities if the outdoor space is unavailable; and,

(5) — If play equipment or climbing structures are present in the outdoor space, a plan for assessing safety of equipment and supervising age-appropriate play;

d. — An emergency evacuation plan including the location of a secondary site for reunification with parents in the case of an emergency while at the offsite location and plans for accessing shelter in the case of emergency; and,

e. — A policy that notifies the parent(s)/guardian(s) of the alternate outdoor space.

2. ~~———— If the outdoor space becomes unusable or the program cannot maintain what was approved in the plan, the program must submit a new plan to the Department within ten (10) calendar days of a change in the usability of such outdoor space.~~

3. ~~———— Childcare facilities licensed prior to December 1, 2021 may not reduce or eliminate existing licensed outdoor space to qualify for the outdoor space hardship.~~

7.702.8 BUILDINGS AND FACILITIES

7.702.81 Building Site

A. General

1. ~~———— Centers can be located in a private residence only when that portion of the residence to which children have access is used exclusively for the care of children during the hours the center is in operation or is separate from the living quarters of the family.~~

2. ~~———— No other business can operate in the rooms used by the center during the hours of childcare.~~

3. ~~———— Rooms licensed for specific ages of children cannot be used for other ages of children without the prior written approval of the licensing authority.~~

4. ~~———— Prior to licensure, if the infant or toddler program is located on a floor above or below the main floor of egress leading directly outside, the childcare facility must develop and submit an alternate location plan for approval by the department that includes following:~~

a. ~~———— Fire department and building department approval per the locally adopted fire and building codes;~~

b. ~~———— An emergency evacuation plan with identified primary and secondary areas of refuge;~~

c. ~~———— Any special equipment necessary to operate in and evacuate safely from the alternate location; and,~~

d. ~~———— Any special staffing and training requirements to ensure the ability to safely evacuate the alternate location.~~

B. Infant Programs

1. ~~———— If the infant program is in the same building as a facility caring for children of other ages, the infant program must be physically separated in different rooms by walls no less than eight (8) feet and full doors.~~

C. Toddler Program

1. ~~———— If the toddler program is in the same building as a facility caring for children of other ages, the toddler program must be physically separated in different rooms by walls no less than eight (8) feet and full doors.~~

2. ~~———— If the toddler program is combined with a large childcare center or an infant program, toddler facilities, both indoor and outdoor, must be completely separate from facilities for other age groups, except as allowed by Section 7.702.74, A, 6 and 8. If the facility wishes to provide opportunities for a toddler to have occasional contact with siblings, plans must be approved by the Department licensing representative.~~

7.702.82 Building Plans and Construction

A. ~~———— The center must comply with applicable state and local building and fire codes.~~

~~B. — Prior to construction, architectural plans for new buildings or for remodeling of existing buildings must be submitted for review and approval by the Department, the local fire department, and the local building department as to appropriateness, adequacy, and suitability for childcare functions.~~

~~7.702.83 — Toilet Facilities~~

~~A. — Toilet facilities for the staff and other adults must be in separate restrooms or be separated by a partition from children's facilities, except in centers licensed for thirty (30) or fewer children and in centers with programs of four (4) hours or less.~~

~~1. — In toilet facilities where the adult and children's facilities are separated by a partition, adults and children must not use the facilities at the same time.~~

~~2. — After January 1, 2022, staff and children toilet facilities must be separate in new construction.~~

~~B. — Toilet facilities for children must be separate from rooms used for other purposes and must be located on the same floor as the inside play area.~~

~~C. — A minimum of one (1) sink and one (1) flush toilet must be provided for each fifteen (15) or fewer children.~~

~~D. — The same toilet facilities must not be used simultaneously by school-age children of all genders, and toilets for school-age children must be separated by partitions to provide privacy.~~

~~1. — School-age children must be allowed the use of toilet facilities that correspond with their gender identity.~~

~~E. — Toilet facilities must be provided for children two (2) years of age and older.~~

~~F. — Toilet facilities for toddlers must be located within their classroom.~~

~~7.702.84 — Office Facilities~~

~~A. — Office space separate from areas used by children must be provided for staff to perform administrative duties.~~

~~1. — If the office space is accessible to children, it must be free of hazards.~~

~~B. — The office must have sufficient space for maintenance and safe storage of children's and staff records and the center's business records.~~

~~7.702.9 — SAFETY REQUIREMENTS~~

~~7.702.91 — General Requirements~~

~~A. — Firearms as defined in § 18-1-901(3)(h), C.R.S., are prohibited on the premises, both indoor and outdoor, and in any vehicle in which children are transported.~~

~~B. — Buildings must be kept in good repair and maintained in a safe condition.~~

~~C. — Major cleaning is prohibited in rooms occupied by children.~~

~~D. — Volatile substances such as gasoline, kerosene, fuel oil, oil based paints, firearms, explosives, and other hazardous items must not be stored in any area of the building used for childcare.~~

~~E. — Combustibles such as cleaning rags, mops, and cleaning compounds must be stored in well-ventilated areas, separated from flammable materials, and stored in areas inaccessible to children.~~

F. — All heating units, gas or electric, must be installed and maintained per the manufacturer's specifications with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them.

G. — Combustible materials must not be stored in hallways, stairways, boiler rooms, mechanical rooms, or electrical equipment rooms.

H. — In rooms used by children, all electrical outlets that are accessible to children must have protective covers, or safety outlets must be installed.

I. — Permanently located battery-powered lights must be provided in locations readily accessible to staff in the event of electric power failure. Batteries must be checked regularly.

J. — Closets, attics, basements, cellars, and furnace rooms must be kept free from accumulation of extraneous materials such as furnishings, newspapers, and magazines.

K. — Kitchens, including all hazardous items, must be inaccessible to children at all times.

7.702.92 — Fire Safety

Centers must comply with the locally adopted fire code, including but not limited to the following:

A. — Every building and structure must have the minimum required number of exits to permit the prompt escape of occupants in case of fire or other emergency. Additional safeguards must be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.

B. — Every building or structure must be constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.

C. — In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building can be installed. Only panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.

D. — No children younger than school age can be cared for in areas above or below the main floor of exit unless in compliance with all Codes and Standards as adopted by the local jurisdiction and approved by the local fire department, or except as provided in the location exception in Section 7.702.81, A, 4.

E. — One (1) exit from each room must be directly to the exterior of the building or to a common hallway leading to the exterior. The exit path must not go through an intervening room such as a bathroom, another classroom, storage room, or kitchen.

F. — All stairways, interior and exterior, that are used by children must be provided with handrails within reach of the children.

G. — Regardless of the number of staff and children, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Dead bolts may be installed on the main exit door, but the lock cannot be used during business hours, and there must a sign indicating that "this door must remain unlocked during business hours."

H. — Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path of escape must be clearly marked.

I. — Fire alarm and fire sprinklers must be provided in accordance with the locally adopted fire code. If a fire alarm system is installed, it must be used to warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.

7.702.100 — DROP-IN, PART DAY, MOBILE PART-DAY PRESCHOOL, TEEN PARENT PROGRAMS, AND OTHER PROGRAMS OPERATED BY PUBLIC SCHOOL DISTRICTS

7.702.101 — Drop-In Programs

A. — Director Requirements

1. — The Director or Assistant Director of an extended hour drop-in childcare center operating at least six (6) calendar days per week must be present at the center or involved in director activities at least fifty percent (50%) of the hours of operation of any day the center is in operation.

a. — If the Director is not on-site at the center for a portion of any day that center is in operation, the Director must be available by phone.

b. — The Director must be present in the center at least thirty (30) hours each week.

2. — Whenever the Director of a drop-in childcare center cannot be present fifty percent (50%) of any day the center is in operation, an Assistant Director that meets one (1) of the following qualifications must be present:

a. — At least one (1) year of experience as a qualified Early Childhood Teacher at the drop-in child-care center;

b. — Eighteen (18) months of experience as a qualified Early Childhood Teacher with children less than twelve (12) years of age and at least six (6) months experience at the drop-in child-care center;

c. — A Bachelor's, Master's, or Doctorate degree from an accredited college or university in one (1) of the human services field below:

(1) — Child Development;

(2) — Child Psychology;

(3) — Early Childhood Education;

(4) — Early Childhood Special Education;

(5) — Educational Leadership and Administration;

(6) — Elementary Education;

(7) — Family and Human Development;

(8) — Family Studies;

(9) — Special Education; or,

d. — Qualification as an Early Childhood Teacher and completion of at least half of the required coursework for Director qualifications, including one (1) of the following administration classes:

(1) — Administration Of Early Childhood Care and Education Programs; or,

(2) — Administration Human Relations for Early Childhood Professions or Introduction to Business.

~~B. — Staff to Child Ratios~~

- ~~1. — Drop-in child care centers may follow a ratio of one (1) adult for every eight (8) children for children in a mixed age group of two (2) years of age to twelve (12) years.~~
- ~~2. — One (1) to two (2) children, one (1) year of age to two (2) years of age, may join the preschool age group of children for short periods of time for structured activities.~~

~~C. — Health Care~~

- ~~1. — For children attending a drop-in center, the parent(s)/guardian(s) of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a health care provider within thirty (30) calendar days or by the second visit, whichever is longer. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children less than two and one-half (2½) years of age. Subsequent statements are not required if there have been no health changes in the child and the parent(s)/guardian(s) attest in writing to the health status of the child on an annual basis. Children attending drop-in childcare with special medical needs must have the statement from a health care provider as indicated in Section 7.702.51, A, 2, b-e.~~

~~D. — Rest Time Equipment~~

- ~~1. — Drop-in child care centers must provide mats or cots for at least fifty percent (50%) of the licensed capacity of the center.~~

~~E. — Play Equipment and Materials~~

- ~~1. — Drop-in child care centers must provide indoor gross motor equipment, including, but not limited to, an indoor climbing structure, an open area for indoor, and must provide gross activities at least two (2) times during each six (6) hour period of time.~~

~~F. — Building Site-Toddler Program~~

- ~~1. — A toddler program located in a drop-in child care center licensed for five (5) or fewer toddlers may be separated from the rest of the center by a five (5) foot wall.~~
- ~~2. — Drop-in child care centers must provide a minimum of one (1) sink and one (1) toilet for each twenty (20) or fewer children.~~
- ~~3. — Toilet facilities are not required to be located in the toddler classroom for drop-in child care centers licensed for ten (10) or fewer toddlers.~~

7.702.102 — PART-DAY PROGRAMS

~~A. — Safe Sleep Environment~~

- ~~1. — Supervised tummy time must be offered to infants one (1) month of age or older at least two (2) times per day for part day programs for short periods (3-5 minutes) and increase the amount of time as the infant shows they enjoy the activity. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.~~

~~B. — Gross Motor Activities~~

- ~~1. — Daily gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather. Activities do not have to occur all at once.~~

a. — Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must provide daily physical gross motor activities indoors or outdoors.

2. — Daily physical gross motor activities must be provided for children toddler age and older based on the program's hours of operation:

a. — For programs operating up to three (3) hours per day, fifteen (15) minutes of gross motor activities is required.

b. — For programs operating between three (3) and five (5) hours per day, thirty (30) minutes of gross motor activities is required.

7.702.103 — Mobile Part-Day Preschool Programs

A. — Policies

1. — Written schedules must be provided to parent(s)/guardian(s) and the department. Any changes to location must be provided to parent(s)/guardian(s) and the department in advance.

2. — The program must have an emergency evacuation plan and location.

a. — The program must develop a plan for transporting children, specific to each mobile unit, in the case of an emergency. The plan must be approved by the Department prior to caring for children.

B. — Staff Qualifications

1. — There must be a large childcare center qualified Director available during operating hours. A Director can oversee multiple mobile preschool programs under the same governing body.

2. — Each mobile preschool program must have a qualified Early Childhood Teacher on site.

C. — Supervision

1. — Children must be directly supervised when entering and exiting the mobile preschool.

D. — Child Care Equipment and Materials

1. — A variety of developmentally appropriate materials, equipment, and learning activities from the following categories must be available so that for any one time at least half of the children for which the program is licensed can be individually involved:

a. — Art;

b. — Blocks and accessories;

c. — Books and pictures;

d. — Imaginative play;

e. — Manipulatives;

f. — Music; and

g. — Science and math.

E. — Facility Requirements

1. ~~———— The mobile unit must be parked and appropriately secured prior to children arriving for care.~~
2. ~~———— The use of handwashing sinks and toilets not located within the facility must be approved by the Colorado Department of Public Health and Environment.~~
3. ~~———— If the mobile preschool is approved by the Colorado Department of Public Health and Environment to use a toilet located outside of the facility, there must be one (1) additional staff member, who is an Assistant Early Childhood Teacher or an Early Childhood Teacher, to properly supervise and accompany the children to the toilet facilities.~~
4. ~~———— If the Colorado Department of Public Health and Environment approves the use of a public restroom, the restroom must not be shared with the public during the hours the preschool is in operation.~~
5. ~~———— There must be a minimum of fifteen (15) square feet per child in the mobile classroom.~~
6. ~~———— The mobile preschool must be capable of maintaining a draft-free temperature of a minimum of sixty eight (68) degrees Fahrenheit.~~
7. ~~———— The program must have safely accessible access to an outdoor area for daily planned activities, during inclement weather, an indoor space must be available for gross motor activities.~~
 - a. ~~———— Programs who qualify for an outdoor space hardship per Section 7.702.74, B, 1 must provide daily physical gross motor activities indoors.~~

F. ~~———— Safety~~

1. ~~———— Space heaters must have screens, a safety overheat protection, a safety trip over switch, and be inaccessible to children.~~
2. ~~———— The mobile preschool must have two (2) means of emergency egress.~~

7.702.104 ——— Teen Parent Programs Operated by a Public School District

A. ~~———— Infant programs affiliated with Teen Parent Programs that are operated by accredited public school systems and on school premises may substitute the following age requirements for those at Section 7.702.1, B, 3:~~

1. ~~———— The minimum age of infants in care is seven (7) days.~~
2. ~~———— Infants between the ages of seven (7) and thirteen (13) days may be accepted for care only with written approval from a health care provider and if there are no medical complications for the infant and/or teen mother.~~
3. ~~———— Infants fourteen (14) days of age and over may be accepted for care if there are no medical complications for the infant and/or teen mother.~~
4. ~~———— The maximum age of infants in care may be extended only in those situations where no teen-parent toddler program exists. In this circumstance, an infant may remain in the infant program until the end of the school semester in which the infant becomes eighteen (18) months old.~~

B. ~~———— Infant and toddler programs affiliated with teen parent programs that are operated by accredited public school systems on school premises may substitute the following staff requirements for those at Section 7.702.45 B, C:~~

1. ~~———— The Director must be present in the infant program classroom or adjacent teen parent classroom at least sixty percent (60%) of any day the center is open.~~

2. — If the Director cannot be present sixty percent (60%) of any day, an individual who meets Assistant Director qualifications must substitute for the Director.

3. — Infant staff aides must be at least fifteen (15) years of age and may be parents-to-be, parents of enrolled infants, or students enrolled in a childcare-related course with the sponsoring school system.

4. — Substitutes for infant program staff must be from the sponsoring school system's list of approved substitute staff members. Substitutes who do not meet minimum staff qualifications can work no more than ten (10) consecutive business days per assignment. The dates and times must be recorded and made available for review at all times.

5. — Substitutes for infant program staff must hold a current Department-approved First Aid and Safety certificate that includes CPR for all ages of children.

C. — Rest Time Equipment

1. — Bassinets and playpens are allowed for use in a teen parent program when the teen parent(s) remain(s) on site.

7.702.105 — Child Care Programs and Preschools Operated by a Public School District

A. — The administration of medical marijuana must comply with policies listed in Sections §12-255-120, 12-255-127, and 2-30-116. C.R.S.

B. — Director Requirements

1. — Preschool age classrooms that are operated by public school districts are not required to have a Large Center Director qualified staff member assigned to each program when they have an organizational structure that includes at least ten (10) administrative support elements from the following:

a. — Colorado Preschool Program Coordinator;

b. — Parent Educational Specialist;

c. — Principal;

d. — Health Coordinator;

e. — Nurse;

f. — Health Technician;

g. — Food Service Director;

h. — A Registered Dietitian or an individual with a Master's level or higher education in Nutrition;

i. — Fire/Health/Safety Inspector;

j. — Mental Health Team;

k. — Speech Language Pathologist;

l. — Occupational/Physical Therapist;

m. — School Psychologist;

n. — Family Outreach Worker;

~~o. Human Resource Specialist; or,~~

~~p. Transportation Manager.~~

~~2. The program must obtain a director who meets Large Center Director qualifications if substantial evidence has been found leading to an adverse licensing action for any of the following:~~

~~a. Lack of supervision;~~

~~b. Operating out of the approved staff member to child ratio;~~

~~c. Operating without sufficient qualified staff.~~

~~3. Programs who have their Director privileges revoked may submit a request for consideration after a period of two (2) years from successful completion of the adverse licensing action.~~

~~C. Substitutes~~

~~1. Substitutes for Directors of part-day public school preschools may be from the sponsoring school system's list of approved substitutes. Substitutes who do not meet director qualifications must consult with a qualified director on administering the center in accordance with early childhood principles and practices and licensing rules.~~

~~2. In licensed programs operated by public school districts, substitutes may be from the sponsoring school system's list of approved substitutes. Substitutes who do not meet qualifications for the position that they are substituting for can be used up to ten (10) calendar days per year. The dates and times must be recorded and made available for review at all times.~~

~~D. Outdoor Space Requirements~~

~~1. Licensed preschool programs operated by public school districts who do not meet fencing or barrier requirements in Section 7.702.74, A, 3 may use the school's perimeter fencing if they maintain a ratio of one (1) staff member to eight (8) children.~~

7.707 RULES REGULATING FAMILY CHILD CARE HOMES

All family child care homes must comply with the "General Rules for Child Care Facilities", "Rules-Regulating Special Activities", and the "Rules-Regulating Family Child Care Homes."

7.707.1 (None)

7.707.2 DEFINITIONS AND TYPES OF FAMILY CHILD CARE HOMES

7.707.21 Definitions

"AAP" means the American Academy of Pediatrics.

"ASTM" means the American Society for Testing and Materials. ASTM is an organization that coordinates the development of voluntary industry standards that supplement mandatory standards such as information to the public on Standard Consumer Safety Specification on Toy Safety (ASTM F-963) and other voluntary standards that cover specific children's products.

"Accessible" means children being able to obtain equipment and materials without adult aid, may be age/development specific.

“Adverse or negative licensing action” means a final agency action resulting in the denial of an application, the imposition of fines, or the suspension or revocation of a license or the demotion of such a license to a probationary license.

“Age of child(ren) in child care” means any child(ren) that will count towards provider’s license capacity, is between the age of birth to eighteen years of age, is in care for supervision in the parent(s) absence for a part or the whole of any day, and is not the provider’s own child(ren).

“Age of provider’s own child(ren) that counts towards license capacity” means any birth, adopted, step or foster child(ren) of a provider whose age ranges from birth to twelve years of age.

“Aide or staff aide” means an individual who assists the provider or substitute provider in the care of children at a family child care home. An aide or staff aide must never be allowed to supervise a child(ren) alone. The provider or substitute provider must always be present at all times when the aide or staff aide is providing care for a child(ren).

“Approved sleeping equipment” means equipment that is appropriate for the age of the child, is intended for sleep or rest, and allows the child freedom of movement in a safe and sanitary manner.

“Available” means materials or equipment that is not immediately accessible to children, but which may be introduced with adult aid.

“Blocked telephone” means a telephone that will not accept telephone calls when caller ID says “unavailable”. This does not include telephones that require the caller to enter a ten digit telephone number from the telephone that is being called from or require the provider to have their name listed in a telephone directory.

“Choking hazard” means an item that presents the possibility of restriction or elimination of airflow into the lungs.

“CPR training” means cardiopulmonary resuscitation for adult, infant, and child.

“Clean” means to be free of visible dirt and debris or to remove dirt and debris by vacuuming or scrubbing and washing with soap and water.

“Complaint severity level” means the level of seriousness (zero to five) the State Department assigns to a complaint reported against a family child care home based on the severity of the allegation(s). The severity level assigned determines the timeframe in which the allegation(s) must be investigated by the licensing specialist.

“Compromise” means to expose to possible loss or danger.

“Culturally sensitive” means to encourage, share and explore the differences and similarities of heritage and culture, and its effect on learning, values, and behavior.

“Custodial or control speech” means using speech to direct or influence authority over a child(ren) by the use of directive speech to change a behavior.

“Danger” means exposure to harm or injury.

“Decorative pond” means an artificially confined body of water which is usually smaller than a lake. The pond can be decorated with large and small rocks, water lilies, pond plants, tadpole, fish, and have features such as lights, waterfalls and fast moving water.

“Derogatory” means to belittle, diminish, and express criticism or a low opinion of.

~~“Developmentally appropriate” means to provide an environment where learning experiences are meaningful, relevant, and are based upon a child’s individually identified strengths and weaknesses, interests, cultural background, family history and structure.~~

~~“Director” means an individual that has been evaluated and received a written letter that verifies that he/she meets the Colorado State Director qualification requirements for a large child care center.~~

~~“Discipline” means to punish in order to bring a child’s behavior under control.~~

~~“Disinfect” means to eliminate germs from inanimate surfaces through the use of chemicals (e.g., products registered with the U.S. Environmental Protection Agency as “disinfectant”) or a solution of household liquid chlorine bleach and water.~~

~~“Early Childhood Mental Health Consultant” (ECMHC) means a consultant who provides culturally sensitive and primarily indirect services for children, birth through six years of age in group care and early education settings.~~

~~“Early Childhood Mental Health Consultation services” means the provision of services that promote social and emotional development in children and transform children’s challenging behaviors. This includes capacity building for providers and family members; directly observing and interacting with children and the care giving environment; and, designing and modeling interventions that involve changes in the behaviors of family members and caregivers. It also includes collaboration with providers, employees, volunteers, and family members and caregivers who intervene directly with children in group care, early education and/or home settings.~~

~~“EQ I/T” means the Department approved Expanding Quality Infant/Toddler training for child care providers.~~

~~“Emergency” means a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action.~~

~~“Emergency or urgent situation” means a personal or family situation that is critical in nature, which requires the provider to take immediate action; and leave the home to handle the emergency situation.~~

~~“Employee” means paid or unpaid individual that cares for or assists with the care of children.~~

~~“Equally qualified” means that the employee or substitute provider has the same required training and qualifications as the primary provider as specified in the Rules Regulating Family Child Care Homes.~~

~~“Extreme weather” means weather conditions that require unusual or immediate action to reduce exposure to harm or injury.~~

~~“Fall zone” means the distance that a child can fall from elevated equipment based upon the child’s age and size.~~

~~“First Aid training” means training in which a person reacts to injuries and performs simple emergency medical care procedures before emergency medical professionals are available as necessary.~~

~~“Flexibility” means the provider has the ready capability to adapt to new, different, or changing requirements of parent(s) or guardian(s) for child care.~~

~~“Frequently” means to occur often; many times and at short intervals.~~

~~“Gentle physical holding” means to carefully hold a child with the arms, without force.~~

~~“Guidance” means a way of teaching that empowers children to make decisions that are ethical, intelligent, and socially responsible.~~

“Guidance approach” means the use of guidance, distinct from discipline, to reduce the need for and resolve the occurrence of mistaken behavior in ways that are non-punitive.

“Harsh treatment” means treatment that is ungentle and unpleasant in action or effect; unpleasantly severe; stern; or cruel.

“Health Care Plan” means the document contains written instructions about a specific health condition including the 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. Health Care Plans can be collaboratively created by the child care health consultant, the child’s parents, 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 child returning to care with a cast, or after a surgical intervention.

“Health care professional” means an organization or person who delivers proper health care in a systematic way professionally to any individual in need of health care services.

“Health care provider’s scope of practice” means the boundaries and rules within which a fully qualified medical practitioner, with substantial and appropriate training, knowledge, and experience, may practice in a field of medicine or other specifically defined field. Such practice is governed by requirements for professional accountability.

“Home remedy” means a non-medical treatment to attempt to cure or treat an ailment with common household items or foods.

“If applicable” means if the rule should be applied depending on the circumstances of the situation.

“Immediately” means without delay or hesitation, without any interval of time.

“Interactive learning” means a method of learning through hands-on activities that help a child gain knowledge and skills by connecting with information and experiences provided by the provider.

“Intoxicated” means that a person is under the influence of drugs or alcohol to the point that his/her actions and/or behavior presents an immediate danger to her/himself or others.

“Language development materials” means materials that focus on the development of listening and speaking skills, and contains experiences which familiarize children with pre-reading and pre-writing activities.

“Lead poisoning” means poisoning by a toxic metal that is found in and around homes, in lead-based paint, chipping paint, or lead dust from deteriorated paint. Lead may cause a range of health effects, from behavior problems and learning disabilities, to seizures and death.

“Legal signature” means the parent’s full signature that includes both the first and last name.

“Lockdown drill” means a drill in which the occupants of a building are restricted to the interior of the building and the building is secured.

“Lost child” means the provider is unable to find the child. The child is no longer in the care or supervision of the provider.

“Mental Health Practitioner” means a mental health professional who offers services for the purpose of improving an individual’s mental health or to treat mental illness.

“Nationally recognized” means to be known in the majority of businesses or residential areas of the United States and that may meet local or national accreditation standards.

“Offered” means materials, equipment or activities, including meals, which are presented as options to children but are not required or forced, to be utilized or engaged.

“On occasion” means from time to time, a special event or ceremony, or irregularly.

“Organic materials” means materials relating to, or derived from living organisms.

“Pattern” means repeating an activity at regular intervals.

“Pedodontist” means a pediatric dentist, specializing in children from birth to four years of age.

“Periodically” means an ongoing event or activity that occurs without an established pattern.

“Permanent climbing equipment” means climbing equipment installed that is stable, cannot be overturned or displaced, and cannot be moved or relocated to another area without assistance.

“Physical restraint” means the use of bodily, physical force to involuntarily limit an individual’s freedom of movement; except that physical restraint does not include the holding of a child by one adult for the purposes of calming or comforting the child.

“Place of residence” means the place or abode where a person actually lives and provides child care on a regular, ongoing basis.

“Potential threat” means the possible exposure to harm or injury.

“Prescriptive authority” means the legal right of a medical person to prescribe medications under Colorado law.

“Protective equipment” means the use of protective head, knee, elbow and ankle equipment to protect a child riding on a scooter, bicycle, skateboard or rollerblades.

“Protective surfacing” means an approved material that is used beneath climbing equipment and is designed to protect a child who falls from the highest designated play surface on a piece of equipment to the protective surfacing below.

“Provider” means the person that resides in the home and provides direct care, supervision and education to child(ren) in care at least 60% of the daily hours of operation of the family child care home.

“Psittacine birds”, means all birds commonly known as parrots, cockatoos, cockatiels, macaws, parakeets, lovebirds, lorikeets, and other birds of the order psittaciforme, may also be called hookbills because the upper beak is turned downward.

“Punished” means to impose a penalty on a person. The causes for punishment may be for a fault, offense or violation.

“Regionally accredited” means colleges and universities which earn regional accreditation status by meeting acceptable levels of quality and performance. The accrediting bodies for higher education are Middle States Association of Colleges and Schools, Northwest Association of Colleges and Schools, North Central Association of College and Schools, New England Association of Colleges and Schools, Southern Association of Colleges and Schools, and Western Association of Colleges and Schools.

“Regular basis” means occurring with normal frequency or routine schedule.

“Relative” means any of the following direct relationships by blood to the first degree, marriage, or adoption: parent, grandparent, son, daughter, grandson, granddaughter, brother, sister, stepparent, stepbrother, stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew or first cousin.

“Reside” means to be in a residence, to dwell permanently or continuously, to occupy a place as one’s legal domicile.

“Restraint” means any method or device used to involuntarily limit freedom of movement including, but not limited to, bodily physical force, mechanical devices, or chemicals.

“Reverse evacuation drill” means a drill in which persons seek shelter and safety inside a building when said persons are outside the building and are faced with a threat, such as an armed individual or a dangerous animal.

“Routine medications” means any prescribed oral, topical, or inhaled medication, or unit dose epinephrine, that is administered pursuant to Section 26-6-119, C.R.S.

“Safe” means free of hazards posing danger of injury including, but not limited to, “keep out of reach” items, protrusions, broken items, areas of entrapment, strangulation or choking hazards, insufficient cushioning, poisonous chemicals, etc.

“Sanitized or sanitary” means to remove filth or soil and some small bacteria. For an inanimate surface to be considered sanitary the surface must be clean and the number of germs must be reduced to such a level that disease transmission by that surface is unlikely. This procedure is less rigorous than disinfection and is applicable to a wide variety of routine housekeeping procedures.

“Satisfactory experience” means the adequate practical knowledge, skill or practice necessary.

“Serious” means an injury or illness of an urgent nature needing immediate emergency attention.

“Serving” means an amount of food or beverage that is appropriate to meet a child’s nutritional and developmental needs.

“Severe weather drill” means a drill in which occupants of a building seek shelter appropriate to the severe weather threat, such as a blizzard, electrical storm, flood or tornado.

“Shelter in place drill” means a drill in which the occupants of a building seek shelter in the building from an external threat.

“Social-emotional development” means the development of self-awareness and self-regulation as reflected in the desire and growing ability to connect with others and the ability to experience, express and regulate a full range of emotions, to pay attention, make transitions from one activity to another, and cooperate in the context of relationships with others.

“Soft bedding” means, but is not limited to, any soft sleep surface like a water bed, sofa, pillows, bumper pads, soft materials like fluffy blankets, thick blankets and/or comforters, sheep skins, plush toys, and stuffed animals.

“Special need” means a child may have mild learning disabilities or profound developmental disabilities of mental functioning and/or bodily movement; food allergies or terminal illness; developmental delays that catch up quickly or remain entrenched; occasional panic attacks or serious psychiatric problems.

“Substitute provider” means a paid, volunteer or contract individual responsible for caring for the children in the capacity of the provider during the provider’s absence.

“Sweet foods” means a sweet bread or grain product that is high in fat and /or sugar.

“Under the influence” means that a person is under the influence of drugs or alcohol to the point that his/her actions and/or behavior present an immediate danger to her/himself or others.

“Universal precautions” means safe work practices to prevent exposure to blood and bodily fluids.

“Urgent” means an unforeseen combination of circumstances that requires immediate attention.

“USDA” means the United States Department of Agriculture.

“Varying” means to be at different times or different days; to give variety to activities; to bear no resemblance to a prior activity.

“Verbal abuse” means abusive behavior involving the use of language that is demeaning and is intended to insult, manipulate, ridicule, or offend. Harmful acts and the use of harsh or coarse language often characterize it.

“Volunteer” means a person who performs a service willingly and without pay.

“Written medication order” means a document for a specific medication for a specific child signed by the child’s health care provider. This must be a person with prescriptive authority. The order shall include the child’s name, medication, dose, time, route, and for how long the medicine is to be given. Orders for children over two years of age can only be valid for a period of up to one year, but may only be for a very brief duration of time as well. Children over two may need written medication orders more frequently since the dosage of the medication will change with the child’s weight. Written orders may also include information on the reason the medication is being given, potential side effects and any special instructions for administration.

7.707.22 — Types of Family Child Care Homes

All Family Child Care Home licenses, except infant/toddler, are issued with an age range for children from birth to eighteen (18) years of age. This allows for the care of older children with special needs. Each individual provider will determine the age range of children that he/she will enroll in the provider’s child care home. The providers own birth, adopted, step or foster children twelve (12) years of age and older do not count in the provider’s license capacity.

The capacity for a Family Child Care Home (generally referred to within these rules as “the home”) is determined by the amount of indoor and outdoor space designated for child care, as well as the following factors:

A. — A “Family Child Care Home” (FCCH) is a type of family care home that provides less than twenty-four (24) hour care at any time for two (2) or more children that are unrelated to each other or the provider, and are cared for in the provider’s place of residence.

1. — Licensed family child care homes enrolling children five (5) years of age or younger are required to participate in Colorado Shines, the state quality rating and improvement system.

B. — In a regular (FCCH) home, care may be provided for six (6) children from birth to eighteen (18) years of age with no more than two (2) children under two (2) years of age.

1. — Care also may be provided for no more than two (2) additional children of school age attending full-day school. School age children include children six (6) years of age and older who are enrolled in the first grade or above. A child enrolled in a kindergarten program is not considered a school-age child until the child begins attending kindergarten a year before they enter first grade.

2. — Residents of the home under twelve (12) years of age who are on the premises and all children on the premises for supervision are counted against the approved capacity, except where specifically indicated otherwise. Residents of the home include, but are not limited to, birth, adopted, step or foster children of the provider.

C. — A three (3) under two (2) license is a type of license that allows a provider to care for six (6) children from birth to eighteen (18) years of age with no more than three (3) children under two (2) years of age, with no more than two (2) of the three (3) children under twelve (12) months; the capacity includes

the provider's own children under twelve (12) years of age. This license type may be approved with the following conditions:

1. — The licensee has held a permanent license to operate a family child care home for at least two (2) years in Colorado immediately prior to the issuance of the license that would authorize the care of three (3) children under two (2) years of age;
2. — The licensee has completed the State Department approved Expanding Quality Infant/Toddler course of training;
3. — In the past two years, the licensee has had no substantiated complaints with a severity level of one (1) to three (3), consistent or willful substantiated rule violations of ratio, supervision, safety, or injury to a child observed during any licensing visit, or adverse licensing action;
4. — Care of additional children of school age is not authorized;
5. — Licensees issued a three (3) children under two (2) years of age license are approved for both the three (3) under two (2) and the regular license capacities and may switch between the two (2) capacities without notifying the State Department as long as they are in compliance with all licensing rules.

D. — An infant/toddler license is a type of family care home that provides less than twenty four (24) hour care only for children who are between birth and three (3) years old. This license type may be approved with the following conditions:

1. — If there is one (1) provider, there may be a maximum of four (4) children, with no more than two (2) of the four (4) children under twelve (12) months of age, including the provider's own children. The provider's own children, under the age of twelve (12), count in the capacity of four (4).
2. — If there are two (2) equally qualified providers, as specified in Section 7.707.31, B, 3, caring for children at all times when children are present, there may be a maximum of eight (8) children between birth and three (3) years old, and no more than four (4) of those children can be between birth and one (1) year old, including both providers' own children.
3. — The provider has completed the State Department approved Expanding Quality Infant/Toddler (EQ I/T) course of training; and
4. — A provider that has also been licensed as a regular and three (3) under two (2) provider in the past, and is approved for an infant/toddler license, has the flexibility to provide care on any given day for the ages and capacities of a regular or three under two license without written approval of the State Department, as long as the provider is in compliance with all applicable rules at all times.

E. — A large child care home is a family child care home that provides care for seven (7) to twelve (12) children.

1. — Child care may be provided to children from birth to eighteen (18) years of age. The provider needs an assistant when the ninth child arrives at the facility.
2. — Care may be provided to no more than two (2) children under two (2) years of age.

F. — The Experienced Child Care Provider

1. — An Experienced Child Care Provider (ECCP) home is a licensed child care home where care is approved for no more than nine (9) children of different age combinations depending upon which option the home is operating.
2. — The requirements for an Experienced Child Care Provider are:

- a. — Have been a licensed family child care home provider in Colorado for at least the last six (6) consecutive years; equal experience operating as a licensed military family child care home is acceptable;
- b. — Have completed ninety (90) clock hours of training within the preceding six (6) years, including the State Department approved infant/toddler course. The ninety (90) hours of training does not include licensing training universal precautions, First Aid and CPR, and medication administration training;
- c. — Have had no adverse licensing action;
- d. — Have had no adverse action taken against the provider's license in the preceding two (2) years; and,
- e. — Comply with local zoning restrictions.

3. — Applying for the Experienced Provider License

At least sixty (60) calendar days prior to the proposed date of operation as an experienced provider, the applicant must submit to the State Department a completed and signed experienced provider application form, which:

- a. — Affirms compliance with all the rules for family child care home providers and experienced providers;
- b. — Affirms that the 90 clock hours of training have been completed;
- c. — Includes an agreement to waive the right to appeal rules related to capacity and space requirements; and,
- d. — Affirms the provider understands that the experienced provider's license will immediately revert to a regular license if capacities are exceeded at any time.

4. — ECCP Options Table

The following chart describes the various options available to the experienced family child care home. Providers may change options without notifying the State Department, as long as the home is in compliance with one option at any one time and all licensing rules.

Experienced Child Care Provider License

All options include provider's own children under twelve (12) years of age.

Number of Children	Total Children in Care at a Given Time	Birth Up to School-Age	Additional School-Age	Number of Children Under 2 Allowed	(Of Those Under 2) Number Under 12 Months Allowed
Option 1	9	7	2	2	2
Option 2	9	8	1	2	2
Option 3	9	5	4	2	2
Option 4	9	6	3	3	2
Option 5	4	4	0	4	2

7.707.3 PERSONNEL

All infant/toddler family child care homes and large family child care homes must meet all of the personnel requirements in Section 7.707.31, except where rules specific to infant/toddler homes and large family homes replace other rules.

7.707.31 Requirements for Personnel

A. General Requirements

1. Primary providers must physically reside at the family child care home and must provide the child care.
2. Primary providers and/or substitutes must be at least eighteen (18) years of age. Aides must be at least sixteen (16) years of age. Aides and volunteers shall work under the direct supervision of a primary provider at all times.
3. Providers, employees, substitutes, and volunteers must demonstrate an interest in and knowledge of children and a concern for their proper care and well-being.
4. Children for whom the provider has custody and responsibility must not have been placed in foster care or residential care because the provider or other resident of the home was abusive, neglectful, or a danger to the health, safety, or well-being of those children.
5. Providers must not be under the influence of any substance that impairs their ability to care for children.
6. The primary provider is responsible for ensuring that all employees, substitutes and volunteers are familiar with the children in care, the Rules Regulating Family Child Care Homes rules, the home's policies, and the location of children's files and emergency numbers.
7. The primary provider must plan for the selection, orientation, training and/or staff development of any employee, volunteer, or substitute.
8. The primary provider must plan for and supervise the care and activities of children.
9. All providers and all persons residing in the home must submit to the State Department at time of original application on the form required by the State Department, a health evaluation signed and dated by a licensed physician or other health professional.
10. Subsequent health evaluations for the provider and children residing in the home who are less than twelve (12) years of age must be submitted every two (2) years or as required in a written plan signed by a physician or other health professional. A new family member and/or a new resident of the home must submit to the State Department, within thirty (30) days from the date the individual began living in the home, a State Department approved health evaluation form signed and dated by a licensed physician or other health professional.
11. If, in the opinion of a physician or mental health practitioner, a physical, medical (including side effects of medication), emotional, or psychological condition exists at any time that may jeopardize the health of children or adversely affect the ability of a provider to care for children, an equally qualified substitute provider must be employed, or child care services must cease until the physician or mental health practitioner states in writing that the health risk has been eliminated.

B. Infant/Toddler Home Provider Requirements

1. For an infant/toddler home with one (1) provider, that provider must be at least twenty-one (21) years of age.
2. For an infant/toddler home with two (2) providers, one (1) provider must be at least twenty-one (21) years of age and the second equally qualified provider must be at least eighteen (18) years of age.
3. Each provider must have completed one (1) year of supervised experience caring for children who are younger than three (3) years old. The provider must be able to submit to the State Department official written verification of the required experience. The experience may have been obtained as:

- a. ~~_____ A Colorado licensed family child care home;~~
 - b. ~~_____ A military licensed child care home;~~
 - c. ~~_____ A provider, in a family foster home certified for children younger than three (3) years of age; or,~~
 - d. ~~_____ An employee in a licensed child care center in an infant and/or toddler program.~~
- C. ~~_____ Large Home Provider Requirements~~
- 1. ~~_____ The licensee must be at least eighteen (18) years of age, the primary provider, and must reside in the large child care home.~~
 - 2. ~~_____ The primary provider at a large child care home must meet one of the following:~~
 - a. ~~_____ A minimum of two (2) years of documented satisfactory experience in the group care of children under the age of six (6) years or as a licensed home provider in Colorado. Equal experience operating as an approved military child care home is accepted; or,~~
 - b. ~~_____ A minimum of two (2) years of college education from a regionally accredited college or university, with at least one (1) college course in early childhood education, plus one (1) year of documented satisfactory experience in the group care of children as:~~
 - 1) ~~_____ A licensed home provider in Colorado;~~
 - 2) ~~_____ A military licensed child care home;~~
 - 3) ~~_____ A Colorado certified family foster home; or,~~
 - 4) ~~_____ A staff member in a licensed child care center.~~
 - c. ~~_____ Current certification as a Child Development Associate (CDA); or,~~
 - d. ~~_____ Completion prior to licensing of the State Department approved Expanding Quality Infant/Toddler course; and,~~
 - 1) ~~_____ A minimum of two (2) years of experience as a licensed child care provider holding a permanent license in Colorado immediately before becoming a licensee of a large child care home; or,~~
 - 2) ~~_____ A minimum of two (2) years of full-time experience in a licensed program. The group care shall have been with children who are under the age of six (6) years.~~
 - 3. ~~_____ If the provider was previously licensed to operate a family child care home, there must have been no:~~
 - a. ~~_____ In the past two years, the licensee has had no substantiated complaints with a severity level of one (1) to three (3), consistent or willful substantiated rule violations of ratio, supervision, safety, or injury to a child observed during any licensing visit, or adverse licensing action; and,~~
 - b. ~~_____ Adverse action on the license within the last two (2) years; and~~
 - c. ~~_____ Substantiated specific rule violations of ratios, supervision, safety, or injury to a child observed during any licensing visit in the past two (2) years.~~
 - 4. ~~_____ Staff aides must be at least sixteen (16) years of age and must work directly under the supervision of the primary provider in charge and responsible for the care of the children. If left alone with-~~

children, the staff aide or assistant provider must meet all same age and training requirements as the provider.

7.707.32 Training

A. Prior to issuance of the license, the licensee and primary provider must complete:

1. A State Department approved fifteen (15) clock-hour pre-licensing course of training that includes nine (9) core knowledge standards. The content of one of the standards must specifically address appropriate guidance with children and that corporal discipline is never allowed. The clock hours of pre-licensing training do not include certification in First Aid, CPR, and medication administration training;
2. A monitored written test or approved alternate method to verify knowledge and comprehension of the content of the training materials must be administered by the trainer to the trainee at the end of the pre-licensing training course. The trainee must have a passing score of no less than 80%. Part of approval of pre-licensing is that the provider must be able to access and understand the Rules Regulating Family Child Care Homes. The provider must take pre-licensing training for any original application except for change of address; or,
3. Individuals who are currently director qualified or have a two (2) or four (4) year degree in early childhood education from a regionally accredited college or university are exempt from pre-licensing training, except for the one and one-half (1½) hours of universal precautions training, and the section of the pre-licensing training that covers the business requirements for operation of a home; and,
4. A state department approved training in standard precautions that meets current occupational safety and health administration (OSHA) requirements prior to working with children. This training must be renewed annually and may be counted towards ongoing training requirements. This standard precautions training can be included as part of the pre-licensing training, in which case the total number of hours for pre-licensing training required in 7.707.a1 is increased to sixteen (16) clock hours, and standard precautions training may count as no more than one (1) hour of the sixteen (16) clock hours; and,
5. Documentation of this training must include the number of hours of training, completion date, and expiration date. Renewal of standard precautions training can be taken as a part of the first aid training, but must be in addition to the renewal First Aid training;
6. First Aid and CPR training, for all ages of children from infant to twenty-one (21) years of age; and,
7. The State Department approved course of training for medication administration.
8. Effective December 31, 2016 all providers and staff must complete a building and physical premises training prior to working with children. The training must include:
 - a. Identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic; and
 - b. Handling and storage of hazardous materials and the appropriate disposal of bio-contaminants.
9. Effective December 31, 2016 each provider or staff member responsible for the collection, review, and maintenance of the child immunization records must complete the Colorado department of public health and environment (CDPHE) immunization course within thirty (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.
10. Effective December 31, 2016 each provider, staff member or regular volunteer working with children less than three (3) years of age must complete a department approved prevention of shaken baby/abusive head trauma training prior to working with children less than three (3) years of age. This training must be renewed annually and may count towards ongoing training requirements.

~~11. — Effective 12/31/2016 each provider, staff member or regular volunteer must complete a department approved training about child abuse prevention, including common symptoms and signs of child abuse within thirty (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.~~

~~B. — Licensees requesting continuation of a permanent license shall:~~

~~1. — Complete fifteen (15) clock hours of training each year. At least three (3) of the fifteen (15) clock hours must be in social-emotional development; and,~~

~~2. — Ongoing training and courses shall demonstrate a direct connection to one or more of the following competency areas:~~

~~a. — Child growth and development and learning courses that align with the competency domains of child growth and development;~~

~~b. — Child observation and assessment;~~

~~c. — Family and community partnership;~~

~~d. — Guidance;~~

~~e. — Health, safety, and nutrition;~~

~~f. — Professional development and leadership;~~

~~g. — Program planning and development; and~~

~~h. — Teaching practices:~~

~~1) — Each one (1) semester hour course with a direct connection to the competency area listed in section 7.707.33, b, 2, a-g, taken at a regionally accredited college or university shall count as fifteen (15) clock hours of ongoing training.~~

~~2) — Training hours completed can only be counted during the year taken and cannot be carried over.~~

~~3) — The fifteen (15) clock hours of training do not include recertification in First Aid and CPR.~~

~~4) — To be counted for ongoing training, a provider must receive for each training, a training certificate that includes:~~

~~a) — The title of the training; and,~~

~~b) — The competency area; and,~~

~~c) — The clock hours of the training; and,~~

~~d) — The name and signature of the trainer or another approved method of verifying the name and qualifications of the trainer.~~

~~e) — The trainer must have documentation of the qualifications for each topic of training conducted, which must be available for review by representatives of the State Department.~~

~~**7.707.33 — Substitutes**~~

All infant/toddler family child care homes and large family child care homes must meet all of the substitute requirements, except where rules specific to infant/toddler homes and large family homes replace other rules.

7.707.331 — General Substitute Information

A. — The provider must have a plan for an urgent, emergency, personal or family situation that requires the provider to leave the family child care home immediately.

B. — Any substitute must be at least eighteen (18) years old and capable of providing care and supervision of children, and handling emergencies in the absence of the provider.

C. — Prior to caring for children, any substitute, except a substitute used in an urgent, emergency, personal or family situation, shall become familiar with:

1. — The Rules Regulating Family Child Care Homes;
2. — The home and provider's policies and procedures;
3. — The names, ages and any special needs or health concerns of the children; and,
4. — The location of emergency information.

D. — Parents or guardians must be notified each time a substitute is used to provide supervision of all children in care in the absence of the primary provider.

E. — Substitutes used in an urgent, emergency, personal or family situation must:

1. — Be given the names, ages of the children, and any special needs or health concerns;
2. — Immediately call each parent(s) or guardian(s) to notify them that the provider has been called away from the family child care home for a personal or family emergency; and,
3. — If the substitute does not meet all the requirements for the position, must notify parent(s) or guardian(s) immediately to pick up their children.

F. — In the infant/toddler family child care home, the substitute for the provider(s) must meet the same age requirements as the provider as specified in Section 7.707.31. C.

G. — In the large family child care home, the substitute for the:

1. — Primary provider must be equally qualified, as specified in Section 7.707.31, C, to provide care and supervision of children in the absence of the primary provider; and,
2. — Staff aide must be equally qualified, as specified in Section 7.707.31, A, 2, to substitute for the staff aide when necessary.

7.707.34 — Employees

A. — Any employee whose activities involve the care or supervision of children; or who has unsupervised access to children must complete:

1. — A fingerprint based criminal background record check as required at section 7.701.33 and,
2. — The State Department mandated automated system background check for child abuse and neglect as required at Section 7.701.32.

~~B. — Additionally, employees and substitutes for the primary provider, who provide care to children for fourteen (14) days (112 hours) or more per calendar year must complete:~~

- ~~1. — Verification of current certification of First Aid and CPR for all ages of children;~~
- ~~2. — A statement of a current health evaluation, signed by an approved health care professional, that was completed within the last twenty-four (24) months;~~
- ~~3. — Verification of current State Department approved medication administration training; and~~
- ~~4. — Verification of current State Department approved universal precaution training.~~

~~**7.707.35 — Volunteers**~~

- ~~A. — Volunteers cannot be used to meet staff to child ratio.~~
- ~~B. — Volunteers must be directly supervised by the child care provider, with no unsupervised access to children, and have clearly established written duties.~~
- ~~C. — Volunteers must be made familiar with the Rules Regulating Family Child Care Homes and the provider's written policies and procedures prior to assisting with the care of children.~~
- ~~D. — Any volunteer whose activities involve the care or supervision of children, who have unsupervised access to children; or who works more than fourteen (14) days (112 hours) a calendar year must complete:~~
 - ~~1. — A fingerprint based criminal background record check as required at Section 7.701.33; and,~~
 - ~~2. — The State Department required automated system background check for child abuse and neglect, as required at Section 7.701.32.~~

~~**7.707.36 — Employee, Volunteer, and Substitute Records**~~

- ~~A. — Personnel files for each employee, substitute, and volunteer must contain all required information within thirty (30) calendar days of the first day of employment, volunteering, or functioning as a substitute.~~
- ~~B. — The personnel files for each employee, substitute, and volunteer shall be available for review by any representative of the State Department and must include:~~
 - ~~1. — The name, address, telephone number, and birth date of the individual;~~
 - ~~2. — Information received from the state automated systems check on child abuse;~~
 - ~~3. — Information received from the fingerprint based criminal record background check as required at Section 7.701.33;~~
 - ~~4. — A record of the dates and hours of employment, volunteering, or functioning as a substitute, including the first date and the final date;~~
 - ~~5. — Names, addresses, and telephone numbers of persons to be notified in the event of an emergency; and,~~
 - ~~6. — A signed statement:
 - ~~a. — Clearly defining child abuse and neglect pursuant to state law and outlining the employee, substitute, or volunteer's personal responsibility to report all incidents of suspected child abuse or neglect according to state law; and,~~~~

b. ~~Verifying that the employee, substitute, or volunteer has read and understands the home's policies and procedures.~~

7. ~~Official written verification of training, completion and expiration dates as required for the position including:~~

a. ~~Current First Aid and CPR for all ages of children;~~

b. ~~Universal precautions; and,~~

c. ~~Medication administration training.~~

8. ~~Official written verification of education, work experience, and previous employment, as applicable for the position; and,~~

9. ~~If obtained, a copy of a current Colorado Early Childhood Professional Credential.~~

7.707.37 ~~Administrative Records and Reports~~

A. ~~The provider must report in writing to the State Department any critical incident as defined at Section 7.701.52 and any fire that occurs at the home to which a local fire department has responded.~~

B. ~~The provider must immediately telephone and also submit to the State Department within twenty-four (24) hours, excluding weekends and holidays, a written report about any child who has been lost from the provider's care and whether authorities have been contacted or not. Such report must indicate:~~

1. ~~The name, birth date, address, and telephone number of the child;~~

2. ~~The names of the parents or guardians and their address and telephone number if different from those of the child;~~

3. ~~The date, location, time, and circumstances when the child was last seen;~~

4. ~~All actions taken to locate the child, including whether local authorities were notified; and,~~

5. ~~The name of the provider and/or person supervising the child at the time the child was last seen.~~

C. ~~The home must have a written plan and emergency response procedures that explain, at a minimum, the life saving procedures that will be followed, and how the home will function during a fire, severe weather, lockdown, reverse evacuation, or shelter-in-place emergency situation. The plan must include, but not be limited to:~~

1. ~~Prompt notification of parents or guardians;~~

2. ~~When local authorities will be notified; and~~

3. ~~How emergency transportation will be provided.~~

D. ~~The following records must be kept and maintained in the files at the home for three (3) years after termination of care or employment:~~

1. ~~A daily attendance sign in/sign out sheet for each child, including the time the child arrives at and departs from the home;~~

2. ~~Children's records per Section 7.707.51.~~

3. ~~A list of current employees, volunteers, and substitutes work schedules;~~

4. ~~Employee, substitute, and volunteer records per Section 7.707.36; and~~
5. ~~A record of visitors and volunteers in the home during scheduled business hours.~~

E. ~~Confidentiality and Retention~~

1. ~~Information and records concerning all employees, substitutes, volunteers, children and their families must be maintained confidential and all required records must be stored in a secure location.~~
2. ~~Employee and children's records must be available, upon request, to authorized representatives of the State Department.~~

7.707.4 POLICIES AND PROCEDURES

7.707.41 ~~Statement of Policies~~

A. ~~At the time of enrollment, the provider must give the parent(s) or guardian(s) a written statement of the home's policies and procedures, and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The provider must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures.~~

B. ~~The written policies and procedures must be developed, implemented and followed, which include all updates, changes, and must include at a minimum the following information:~~

1. ~~Admission and registration procedures;~~
2. ~~Authorization of parents or other designees to pick up children, including the policy for how the provider will respond to individuals not authorized by parents/guardians to pick up a child and if a parent arrives under the influence of a controlled substance;~~
3. ~~An itemized fee schedule or individual fee agreement; fee expectations when fees may be reimbursed, when child does not attend program; when child is requested to leave the program; and, authorization for field trips;~~
4. ~~Procedure, including fees, when a child arrives or departs other than expected agreed upon care hours;~~
5. ~~Parent and provider responsibilities for special activities or programs outside of the licensed facility, such as inclusion and/or exclusion of children and the payment of additional fees;~~
6. ~~Hours of operation or individual hours agreement to include regularly closed days and applicable special program hours; policy on closure due to provider illness or family emergency and unscheduled closures;~~
7. ~~Procedure for managing a situation where children remain after the scheduled closure of the facility and the parent, guardian or other emergency contacts cannot be reached. This may include notification of the local county department of social services or police, if necessary. In the event that the provider has not been approved for overnight care, the provider cannot keep the children in care beyond midnight;~~
8. ~~Activities and snacks for children who remain at the home after closing;~~
9. ~~Services offered for children with special needs in compliance with the Americans with Disabilities Act;~~

10. — Acceptance of non-immunized children and notification if the provider's own birth, adopted, or step children have not been immunized;
11. — Substitute care, and the clarification of responsibility for obtaining back-up care;
12. — How and by whom children are supplied with appropriate clothing and equipment necessary to participate in indoor and outdoor activities, including helmets, wrist protection, and knee and elbow pads when riding a scooter, bicycle, skateboard or rollerblades;
13. — Storage, loss, damage or theft of provider's or child's personal belongings;
14. — Scheduled and unscheduled trips away from the family child care home; the requirement of notification of the excursion prior to the event and need for signed permission from the parent(s) or guardian(s) for the excursion and a phone number where the provider can be reached during a field trip;
15. — Transportation availability, vehicle restraint requirements, and seating capacities;
16. — Written authorization or denial for media use including, but not limited to, television shows, video, music, software used at the facility and time limits for all media use;
17. — Meals, snacks, and parental notification of menus, and how children with food allergies are accommodated;
18. — Policy on transitioning a child from either breast feeding to a bottle and/or cup, or from a bottle to a cup;
19. — Behavior guidance and discipline appropriate to the age and development the child, including positive instruction, supporting positive behavior, discipline and consequences. Policies shall include how the provider will:
 - A. — Cultivate positive child, provider, staff (if applicable) and family relationships;
 - b. — Create and maintain a socially and emotionally respectful early learning and care environment;
 - c. — Implement strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children;
 - d. — Provide individualized social emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions; and,
 - e. — Access an early childhood mental health consultant or other specialist as needed.
20. — Rest time and equipment;
21. — Diapering and toilet training, including, but not limited to, process, communication, time frames, supplies, and expectation;
22. — Provision of daily outside play time;
23. — Use of and how often sunscreen is applied, including authorization for use of sunscreen, and how infants are protected from sun exposure without the use of sunscreen;
24. — Protection of children from exposure to second hand smoke;

25. — Notification of parents or guardians for handling children's illnesses, accidents, injuries, or other emergencies;
26. — Specific circumstances and symptoms for not admitting ill children and conditions for re-admittance;
27. — Storing, administering, recording and disposing children's medicines in compliance with the State Department approved medication administration course;
28. — Adverse weather precautions to include temperature extremes; inclement weather expectations and procedures, and fee expectations if home is closed during inclement weather and notification of how to find out;
29. — Emergency response procedures that explain, at a minimum, the life-saving procedure that will be followed and how the home will function during a fire, severe weather, lockdown, reverse evacuation, or shelter-in-place emergency situation;
30. — Reporting of child abuse, including the name of the county department of social/human services and phone number of where a child abuse report should be made;
31. — Filing a complaint about a family child care home, including the name, address and telephone number of the Colorado Department of Human Services, Division of Child Care, where a complaint may be filed;
32. — Where a parent may obtain the official Rules Regulating Family Child Care Homes, including the Secretary of State's website;
33. — What steps are taken prior to the suspension, expulsion or request to parents or guardians to withdraw a child from care due to concerns about the child's behavioral issues, these procedures must be consistent with the policy on guidance, positive instruction, discipline and consequences, and include documentation of the steps taken to understand and respond to challenging behavior; and
34. — Regularly identifying on a routine basis recalled toys, equipment, and furnishings and developing a plan to remove the recalled items from the home.

7.707.5 ADMISSION PROCEDURE

- A. — An admission process must be completed prior to the child's attendance at the home and must include:
 1. — A pre-admission interview, by telephone or in person, with the child's parent(s) or guardian(s) to determine whether the services offered by the home will meet the needs of the child and the parent(s) or guardian(s);
 2. — An explanation of the provider's written policies and procedures. The child's parent(s) or guardian(s) must sign a statement indicating that they have read, received, and understand the provider's current policies and procedures;
 3. — A plan for payment of fees;
 4. — Completion of the registration information and authorizations required for inclusion in the child's record.
- B. — At the time of admission, the provider must obtain:
 1. — Contact information for parents or guardians;

2. — Contact information for other responsible adults;
3. — Where the parent or guardian and can be reached in the event of an accident, illness or other emergency; and,
4. — The telephone number of the child's health care provider;
5. — Written authority to arrange for medical care in the event of an emergency; and
6. — Names of individuals authorized to take the child from the home.

7.707.51 — Children's Records

A. — An admission record must be completed for each child prior to or at the time of the child's admission and updated annually, unless otherwise specified in these rules. The admission record must include:

1. — The child's full name, date of birth, current address, and date of enrollment;
2. — Family member names;
3. — Parent(s) and guardian(s) home and e-mail addresses; telephone numbers, including home, work, cell and pager numbers, if the parent chooses to provide those numbers; employer name and work address; and, any special instructions as to how the parent(s) or guardian(s) may be reached during the hours that the child is in care at the child care home;
4. — Names and telephone numbers of persons other than parent(s) or guardians(s) who are authorized to take the child from the family child care home;
5. — Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if the parent(s) or guardian(s) cannot be reached immediately;
6. — Names, addresses, and telephone numbers of the child's health care provider, dentist, pedadontist, and hospital of choice, if applicable;
7. — Health admission information, including a health care plan, chronic medical conditions, allergies, and immunization history, shall be provided to the child care provider the first day the child attends the family child care home;
8. — A dated, written authorization for emergency medical care signed and updated annually by the parent(s) or guardian(s);
9. — A written record of any serious accident, illness, or injury occurring during care must be retained in each child's record, with a copy provided to the parent or guardian;
10. — Written authorization, obtained in advance of the event from a parent or guardian, for a child to participate in field trips or excursions, whether walking or riding in an approved vehicle;
11. — Written authorization for media use including, but not limited to, television and video viewing, music, video games, and computer use. The authorization must include approved time limits. The authorization form only needs to be on file if media use is not addressed in the home policies and procedures statement; and
12. — Written authorization for special activities (see Section 7.714.1).

B. — All forms contained in the admission record must be current and accessible to providers, substitutes, and representatives of the State Department.

C. — The complete file for each child in care must be retained by the home for at least three years after the child leaves the home. It must be available without restriction to the licensing agency and to the child-protective services worker, police, child's parent(s) or guardian(s).

D. — Except for the licensing authority, child protective services worker, police, and the child's parent(s) or guardian(s), children's reports and records and facts learned about children and their families must be kept confidential.

7.707.6 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES

A. — The home must have a working unblocked telephone that has the capacity to receive all incoming and Reverse 911 calls, and record messages during child care hours.

1. — The telephone must be on the premises in the general area of the primary provider.

2. — The telephone number must be made available to each parent and the licensing authority.

3. — The following emergency telephone numbers must be posted near the telephone:

a. — 911 or the alternate emergency number for local fire or police;

b. — Name and phone number of at least one (1) designated emergency substitute for the provider;

c. — Name and physical address of the family child care home;

d. — Hospital or emergency medical clinic;

e. — Local health department;

f. — Rocky Mountain Poison Center number at 1-800-222-1222; and,

g. — Location of children's personal emergency numbers.

4. — The telephone and alternative emergency telephone numbers for parent(s) or guardian(s) and other authorized emergency contacts of each child in care must be accessible in one designated place.

5. — If 911 is not available, the provider must have a plan for accessing emergency transportation at all times.

6. — The provider or substitute must notify parent(s) or guardian(s) when accidents, injuries, or illnesses occur.

7. — Emergency health care providers' numbers must be accessible in one designated place.

B. — Release of Children

The provider must release the child only to the person(s) to whom the parent or guardian has given written authorization. Written authorization must be maintained in the child's record. In an urgent and/or emergency situation, the child may be released to a person twelve (12) years of age or older for whom the child's parent or guardian has given verbal authorization. If the provider who releases the child does not know the person, picture identification must be required to assure that the person is authorized to pick up the child.

C. — Sign In/Out Procedure

The provider must maintain a daily sign in/out method containing the date, the child's name, the time that the child arrived at and left the home, and the parent, guardian, or authorized person's signature. A full-

signature is required by the parent or guardian every time the child arrives at or leaves the home. The provider may sign in or out children who arrive directly from school or an activity as needed on a daily basis. The provider must use their full signature. The parent/guardian must provide a signature on a weekly basis to verify the record.

D. — Visitors

Visits from all non-family members to the home must be on the sign in/out log, including the name, date, and arrival/departure times.

7.707.7 CHILD CARE SERVICES

7.707.71 — Health Care, Medication, Communicable Disease, Sun Protection, Second Hand Smoke, and First Aid Supplies [Rev. eff. 6/1/12]

A. — Statements of Health Status and Immunization

1. — At the time of admission, the parent or guardian must provide the following information to the provider for each child entering the home:

a. — Health information, including any known allergies, medication being taken and possible side effects, special diets required, and chronic health conditions;

b. — Information and health care plan on the care of each child who has an identified health condition or developmental concerns, including, but not limited to seizures, asthma, diabetes, allergies, heart or respiratory conditions, and physical or emotional disabilities; and,

c. — Documentation of immunization status or exemption, including month and year each immunization was administered. Immunizations must be updated and recorded as specified on the certificate of immunization or alternate certificate of immunization as supplied and approved by the Colorado Department of Public Health and Environment. Colorado law requires that proof of immunization be provided prior to the first day of admission.

2. — Within thirty (30) days after admission, and within thirty (30) days following the expiration date, the parent or guardian of each child must submit a statement of the child's current health status or written verification of a scheduled appointment with a health care practitioner. The statement of the child's current health status must be signed and dated by a health care provider who has seen the child within the last twelve (12) months, or within the last six (6) months for children under two and one-half (2-1/2) years of age. The statement must include when the next visit is required by the health care provider. All health statements must be kept at the licensed child care home.

3. — If the parent or legal guardian of a child wishes an exemption from the requirement for immunizations due to religious or personal beliefs, the child's parent or legal guardian, must complete and sign the current Colorado Department of Public Health and Environment immunization card which states the reason for such an exemption. The home has the right to refuse to admit any child if a completed current immunization card is not submitted.

4. — Parent(s) or guardian(s) must be notified in the written policies if the provider's children are non-immunized, if children attending facility are non-immunized, and if children with personal and religious exemptions to immunization are accepted in care.

5. — Statements of health status of children under two (2) years of age must be updated in accordance with the national pediatric recommended schedule for routine health supervision or as required in writing by health care provider.

6. Health statements for children over two (2) years to seven (7) years of age must be updated annually.

7. For children seven (7) years of age and older, health statements must be updated every three (3) years as long as the children are in care.

B. Emergency Medical Care

1. The provider must obtain written authority to arrange for emergency medical care for each child. Written authorization to obtain emergency medical care must be on file prior to or on the first day of admission and must be re-authorized annually.

2. In the event of injury or illness, the affected child must be separated from the other children in the room or area where child care is being provided and made as comfortable as possible. First Aid care must be provided as required. If additional care, medical attention, or removal from the home is indicated, the child's parent or guardian must be contacted by telephone, if possible, and medical assistance obtained without undue delay.

C. Medication

1. Any routine medication, prescription or non-prescription (over the counter), homeopathic or vitamin, may be administered by the provider only with a current written order of a health care provider with prescriptive authority and with written parental consent. Home remedies may never be given to a child.

a. If the routine medication involves; the administration of unit dose epinephrine, the administration must be accompanied by a written individual health care plan by the prescribing health care provider that identifies the factors for determining the need for the administration of the medication, and is limited to emergency situations.

b. If the routine medication involves the administration of a nebulized inhaled medication, the administration must be accompanied by a written health care plan by the prescribing health care provider that identifies the factors for determining the need for the administration of the medication.

c. Topical preparations used for prevention on unbroken skin including, but not limited to, petroleum jelly, diaper rash ointments, sunscreen, and insect repellent can be administered solely with written parent authorization. Topical preparations used as treatment on open wounds or broken skin must have a written order from a prescribing health care provider in addition to parent authorization.

2. The provider can accept such medicines only in the original container. Prescription medicine containers must bear the original pharmacy label that shows the prescription number, name of medication, date filled, physician's name, child's name, and directions for dosage. When no longer needed, medications must be returned to the parent or guardian or destroyed.

3. Over the counter and homeopathic medication must be labeled with the child's first and last name. The provider can administer medication only to the child whose name appears on the written order from the prescribing health care provider.

4. All providers who administer medication must have daily face to face verbal contact with parents of children needing medication and must be currently trained through the State Department approved medication administration course and must administer medication in compliance with the concepts taught in the course.

5. Medication must be stored in a locked cabinet, cupboard, or locked box so that it is inaccessible to children. If refrigeration is required, it must be stored in a leak proof container in a designated area of the refrigerator separated from food.

6. ——— Medication must be administered, documented and disposed of in accordance with the State Department approved training in medication administration.

7. ——— A written medication log must be kept for each child. This log is a part of the child's record. The log must contain the child's name, time medication was given, name of the medication, dosage and route, special instructions, name or initials of the individual giving the medication, notation if the medication was not given, and the reason.

D. ——— Control of Communicable Illness

1. ——— When a child in care, resident of the home or provider has been diagnosed with a reportable communicable illness, including, but not limited to, chicken pox, hepatitis, measles, mumps, meningitis, diphtheria, rubella, salmonella, giardia, tuberculosis, and shigella, the provider must immediately notify the parents or guardians of all children in care and report to the local county department of health or the Colorado Department of Public Health and Environment.

2. ——— Any individual diagnosed with a reportable communicable illness must be excluded from contact with children in care at the home for a period of time determined by the individual's health care provider or by the local health department.

E. ——— Sun Protection

1. ——— The provider must inform the parent or guardian, through the policies and procedures statement or an authorization form, that sunscreen will be applied to the children's exposed skin prior to outside play. A doctor's permission is not needed to use sunscreen at the home. When a parent or guardian supplies sunscreen for an individual child, the container must be labeled with the child's first and last name. If sunscreen is provided by the provider, parents must be notified in advance, in writing, of the type of sunscreen the provider will use. Parent(s) or guardian(s) must notify the provider if sunscreen has been applied to the child's skin prior to arriving at the home. Sunscreen must never be applied to an infant's skin.

2. ——— Children over four years of age may apply sunscreen to themselves under the direct supervision of the provider.

3. ——— Sunscreen used must be full spectrum UVA/UVB with an SPF of thirty or greater and applied according to manufacturer's instructions.

F. ——— First Aid Supplies

Supplies must be maintained and stored in an area inaccessible to children. Supplies shall include band-aids, tape, gauze, disposable gloves and compression bandages.

7.707.72 ——— Personal Hygiene, Hand Washing and Bathing, Diapering and Toileting, and Cleaning Toys

A. ——— Hand Washing and Bathing

1. ——— All providers must wash their hands thoroughly with soap under warm running water, when available, and dry with an individual use and/or single use disposable towel before preparing, serving, and eating food; before administering medication; after helping a child with toileting or diapering; after provider's own toileting; after wiping a child's nose; whenever possible on field trips, at a park, or at another location away from the home; after handling animals, their toys, or food and water bowls; after contact with bodily fluids or secretions; and, any other time the hands become soiled or contaminated.

2. ——— All children must wash their hands thoroughly with soap under warm running water, when available, and dry with an individual use and/or single use disposable towel; before preparing and eating food; after toileting or diapering; after wiping his/her nose; whenever possible on field trips, at a park, or at

another location away from the home; after handling animals, their toys, or food and water bowls; after contact with bodily fluids or secretions; and, any other time the hands become soiled or contaminated.

3. — The hand washing area should promote self-help skills to include, but not be limited to, step-stools, soap, and towels accessible to children.

4. — If paper towels are not used, each child shall have an assigned towel that is used consistently, doesn't touch other towels, and is laundered weekly or more often if needed.

5. — Children's towels and drinking cups must not be shared.

6. — Hand washing areas shall be routinely disinfected when visibly dirty or prior to use different from hand washing.

7. — Hand sanitizers and wipes are not acceptable alternatives to hand washing, except on outings where running water may be unavailable. Alcohol based hand sanitizers shall not be used for children under three (3) years of age.

8. — When a child is bathing, the bath water must be between ninety (90) and one hundred (100) degrees. Children under five (5) years of age must not be left unattended while being bathed.

B. — Diapering and Toileting

1. — The home must have a designated diaper change area for all children in need of diaper changing. The diaper change area must:

a. — Have a smooth, durable, nonabsorbent, and easily cleanable surface; and

b. — Be large enough to accommodate the size of the child being changed.

2. — The following procedure must be followed each time a diaper is changed:

a. — Soiled or wet diapers and clothing must be changed promptly and be replaced with clean diapers and clothing whenever necessary;

b. — The child must be placed on a clean, sanitized, dry changing table or mat;

c. — Providers must use single use disposable gloves;

d. — Use closest hand washing sink to the diaper changing area that is not used for food preparation;

e. — Children's hands must be washed with soap and water after diapering;

f. — Providers must clean and disinfect the diaper changing area after each diaper change;

g. — Providers must vigorously clean all parts of their hands with soap and warm running water and dry their hands with individual paper or cloth towels after diapering each child;

h. — During child care hours, clothing soiled by bodily fluids must be placed in a leak proof container. The container must be stored inaccessible to children and sent home on a daily basis;

i. — Parent(s) or provider(s) must provide extra clothing;

j. — For each child who is learning to use a toilet, the provider must accommodate the child's individual developmental abilities and needs, in accordance with nationally recommended procedures, and as contained in the provider's written policies and procedures;

k. — Toilets must be flushed between uses; and

l. — If potty chairs are used, all parts of the potty chair must be disinfected immediately after each use.

C. — Cleaning Toys

1. — Toys that are not mouthed or otherwise contaminated by body fluids shall be cleaned and sanitized at least once a week and whenever visibly soiled.

2. — Toys that are placed in children's mouths or are otherwise contaminated by body fluids shall be cleaned and sanitized prior to use by another child.

7.707.73 — Food and Nutrition

A. — A nutritious snack or meal must be offered during the midmorning and mid-afternoon hours. A mid-day meal must also be provided and must meet at least one-third (1/3) of the child's daily nutritional needs as required by the USDA child and adult care food program meal pattern requirements. Arrangements must be made for feeding children who are in care before 6 a.m. or after 6 p.m.

B. — Food must be offered to children when they are awake at intervals not more than three hours apart.

C. — Food must be wholesome and nutritious and stored in a safe and sanitary manner. A wide variety of foods, including fresh fruits and vegetables and whole grain products must be provided to children to ensure adequate intake of dietary fiber, vitamins, minerals, and other important nutrients.

D. — If the provider does not regularly provide meals, the provider must supplement children's meals that are inadequate with foods to meet the nationally recognized meal pattern requirements.

E. — Provider(s) and parent(s) must have ongoing communication regarding special diet and feeding needs of the child(ren).

F. — Foods offered shall be age appropriate and not pose a choking hazard.

G. — Children are encouraged, but not forced, to eat food or drink fluids.

H. — Children with special needs are included in regular meal areas and routines.

I. — All milk and juice offered to children must be pasteurized.

J. — Juice must be limited to one (1) serving a day. Sweet type foods must be limited to no more than two (2) servings per week.

K. — Water must be offered and available at all times and cannot be a substitute for milk during meals.

L. — Food must be offered to the child from the child's individual dish and utensil(s). If uneaten portion(s) from the child's plate are saved, they must be refrigerated and stored safely and must be served, eaten, or discarded within four hours of being prepared.

M. — Children must not be given foods that are contrary to the religious beliefs of their families or that are known to cause an allergic reaction or a health hazard.

N. — Dishes, cookware, high chair trays and utensils must be washed, sanitized, and stored in a safe and sanitary manner. When used, disposable dishes and utensils must be disposed of after use. Food preparation and service areas including, but not limited to, sinks, faucets, counters, and tables must be sanitary.

~~O. Bottles and Formula~~

- ~~1. Bottles of milk, formula or breast milk must never be warmed or thawed in a microwave oven. Infant formula and breast milk cannot be reused. If a child does not finish the bottle of formula or breast milk within one (1) hour, the contents must be thrown out.~~
- ~~2. If the infant is breast fed, the provider must not offer formula, water, or other liquids without discussing substitutions or supplementation with the infant's parent.~~
- ~~3. The provider must make an area in the home available for a breast feeding mother to breast feed her infant while visiting the home during business hours.~~
- ~~4. All infants unable to hold their own bottles must be held by the provider during bottle feedings and should be held so they can see the face of the provider if it is appropriate for the child.~~
- ~~5. Infants and toddlers must not be allowed to hold their own bottles or sippie cups when lying flat to prevent choking, ear infections, bottle mouth or tooth decay.~~
- ~~6. There must be a sufficient supply of bottles provided for the entire day; or, if bottles are to be reused, they must be washed, rinsed, and sanitized after each use.~~
- ~~7. Commercially prepared formula must be mixed in accordance with the directions of the manufacturer or the child's health care provider.~~
- ~~8. Each bottle must be marked with the child's name when there is more than one (1) child in care that drinks from a bottle.~~

~~P. Solid Foods~~

- ~~1. At a minimum, meals and snacks provided for infants under the age of one (1) year must contain the foods listed in the USDA child and adult care food program meal pattern for infants.~~
- ~~2. Foods must be appropriate for infants' developmental stages as determined by instructions obtained from the infant's parent(s), guardian(s), or health care provider.~~
- ~~3. No new foods shall be introduced to children under twelve (12) months of age without parental permission.~~
- ~~4. Infants who are eating solid foods shall be provided with developmentally appropriate solid foods that encourage freedom in self-feeding.~~
- ~~5. Provider(s) must either feed infants and toddlers or directly supervise them while they are eating.~~
- ~~6. Honey and products containing honey must never be served to infants under twelve (12) months of age.~~

7.707.74 Direct Care of Children

7.707.741 Supervision

- ~~A. The primary provider must supervise and know the location and activity of all children at all times while they are in care.~~
- ~~B. The provider's own children who are age twelve (12) years of age and over may each have one (1) friend over during child care hours if the following conditions are met:~~
 - ~~1. The visiting children are not present for supervision; and,~~

2. — The visiting children can immediately be sent home if needed; and,
 3. — The visiting children must be age twelve (12) years or over; and,
 4. — Visiting children must not compromise or participate in the care and supervision of children.
- C. — The provider may have other children over on occasion if the following conditions have been met:
1. — The visiting children are under the active supervision of their parent or guardian or their own child care provider; and,
 2. — The square footage requirements for the home accommodates all children present.

7.707.742 — Physical Care

- A. — Children must be provided a developmentally appropriate environment.
- B. — Provider(s) must provide for children's appropriate care and well-being, taking into consideration the individual needs of each child.
- C. — Throughout the day, each child must have frequent, individual personal contact and attention from an adult, such as being held, rocked taken on walks inside and outside the home, talked to, and sung to.
- D. — Infants in care who are unable to hold a bottle must be held during bottle feedings.
- E. — Infants must be held frequently while in care.
- F. — Provider(s) must pick up children appropriately around their upper chest and under their arms, and based on the developmental needs of the child.
- G. — Children leaving the family child care home for school or other activities must be dressed appropriately to protect the health and safety of children for the weather.
- H. — Provider(s) must respond to the needs of a child, including, but not limited to: crying, toileting, hunger, and thirst. The timing of the response must not result in physical harm to the child.
- I. — Providers must investigate whenever children cry.
- J. — Providers must develop/provide an environment that minimizes the risk to children from hurting themselves or each other.
- K. — Greetings/Departures
1. — Children should be greeted individually and pleasantly upon arrival and departure.
 2. — Parent(s) or guardian(s) shall be allowed access to their children and all approved and licensed areas at all times.
 3. — When necessary, upon arrival and departure, the parent or guardian and provider shall share information related to the child's health and safety including, but not limited to, special diets, accident reports, specific fears, and family traumas.
- L. — Providers must not use any controlled substance or consume any alcoholic beverage during the operating hours of the facility or be under the influence of a controlled substance or alcoholic beverage during the operating hours of the facility, or use any substance that impairs their ability to care for children.

M. — Providers, substitutes, visitors, volunteers, and residents of the provider's home who consume or are under the influence of alcohol are not permitted to work with children or be in the area used for child care during business hours.

N. — Illegal drugs or paraphernalia must never be present on the premises of the child care home.

7.707.75 — Sleep and Waking Time

A. — Children must be allowed to form and observe their own pattern of sleep and waking periods. Provision must be made so that children requiring a nap time have a separate area for their nap away from other children currently playing.

B. — Children who are awake must not be confined for more than thirty (30) minutes at a time to cribs, high chairs, swings, playpens or other equipment that inhibit freedom of movement, unless they are eating. Confinement must never be used as a form of discipline. They must have an opportunity each day for freedom of movement, such as creeping, crawling, or walking in a safe, clean open, uncluttered area.

C. — The provider must provide a rest period for all preschool-age children remaining in the home for longer than four (4) hours. A rest period and rest equipment must also be provided for older children who require a rest time.

D. — Rest or sleep periods must be scheduled appropriately for the age and development of the child(ren) and not forced. Children who do not sleep after thirty (30) minutes must be provided with developmentally appropriate alternative activities. Infants and toddlers must be placed in their approved sleeping equipment within ten (10) minutes of falling asleep, unless being held by the provider, while being transported on a field trip, or if children are not at the provider's home.

E. — Toddlers, preschoolers, and older children, as necessary, must have a suitable mat not less than two inches thick, cot, bed, or sofa, with a clean washable sheet that has been sanitized between uses by different children. Children must be provided with a clean blanket.

F. — During rest/nap time the provider must remain alert and supervise all children by sight or sound. The atmosphere should be calm and conducive to rest or sleep.

G. — Safe Sleep Training for Family Child Care Staff

All staff who work with infants must complete Department approved safe sleep training prior to working with infants and on an annual basis

H. — Safe Sleep Environments for Infants

1. — Each infant up to twelve (12) months of age must be provided with an individual crib or futon approved for infants or other approved sleep/rest equipment meeting Consumer Product Safety Commission (CPSC) standards.

2. — In the infant room, soft bedding or materials that could pose a suffocation hazard are not permitted in cribs, futons approved for infants or other approved sleep/rest equipment.

Soft bedding means, but is not limited to; any soft sleep surface like bumper pads, pillows, blankets, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, plush toys, and stuffed animals.

3. — Infants must be placed on their back for sleeping.

4. — Alternative sleep positions for infants must only be allowed with a health care plan completed and signed by the child's physician.

5. — Swaddling of infants must only be allowed with a health care plan completed and signed by the child's physician.
6. — Each infant up to twelve (12) months of age who uses a pacifier must have the pacifier offered when being put down to sleep, unless the parent directs otherwise.
7. — All sleep/rest equipment must be safe, sturdy, and free from hazards including, but not limited to: broken or loose slats, torn mattress, chipping paint or loose screws.
8. — Approved sleeping equipment mattresses must be firm and must fit snugly ensuring no more than two adult fingers are able to be inserted between the mattress and the side of the approved sleeping equipment.
9. — Toys, including mobiles and other types of play equipment that are designed to be attached to any part of sleeping equipment must be kept away from sleeping infants and out of sleep environments, including hanging toys. Blankets and other items must not be hung from or draped over the sides or any part of sleeping equipment.
10. — Drop side and stacking cribs are prohibited.
11. — Infant monitors must be used when infants are sleeping in a separate room out of the direct supervision of the primary caregiver. When in use infant monitors must meet the following conditions:
 - a. — The sound monitoring equipment must be able to pick up the sounds of all sleeping infants;
 - b. — The receiver of the sound monitoring equipment must be actively monitored by the primary provider or staff member at all times;
 - c. — All sleeping infants must be physically observed at least every ten (10) minutes by the primary provider or a staff member; and
 - d. — Sound monitoring equipment must be regularly checked to ensure it is working correctly.
12. — Infants who fall asleep in a car safety seat, bean bag chair, bouncy seat, infant seat, swing, jumping chair, play pen or play yard, highchair, chair, sofa, adult futon, adult bed or ANY other piece of equipment not approved for sleep must immediately be moved to their approved sleep area and placed on their back to sleep.
13. — Cribs must be used for sleeping, not extended play or confinement.
14. — Children who are awake must not be confined for more than fifteen (15) minutes at a time to cribs, playpens, swings, high chairs, infant seats, or other equipment that inhibits freedom of movement. Children who are actively eating may be in a high chair or other approved feeding equipment for longer than fifteen (15) minutes. Children must be moved once feeding is complete.
15. — If music is played in the infant sleep area, the music must not be played at a loud volume that would prevent infants from being heard by the caregiver(s). Music equipment must not be placed under a crib or within three (3) feet of the sleeping infant.
16. — Supervised tummy time be offered to infants one month of age or older up to twenty to thirty (20-30) minutes per day. If the infant falls asleep during tummy time, immediately place him/her on their back in approved sleeping equipment.
17. — When the caregiver places infants in approved sleeping equipment for sleep, they must check to ensure that the temperature in the room is comfortable for a lightly clothed adult, check the infants to ensure that they are comfortably clothed (not overheated or sweaty), and that bibs, necklaces, and garments with ties or hoods are removed. Clothing sacks or other clothing designed for sleep must be used in lieu of blankets if needed for additional warmth.

18. — Infants must not be placed to sleep in the same crib or futon as another infant or child, and must never sleep with an adult in a bed, on a couch, or in any other setting or manner.

I. — The facility must have policies, and ensure they are followed for safe sleep environments for infants.

J. — The facility must have a policy, and ensure it is followed on the protection of infants from second-hand smoke.

7.707.76 — Overnight Care

A. — Regular overnight care (care that past midnight) of children is permitted only when licensed to do so.

B. — All children in care must be provided with a comfortable cot, crib, bed, or couch suitable for the child's age, two (2) sheets, and a suitable warm covering. At least forty (40) square feet of floor space must be available for each bed. Beds arranged in parallel must be at least two (2) feet apart.

C. — Sheets must be changed weekly, between use by different persons, and more frequently if needed. No provider shall knowingly allow a child to sleep in a wet bed.

D. — Children's faces and hands must be washed, teeth brushed, and children must change into comfortable clothing for sleeping. Extra sleepwear must be available in the event that a change is necessary.

E. — When the provider goes to sleep, the provider must sleep on the same level of the home where children under eight (8) years of age are sleeping.

F. — Written permission must be obtained from parent(s) or guardian(s) on where the child sleeps, whether the child shares a room with another individual, and the equipment that the child is sleeping on.

7.707.8 GUIDANCE, LEARNING ACTIVITIES, MATERIALS AND MEDIA USE

7.707.81 — Guidance

A. — At the time of admission, the provider shall discuss with the parent or guardian the home's guidance expectations and consequences of a child's behavior.

B. — Guidance must be appropriate to the developmental age of child, constructive or educational in nature, and may include such measures as diversion, separation, talking with the child about the situation, praise for appropriate behavior, and gentle holding.

C. — Children must not be subjected to physical or emotional harm or humiliation. The provider must not use, or permit anyone else to use, corporal or other harsh punishment, including, but not limited to pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of discipline.

D. — Physical, mechanical, and chemical restraint shall never be used.

E. — Guidance must not be associated with food, rest or toileting. Children must not be punished for not resting or sleeping, toileting accidents, failure to eat all or part of meals or snacks, or failure to complete an activity. Food or drink may not be denied or forced upon children as a disciplinary measure.

F. — Meals and snacks can be temporarily postponed or provided individually, but deprivation of meals, snacks and beverages must not be used as punishment.

G. — Separation, when used as guidance, must be brief and appropriate for the child's age and circumstances. The child must be in a safe, lighted, well-ventilated room within hearing and vision of the provider or other qualified adult. Children must never be isolated in a locked room, attic or closet area.

H. — Verbal or emotional abuse and derogatory remarks about any child and/or any child's family and home environment is prohibited.

I. — The provider or approved substitute is responsible for and shall supervise all guidance used within the home. The provider must not allow one child to punish another child.

J. — A child must not be punished for the actions of a parent or guardian. This includes, but is not limited to, failure to pay fees, failure to provide appropriate clothing, failure to provide materials for an activity, or any conflict between the provider and the parent or guardian.

7.707.82 — Learning Activities

A. — Talking with children is generally social and not limited to only custodial or control speech.

B. — Children must be encouraged to relate or to communicate with each other and with adults using developmentally appropriate behavior.

C. — Provider(s) shall respond to children's attempts to communicate, using culturally sensitive eye contact and making an effort to create two-way conversation.

D. — Each child in care must be provided with an opportunity for both group and individual play.

E. — The provider shall encourage individual expression and adult directed projects shall be kept to a minimum, since children's work is varied and individual.

F. — Children shall not be forced to participate in activities; alternate developmentally appropriate activities shall always be available.

G. — Activities must be available to the children that are culturally sensitive and represent diversity in ethnicity, race, gender, and age. Variety shall exist in toys, books, and pictures.

H. — Boys and girls should not be restricted to specific roles in play.

I. — At least one (1) provider initiated language activity shall be offered daily, such as reading, storytelling, flannel boards, or puppetry.

J. — The provider(s) shall initiate at least one (1) interactive musical activity weekly, such as singing, dancing, playing instruments, marching, listening to tapes or recordings, radios, and musical videos.

7.707.83 — Materials

A. — A selection of at least four (4) books must be available for the group of infants/toddlers in care.

B. — A selection of at least ten (10) books must be available for all children over two (2) years of age in care and must be organized and accessible to children most of the day. If children over five (5) years of age are in care, books relevant to that age of child must be included within the ten (10) books.

C. — Materials must be available to the children that are developmentally appropriate, culturally sensitive and represent diversity in ethnicity, race, gender, and age. Variety shall exist in toys, books, and pictures.

D. — At least four (4) language development materials appropriate to age of the children shall be available, such as telephones, puppets, story boards, dolls, and chalk boards.

E. — At least four (4) types of age-appropriate eye-hand materials shall be available for use daily which should include at least some of the following: crayons, paper, scissors, non-chokable small building toys, developmentally appropriate multi-size stringing beads, pegs, sewing cards and puzzles.

F. — Age-appropriate blocks and accessories shall be accessible for free play daily allowing at least two (2) children to play independently, yet simultaneously.

G. — A selection of at least four (4) types of developmentally appropriate nature or science related games, materials, or activities shall be available: natural object collections, plants, gardens, pets, magnets, magnifying glasses, or science props.

H. — At least four (4) types of developmentally appropriate math or number materials shall be available: counting objects, balance scales, rulers, number puzzles, magnetic numbers, and dominoes.

I. — At least four (4) types of art materials shall be available: crayons, pencils, markers, paints, play dough, scissors, and glue. Some art materials must be readily available each day.

J. — At least four (4) types of dramatic play materials shall be accessible for free play daily such as: backpacks, purses, hats, dress up clothing, housekeeping toys, dolls and accessories, toy telephones, play houses, toy animals, cars and trucks, costumes, and safe jewelry.

K. — Outdoor physical free play materials shall consist of at least four (4) age-appropriate toys and equipment including, but not limited to, the following in good repair: push toys, riding toys, tossing toys, climbing equipment, balance boards, stationary swings, slides, balls, toss games, and sports equipment. These must be provided daily except in extreme weather, such as rain, snow, or extreme temperatures when indoor physical play may be substituted.

L. — Materials provided in large homes must be double the requirements for the regular home as listed above.

M. — Some sand or equivalent dry material or water play should be offered indoors or outdoors at least monthly and year round. If used, food and/or organic material must be discarded each week.

7.707.84 — Media Use

A. — Media use including, but not limited to, television, video viewing, music, video games, and computer use should be permitted only with:

1. — The written approval of a child's parent(s) or guardian(s). The authorization may be included in the parent handbook or contract;

2. — Parent approved time limits; and

3. — Activities must not contain violence, profanity, nudity, or sexual content, and must have a rating appropriate for the age of children in care.

B. — All children must be provided with a developmentally appropriate alternative activity once the child(ren) loses interest in the media activity.

7.707.9 FACILITY REQUIREMENTS AND TRANSPORTATION

7.707.91 — General Requirements

A. — The entire premises are subject to inspection for licensing and safety purposes including, but not limited, to the entire residence and where care is to be provided, the grounds surrounding the residence, the basement, the attic (if accessible), the storage shed, garage and/or carport, and any vehicles used for transportation of children in care.

~~B. — A business of a nature and any activity that might be hazardous to the health, safety, or well-being of children, or that interferes with the supervision of children, cannot be operated or conducted on the premises of the home during child care business hours.~~

~~C. — Mobile homes used as family child care homes must have at least two (2) exits, be secured, attached, skirted, and properly installed and stabilized.~~

~~D. — The premises of the family child care home must be kept safe and free from hazards to health at all times.~~

~~E. — All weapons must be locked and inaccessible to children. Ammunition and arrows must be locked and stored separately. This includes, but is not limited to, firearms, air rifles, bb guns, paintball guns, bows, hunting knives, swords, hunting sling shots, and martial arts weapons. Trigger locks are acceptable. Antique and other guns used for decoration must be unloaded, inoperable and have the firing pin removed. An unstrung bow need not be stored in a locked container. Weapons must not be transported in any vehicle in which children are riding unless the weapons are made inoperable and inaccessible. The provider, employees, and substitutes must know the location of any weapons in the home.~~

~~F. — All garbage and other wastes must be stored in a manner that is inaccessible to children and disposed of in a manner that does not constitute a health hazard or nuisance.~~

~~G. — Fire hazards, such as defective electrical or gas appliances and electric cords, dangerous or defective heating or cooking equipment, exposed wiring and flammable material stored in such a manner as to create a risk of fire must be corrected or eliminated.~~

~~H. — All stairways must be free from hazards, and those with more than five (5) steps must be equipped with banisters or handrails within reach of children. The slats on all railings must be no wider than four (4) inches apart or modified to prevent entrapment.~~

~~I. — Drinking and food preparation water from any source other than a regular municipal water supply or commercially bottled water must be tested annually and the results available for review. The water must be in compliance with water quality requirements of the Colorado Department of Public Health and Environment.~~

~~J. — Any provider's, employee's, substitute's, volunteer's, and/or visitor's animal(s) and/or fish that are dangerous, and/or pose a potential threat to a child's safety or health must be confined in a place away from the child care area and inaccessible to children. The provider's animals must be vaccinated as required by state law and local ordinance, and proof of vaccination must be available for review by the licensing specialist.~~

~~K. — Psittacine/hooks beak birds must be in a separate room inaccessible to children in care.~~

~~L. — Children must not be permitted to mistreat animals.~~

~~M. — All play equipment must be designed to guard against entrapment and strangulation. Swing sets and other outdoor play equipment must be correctly assembled, well maintained, and securely stabilized or anchored. All swings for children three (3) years of age and older must have seats made of flexible material.~~

~~N. — All exercise equipment must be inaccessible to children.~~

7.707.92 — Indoor Requirements

7.707.921 — General Indoor Requirements

~~A. — There must be open, indoor play space of at least thirty-five (35) square feet of floor space per child, including space for moveable furniture and equipment exclusive of:~~

1. — Hallways;
2. — Bathrooms;
3. — Stairways;
4. — Closets;
5. — Laundry rooms;
6. — Furnace rooms; and
7. — Space occupied by permanent built-in cabinets and permanent storage shelves.

B. — The large home must provide sufficient floor space in the specific room(s) designated for use for child care that does not include space used by household furniture.

C. — One room or area in the home, within sight or sound of the provider, that contains a bed, cot or sofa must be available for a child in the event of an illness or injury where a child can be separated from other children and comfortably cared for. A crib or playpen with a pad must be provided for children under twelve (12) months of age. A clean, washable sheet and blanket must be provided for each child, and shall be cleaned and changed after each use by a sick or injured child.

D. — All floors must have an easily cleanable finish including, but not limited to: carpets, tile, wood or concrete.

E. — Interior walls must be free of holes and constructed of solid material with a smooth finish that can be easily cleaned. Painted finishes shall be maintained free from peeling, chipping or otherwise deteriorating paint.

F. — The home must be equipped with adequate light, heat, ventilation, and plumbing for safe and comfortable occupancy. The heating facility must be capable of maintaining a draft free temperature of a minimum of sixty eight (68) degrees Fahrenheit at floor level in all rooms used for child care.

G. — All rooms must be kept in a clean and sanitary condition and be free of any evidence of pest or rodent infestation.

H. — Stairways of more than four (4) steps that are accessible to children must have gates that prevent access from the area being used when children under two (2) years old are present. The gate may be taken down as long as the provider is providing direct supervision of the child who is learning climbing skills on the stairs. Because of the risk of serious physical injury to a child, providers, employees, substitutes, volunteers, and visitors must never lift children over the gates while on a stairway.

I. — Because of the risk of serious physical injury to a child, providers, employees, substitutes, volunteers, and visitors must never step over a gate while holding a child or lift a child over a gate.

7.707.922 — Indoor Equipment, Materials and Furnishings

A. — Toys, toy parts and any material accessible to children under three (3) years of age must be large enough that they cannot be swallowed or inhaled, to prevent a choking hazard.

B. — An adequate number of high chairs and other child size suitable equipment that meets nationally recognized standards must be provided when feeding each child under two (2) years of age.

C. — Children's use of walkers with wheels is prohibited unless specifically provided for a child's special needs as ordered in the child's health care plan.

D. — Furnishings and equipment in the area approved for child care must be in good repair.

E. — Furnishings for relaxation and comfort shall include, but not be limited to:

1. — Soft play areas, which may include rugs, carpets, mats, and cushions; and

2. — Clean and soft toys.

7.707.923 — Indoor Safety

A. — All hazardous items and materials must be inaccessible to children including, but not limited to, office supplies, matches, plastic bags, cleaning and laundry materials, medicines, perfumes, curling irons, adult sharp scissors and knives, cosmetics, shaving lotions, hair products, poisonous plants, and all items labeled by manufacturer as “keep out of reach of children.

B. — In rooms accessible to children, all electrical outlets and power strips must have protective covers, or safety outlets must be installed; all exposed light bulbs must have protective covers. Electrical cords must be in good condition and shall not pose a hazard, such as strangulation, falling or tripping.

C. — Window blind cords and coverings must be secured out of children's reach or otherwise made safe to prevent strangulation.

D. — During child care hours, fans that pose a safety hazard to children (such as dangling cords, fans that can be pulled onto the child, and those where the child can stick fingers in the blades) must be inaccessible to children.

E. — Although exterior doors can be locked, they must be maintained so as to permit easy exit; interior doors must be designed to prevent children from becoming trapped.

F. — No locks or fastening devices can be used that would prevent emergency evacuation.

G. — Any level where child care occurs must have two (2) means of escape. A basement exit may include a window large enough for the provider, employees, substitute, volunteers, visitors, and children to individually exit.

H. — If the window sill height is over thirty (30) inches, there must be permanent access to the window. This includes a ladder bolted to the wall or sturdy and easily climbed furniture or steps.

I. — Upper levels where child care occurs, without a second exit, must have escape ladders designed specifically for the purpose of evacuation of children.

J. — All heating units, unvented gas or electric, must be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used.

K. — Any cooking stoves with controls within reach of a child shall have a safety guard.

L. — Flammable or combustible items must be stored in a locked area remote from the kitchen, at least three (3) feet from the furnace, hot water heater or any other heating device. These items include, but are not limited to, paints, fuels, insecticides, and other hazardous chemicals.

M. — A smoke detector in working condition must be installed on each level of the home.

N. — There must be a carbon monoxide detector installed in the area of the home as recommended by the manufacturer and in the area where children sleep.

O. — The home must contain at least one (1) fire extinguisher in working condition with the minimum weight of five (5) pounds, and minimum rating of 2A-10-BC. The fire extinguisher or identifying sign where the fire extinguisher is located must be highly visible and easily accessible.

P. — The use of indoor and/or climbing equipment indoors is subject to Section 7.707.932.

7.707.93 — Outdoor Requirements

7.707.931 — General Outdoor Requirements

A. — At least seventy-five (75) square feet of useable outdoor play space must be available for each child.

B. — The outdoor play space must be enclosed with at least a forty-two inch (42") fence or natural barrier. If a natural barrier is used, it must begin no higher than three and one-half inches (3-1/2") from the ground. If the home does not have a fenced play space, provisions must be made for outdoor play in an area approved by the State Department.

C. — All parts of the play area must be visible and easily supervised.

D. — Shade must be available.

E. — Decks that are more than twelve (12) inches high must have or be modified to have a protective railing or other barrier with slats no wider than four (4) inches apart. Additionally, for decks installed at ground level with more than a twelve inch (12") gap between flooring and ground, the gap must be inaccessible to children.

F. — Tiered yards that have drop offs of more than twelve inches (12") must have a protective railing or other barrier with slats no wider than four inches (4") apart.

G. — All outdoor areas where children may pass or play shall be kept free of animal contamination. All animal wastes must be promptly removed and placed in a lidded container or otherwise inaccessible to children.

H. — Window wells accessible to children must have covers that are in good condition and will protect children from falling into the window well. Window well covers must not prevent exiting from a basement window designated as the second exit.

I. — Swimming pools, permanent wading pools, and above-ground pools located on the property of the home must be enclosed with a five foot (5') fence and a locked gate.

J. — Water used by children in play areas, including wading pools, must be clean and not left to stand more than one (1) day.

K. — All hot tubs must have bolted and securely locked covers.

L. — Decorative ponds in the designated play area must use childproofing grates to prevent risk of drowning when there is no fence.

M. — The use of a trampoline by children in care is prohibited. If there is a trampoline on the property of the home, it must be stored in a way that makes it totally inaccessible to children.

N. — Tree houses must be inaccessible to children in care.

O. — Walkways must be cleared of snow and ice to provide safe entry and exit from the home.

7.707.932 — Outdoor Equipment, Materials and Surfaces

A. ~~Protective Surfacing Requirements~~

1. ~~All pieces of permanently installed climbing equipment must be surrounded by and have at least four inches (4") of a nationally recognized protective surface underneath the equipment.~~

2. ~~By December 31, 2010, all pieces of permanently installed playground equipment must be surrounded by and have at least six inches (6") of a nationally recognized protective surface underneath the equipment.~~

B. ~~Sand may be used as a protective surfacing when regularly raked, rototilled or replaced to retain its resiliency.~~

C. ~~If during any type of licensing visit the sand has become compacted and lost resiliency or depth, the provider must immediately replace the sand with one of the other approved protective surfacing materials.~~

D. ~~Portable climbing equipment over two feet (2') in height, whether indoor or outdoor, must be on a protective surfacing. No equipment can be placed on cement or grass.~~

E. ~~By December 31, 2010, all swing sets or permanent climbing equipment must ensure a minimum fall zone consistent with the nationally recognized standards.~~

7.707.933 Outdoor Activities

A. ~~The home program must include outdoor play for all ages each day except when the severity of weather, including temperature extremes, makes it a health hazard or when a child must remain indoors as indicated in writing by a health care provider or in a health care plan.~~

B. ~~Developmentally appropriate supervision must be provided during outdoor play in the approved, adjoining fenced play area.~~

C. ~~Children playing in an unfenced area or any other outdoor play area, other than the required, approved fenced play area must be under direct supervision at all times.~~

D. ~~Children must wear helmets, wrist protection, and knee and elbow pads when riding a scooter, bicycle, skateboard, or rollerblades. Motorized riding toys are not permitted.~~

E. ~~All protective surfacing (excluding sand, wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, and shredded rubber tires) and rubber mats must be manufactured for such use consistent with federal guidelines and be approved by the State Department.~~

F. ~~With written permission of the parent(s) or guardian(s), children in care shall be permitted to use the permanent pool in the presence of an adult who holds a current Red Cross basic lifeguarding certificate or equivalent, and is actively responsible for lifeguarding protection.~~

7.707.934 Outdoor Safety

A. ~~Children must be directly and actively supervised near standing water including, but not limited to, fountains, buckets, wading pools, and animal troughs.~~

B. ~~All outdoor play areas shall frequently be surveyed and must be kept safe and free from hazardous materials or debris that could cause harm to children.~~

C. ~~Outdoor play space, including areas under decks must be free from safety hazards including, but not limited to, lawn mowers, tools, propane, gasoline, building scraps, and scrap metal. Gas grills with propane tanks must have a safety on/off knob on it.~~

7.707.94 ——— Transportation

A. ——— The driver of a vehicle used to transport children must follow required state laws, including possession of a current valid Colorado driver's license, automobile insurance, and meet the requirements of Colorado child passenger safety laws.

B. ——— At least one (1) adult in the vehicle transporting children must have a current State Department-approved First Aid and safety certificate that includes CPR for all ages of children. A First Aid kit must be available in the vehicle.

C. ——— Any child transported must be properly restrained in a child restraint system that meets the requirements of the Colorado child passenger safety law that requires:

1. ——— Children must ride in a rear-facing child safety seat until they are at least one (1) year old and weigh at least twenty (20) pounds.

2. ——— Children ages one (1) to four (4) years and who weigh twenty (20) to forty (40) pounds must be restrained in a forward-facing car seat.

3. ——— Children at least four (4) years of age and are less than six (6) years old must continue to ride in a child restraint (unless they are fifty-five inches tall); typically, this is a booster seat; and

4. ——— Children between six (6) and sixteen (16) years old or are fifty-five inches (55") tall must be properly restrained in a seat belt.

D. ——— When any vehicle is used by the home to transport children in care, the following requirements must be met:

1. ——— Each child under four years of age and weighs less than forty pounds must be properly fastened into a child restraint system in a seating position equipped with a safety belt or other means to secure the system according to the manufacturer's instructions;

2. ——— Two or more children must never be restrained in one (1) seat belt or child restraint system;

3. ——— It is the responsibility of the driver transporting children to ensure that such children are provided with and that they properly use a child restraint system or safety belt system;

4. ——— Children between six (6) and sixteen (16) years of age or are fifty inches tall or more must be instructed and monitored to keep the seat belt properly fastened and adjusted;

5. ——— Children, who are appropriately placed in a safety belt system according to state law, must be properly secured by the safety belt system. The shoulder belt must never be placed behind the back or under the arm. The lap belt must be secured low and tight across the upper thighs;

6. ——— Children under thirteen (13) years of age must never be transported in the front seat of a vehicle;

7. ——— Children must never be left alone in a vehicle;

8. ——— Children must be loaded and unloaded safely and out of the path of moving vehicles;

9. ——— The total number of passengers being transported shall never exceed the manufacturer's specifications;

10. ——— The provider cannot transport more children than any vehicle can safely accommodate with child restraint systems and seat belts that are properly installed in the vehicle;

11. — The seats of the vehicle must be constructed and installed according to the manufacturer's specifications;
12. — Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review;
13. — The vehicle must be enclosed and have door locks in proper working order;
14. — The vehicle must be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights must meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division (Section 42-4-236, C.R.S.) and
15. — At a large home, there must be at least one (1) adult supervisor, in addition to the driver, for nine (9) to twelve (12) children using the vehicle.
- E. — The home must obtain written permission from the parent or guardian for transportation of the child.
- F. — If the child care home provides transportation to and from care, the provider must monitor the child between the vehicle and the child's home or another home authorized by the child's parent or guardian until the child is safely in the care of another adult.
- G. — Transportation arrangements for school-age children must be by agreement between the home and the child's parent or guardian (e.g., whether the child can walk, ride a bicycle, or travel in a car). The home must exercise reasonable precaution to see that the children arrive at the home from school when expected and must follow up on their whereabouts if late. Written permission from a parent or guardian for the child to attend community functions after school hours must include agreements regarding transportation.
- H. — If transportation is provided between the home and school for school-age children, the required adult-to-child ratio and supervision must be maintained for children remaining at the home.

7.711 — RULES REGULATING CHILDREN'S RESIDENT CAMPS

In addition to the General Rules for Child Care Facilities, Children's Resident Camps shall follow the rules specified in this section and the "Rules Regulating Special Activities".

7.711.1 DEFINITIONS

- A. — A "residential camp" means a facility operating for three or more consecutive twenty-four-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. A children's resident camp shall serve children who have completed kindergarten or are six years of age or older through children younger than nineteen years of age; except that a person nineteen years of age or twenty years of age may attend a children's resident camp if, within six months prior to attending the children's resident camp, he or she has attended or has graduated from high school.
- B. — A residential camp may have a "primitive camp" which is a portion of the permanent camp premises or another site at which the basic needs for camp operation, such as places of abode, water supply systems, and permanent toilet and/or cooking facilities, are not usually provided.
- C. — A "travel-trip camp" shall be known as a camp in which there is no permanent camp site and children move from one site to another. The travel-trip camp either originates in Colorado or moves into and/or through Colorado from another state and operates for three or more consecutive 24-hour days during one or more seasons of the year for the care of five or more children who are at least ten (10)

years old or have completed the fourth grade. The program shall have as its purpose a group learning experience offering educational and recreational activities utilizing an outdoor environment.

7.711.11 Purpose and Goals

Each camp must submit to the department a statement of goals and objectives. This statement must be kept on file, updated periodically, made known to staff, and available for licensing inspection.

7.711.12 Governing Body

The governing body must be identified by its legal name. The names and addresses of individuals who hold primary financial control and officers of the governing body must be disclosed fully to the Colorado Department of Human Services. The governing body is responsible for providing necessary facilities, adequate financing, qualified personnel, services, and program functions for the safety and well-being of children in accordance with these rules. When changes of governing body occur, the new governing body must immediately submit an original application and pay the required fee.

A. If the governing body lets, leases, or rents the licensed facility to any group or organization whose program falls under the definition as found at Section 7.711.1 and verifies in writing to the State Department that the lessee meets the licensing standards, an application is not required of the lessee. If the governing body does not verify that the lessee meets the licensing standards, an application is required of the lessee and the license must be issued to the lessee before the camp opens.

B. When the facility is let, leased, or rented, the governing body must report the following in writing at the request of the State Department: name of the group, number and ages of children, length of time for use of the facility, and the purpose of the camp.

7.711.13 Financial Support

The governing body must satisfy the department upon request that there is sufficient financial support to operate and maintain a camp in accordance with these rules and camp goals and objectives.

7.711.14 Insurances

Every facility must carry public liability insurance. The applicant or licensee must submit the amount of the insurance and the name and the address of the insurance agency providing the insurance to the camp. The camp must maintain information about the insurance at the campsite.

7.711.15 Written Agreements, Reports, and Logs

A. There must be on file at the campsite an annually dated a written or electronic agreement with a licensed physician or nearby health care facility to provide the necessary medical services for campers at the camp and medical help as a backup to the camp staff members responsible for health supervision.

B. A travel trip camp is not required to have a written agreement, but it must have a list of all medical facilities in areas where the travel trip camp will be traveling.

C. The camp must maintain at the campsite a medical record keeping system, listing name of camper, illness or injury, prescribed treatment and date the treatment was administered, and name of person administering care. This record keeping system must be available to licensing personnel.

D. The camp must submit as soon as possible but not longer than 24 hours to the State Department a written report about any camper who has been separated from the group outside of the supervision of their assigned staff member or for whom a report has been made to the local Sheriff's department for search and rescue. Such report must indicate the name, age, and address of the camper; the name of parents/guardians and their address if different; the date when the child was lost; the location, time, and circumstances when the camper was last seen; and circumstances of locating the camper.

7.711.2 PERSONNEL

7.711.21 General Requirements for All Personnel

A. All paid employees at the camp less than 16 years of age must be employed in compliance with Colorado labor laws.

B. All counselors and staff members having a supervisory role with campers must be at least eighteen (18) years of age, or seventeen (17) years of age and graduated high school or completion of GED, and have interest in, respect for, and ability to work with children.

C. There must be a letter of agreement with each volunteer or employed staff member which includes listing of specific responsibilities/job description and referring to information contained in the hiring packet or staff manual. Days or hours of employment/time off, personal conduct, and health history questionnaire must be provided in writing or electronically and may be provided in the hiring packet or the staff manual. The letter of agreement must be signed by both the employer and the volunteer or staff member. In the case of staff members or volunteers who are younger than eighteen (18) years old, the letter of agreement must also be signed by the parents/guardians.

D. There must be at least three references for each staff member of the camp attesting to the individual's character and suitability to work with children. The written references must be in the personnel file or there must be an indication in the personnel file that a reference has been obtained.

E. Each staff member must complete an annual health history. The health history must be maintained in a secured location at the camp.

F. Each staff member must be trained and given written instructions as to camp policy when emergencies occur including but not limited to: lost campers, medical situations, hazardous wildlife and environmental hazards. In the case of travel trip or primitive camps, these plans must accompany the staff and campers.

7.711.22 Camp Personnel

A. Each camp must have an onsite director who must be at least twenty-one (21) years of age. The director must have 12 months (1820 hours) verified leadership experience in an administrative or supervisory position, with groups of children five (5) years of age or older, since he or she attained the age of eighteen (18) years.

B. At each permanent camp there must be one health care worker who is responsible for monitoring the overall health of the campers and staff. A health care worker must be one of the following: a licensed physician, a registered nurse, a licensed practical nurse, a licensed physician's assistant, a certified nursing assistant or an individual who holds current certification in emergency medical services. All health care workers must work within their scope of practice, including the ability to work independently or with required oversight.

1. At least one health care worker must be at the camp twenty-four (24) hours per day that the camp is in session.

2. If the camp health care worker is not a physician or RN, a physician or RN currently licensed in Colorado must specifically delegate the camp staff member the authority to administer medications. The delegating physician or RN must be aware of the specific medical needs of campers, be available for consultation while the camp is in session, and accept responsibility for monitoring the therapeutic effects of medications administered at camp. Respiratory therapists may administer medication within their scope of practice.

3. In order to administer medications all health care workers, except physicians and RNs, must complete the Department approved Medication Administration Training, receive delegation and hold current Department approved First Aid and CPR certification.

C. — At any camps less than thirty (30) minutes from emergency medical services by vehicle, in clear weather, there must be at least one staff member with each group of children qualified with Department-approved First Aid, CPR, and Medication Administration Training and delegation.

D. — All staff members must complete a Department-approved Standard Precautions training prior to working with children. This training must be renewed annually and may count towards ongoing training requirements.

E. — For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member with each group of children who holds current Department-approved First Aid and CPR for all ages of children. At any camp more than thirty (30) minutes away from emergency medical services, there must be at least one (1) staff member with each group of children qualified with a minimum of Wilderness First Aid Training, Department-approved CPR and Medication Administration Training. Staff members with Medication Administration Training must have annual delegation as required at section 7.711.22.b.3.

F. — There must be sufficient camp counselors or staff members who have a supervisory role with children at the camp to meet the staff ratio as indicated in Section 7.711.23. Children under the age of six (6) years who live at camp or are visiting must be directly supervised by a caregiver, who is not included in the staff to camper ratio, at all times when the children are involved in camp activities. Staff members whose children are under six (6) years of age cannot be supervising campers or leading special activities when they are supervising their own children.

G. — If the camp has counselors in training who are not fully qualified, they must be directly accountable to a qualified counselor or specialized staff member and must be directly supervised by those individuals in their role when caring for children. The counselors in training who are less than eighteen (18) years old must not be counted as staff members in the maintenance of the staff ratio for supervision of children as found at Section 7.711.23.

H. — There must be specialized staff members who are responsible for specific portions of the camp program. Requirements for those specialized staff members are found among the requirements for the specialized activity areas at Section 7.719, et seq.

7.711.23 — Supervision

A. — The camp must have an accurate system whereby staff members who are responsible for the supervision of children must know where each child is at all times.

B. — At no time may a camper be left without qualified supervision. Sleeping quarters of the counselors must be within sight or hearing distance of the sleeping quarters of the children whom they supervise. Children may sleep alone for specific program functions such as solos or survival experiences and then only when regularly monitored pursuant to the camp's written program. The camp's written program must include an audible mechanism for a camper to alert a staff member who is able to immediately respond.

C. — Each special activity must be supervised by a staff member currently qualified in Department-approved First Aid and CPR training, and by the experience and training in that special activity as specified in Section 7.719, et seq.

D. — In a residential camp, ratio of one (1) staff member having a supervisory role with children per number of campers must be maintained at all times as follows:

Age of Children	Number of Children	Number of Staff Members
5 through 7 yrs. old	6	1
8 through 10 yrs. old	8	1
11 through 13 yrs. old	10	1
14 yrs. and older	12	1

E. — In a trip away from the residential camp premises or at the primitive camp, the staff ratio given at Section 7.711.23, D, must be maintained, but there must be at least two staff members accompanying each trip, and one staff member must meet the qualifications as defined in 7.711.22.C, E. If the trip exceeds two nights, there must be with the group a staff member who is at least twenty-one (21) years of age, exercises good judgment, the ability to assume leadership independently and has been trained in trip leading procedures.

F. — In a travel trip camp, the staff ratio given at Section 7.711.23.D must be maintained, but there must be at least two (2) staff members at all times with the campers. One (1) of those staff members must be at least twenty-one (21) years old and one (1) staff member must meet qualifications of the health care worker as defined in Section 7.711.22.B.

G. — In the case of trips away from the permanent residential camp, including overnights or travel trip camps, there must be a day to day itinerary prepared prior to departure. The resident camp headquarters must keep a copy of the itinerary. The itinerary must be followed as closely as possible. Camp headquarters must be notified of an itinerary change as soon as possible.

7.711.3 CHILD CARE

7.711.31 — Health Care

A. — The camp health program must be under the supervision of an individual qualified as stated at Section 7.711.22, B.

B. — At least ten (10) calendar days prior to admission, each camper must furnish a health history which indicates communicable diseases and chronic illnesses or injuries the individual has had, any known drug reactions and allergies, medications being taken, and any necessary health procedures or special diets.

C. — The camp must inform its health care worker prior to the first day of care of the enrollment of a child with special health care needs, if known, to ensure staff receives training, delegation and supervision as indicated by the child's individualized health care plan.

D. — The camper must present a statement confirming a physical examination, which has been performed within the preceding twenty-four (24) months from the first day of attendance at camp by a health care provider, which includes any physical problems which would limit the camper's activity, and any special care which the child will need.

E. — The camper must submit documentation of immunization status or exemption as required by Colorado Department of Public Health and Environment (CDPHE). Colorado law requires proof of immunization or exemption be provided prior to or on the first day of admission.

F. — Upon arrival or within twenty-four (24) hours each camper must be observed, by camp staff trained to do so, to identify noticeable evidence of any illness, communicable disease, or signs of abuse. The camp health care worker must meet with campers that have special medications, health procedures, special diet restrictions, known allergic reactions, chronic health conditions or any known physical limitations.

G. — The camp must provide evidence that the exclusion of a child that shows signs of illness or communicable disease is in compliance with the exclusion guidelines of the Colorado Department of Public Health and Environment (CDPHE). If a child needs to be excluded the camp must consult a doctor or medical facility as to the child's treatment.

H. — If a camper requires medical attention away from the camp site, the camper's parents/guardians must be notified and necessary medical care must be sought from a health care provider or medical facility. Written authorization for medical care must be in the child's file pursuant to Section 7.711.61.A.9.

I. ——— In the case of travel trip camps, primitive camps, or tramips away from the camp, a copy of the statement which has been signed by the parent or guardian indicating that the camp staff may obtain emergency medical care must be in the possession of staff members accompanying the campers. The original signed statement must be readily accessible.

J. ——— The camp health care worker must be responsible for administering medication to campers. If the health care worker is not a currently Colorado licensed RN or physician, the health care worker may only administer medication prescribed for individual campers as delegated and supervised by an RN or physician. Respiratory therapists may administer medication within their scope of practice.

1. ——— Medication prescribed for campers must be from a licensed pharmacy; labeled with the name, address, and phone number of the pharmacy; name of the camper; name and strength of the medicine; directions for use; date filled; prescription number; and the name of the practitioner prescribing the medicine. When no longer needed or expired, the medication must be returned to the parent or disposed of properly.

A. ——— When the camp has an on-site RN or physician, and campers are on excursions away from the camp, the RN or physician is responsible for determining a safe process for the administration of routine and emergency medications. This process should include:

i. ——— The transfer of medications and associated documents from their usual storage place to portable storage for the trip.

ii. ——— Labeling which includes camper's name, medication, route, dosage, and time the medication should be administered as indicated on the original medication container.

iii. ——— Secure and temperature appropriate storage during the trip.

iv. ——— Hand hygiene during the trip.

v. ——— Appropriate documentation practices during the trip.

vi. ——— The return of medication and associated documents from portable storage for the field trip to their usual on-site storage.

b. ——— If the camp does not have an on-site RN or physician, medications on trips must be in original labeled pharmacy containers

2. ——— A record of any medications administered must be maintained in a medication administration record pursuant to Section 7.711.15, D.

3. ——— All medication at the permanent camp site must be kept in a clean, locked container, except emergency medication such as epinephrine auto injectors or asthma inhalers. On excursions away from the camp, medication must be under the control of an adult and must be stored inaccessible to children.

4. ——— The camp may, with written parental consent and authorization of the prescribing practitioner, permit children who have asthma to carry their own inhalers and use them as directed. All staff must be aware of which children have asthma and which ones may use their own inhalers as needed.

5. ——— Topical preparations such as petroleum jelly and bug sprays may be administered to children with written parental authorization. These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing practitioner.

6. ——— Home remedies, including homeopathic medications, must not be administered at camp without written parental consent, authorization of the prescribing practitioner and delegation as required in section 7.711.22.b.3.

K. — Standing orders for over the counter medications must be updated annually and are only allowed with parental permission and when administered by a physician or RN.

L. — First Aid supplies must be located near food service operations, program areas, maintenance areas, the headquarters of the medical supervisor, and in motor vehicles which are used to transport campers.

M. — There must be an identified headquarters of the health care worker at the campsite.

N. — Transportation must be available at all times in cases of medical emergency according to the written emergency medical evacuation plan of the camp.

O. — To ensure the protection of campers from sun exposure the camp must:

1. — Obtain the parent or guardian's written authorization and instructions for applying sunscreen or use of another form of parent or guardian approved sun protection to their children's exposed skin prior to going outside. A doctor's permission is not needed to use sunscreen at the camp;

2. — Apply sunscreen, have campers apply sunscreen, or use another form of parent or guardian approved sun protection for campers prior to campers going outside. Sunscreen must be reapplied as directed by the product label;

3. — When supplied for an individual camper, the sunscreen must be labeled with the camper's first and last name; and

4. — If sunscreen is provided by the camp, parents must be notified in advance, in writing, of the type of sunscreen the camp will use.

7.711.32 — Guidance

A. — Guidance must be appropriate and constructive or educational in nature and may include such measures as diversion, separation of the child from the situation, talking with the child about the situation, or praise for appropriate behavior.

B. — Children must not be subjected to physical harm, fear, or humiliation.

C. — The program director must not use, or permit a staff member to use corporal or other harsh punishment, including but not limited to pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of guidance.

D. — Guidance must not be associated with food, rest, or toileting. Children should never be punished for toileting accidents. Children must not be denied food or forced to eat as a disciplinary measure.

E. — Separation, when used as guidance, must not exceed five (5) minutes and must be appropriate for the child's age. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked or closed area.

F. — Verbal abuse or derogatory remarks about the child are not permitted.

G. — Authority for guidance must not be delegated to other children, and the camp must not sanction one child punishing another child.

7.711.33 — Security Practices

A. — The camp must establish a written security procedure and must train staff members and campers regarding this procedure.

B. — The camp must report to the local law enforcement office or department the dates of the camp sessions and the location of the camp.

C. — When a camper is discharged from camp or when the camp session is over, the child must be returned to the parents/guardians or an adult authorized by the parents/guardians. If the individual is unknown to the staff, identification must be required.

7.711.34 — Food and Nutrition

A. — Each camp must establish a written policy for its nutrition and food service program. This policy must include meal hours, type of food service, staff responsibilities during the time food is served, authorization of special diets, and the administration of the food service program. This policy must be available to all staff members.

B. — Foods provided by the camp must be of sufficient quantity and nutritional quality to provide for the dietary needs of each child. Menus must meet the most recently revised recommended daily allowances of the Food and Nutrition Board, National Academy of Sciences, National Research Council, adjusted for age, sex, religion, and activity. The only exception must be by written parental or medical direction.

C. — Menus must be planned at least a week in advance and must be dated as to the week in use. The current week's menu must be posted in the food preparation area. Food substitutions must be noted on the menus in writing. After use, the menus must be kept on file for the period of the camping season.

D. — In travel trip camps, all menus must be planned prior to leaving and changes noted in writing. Menus must be maintained in file of camp.

7.711.35 — Transportation

A. — Transportation provided by the camp must meet the following requirements:

1. — The camp is responsible for any children it transports;

2. — The camp must obtain written permission from parents or guardians for any transportation of their child during camp hours;

3. — The number of staff members who accompany children when being transported in the vehicle must meet the child care staff ratio found at section 7.711.23. The driver of the vehicle is considered a staff member;

4. — The camp must not permit children under the age of 8 or children under 57" tall to ride in the front seat of a passenger vehicle. Children under 8 must be secured in a child restraint system that is appropriate for the age and development of that child. The child restraint must be safe and free of hazard;

5. — Campers must be loaded and unloaded out of the path of moving vehicles;

6. — Campers must not be left unattended in the vehicle;

7. — For trips away from the camp, a list of individuals on each trip must be readily available either in the vehicle(s) or at the camp office.

B. — Requirements for vehicles

1. — Any vehicle used for the transportation of children to and from the camp or during camp activities must meet the following requirements:

a. — The vehicle must be enclosed and have door locks;

- b. — The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;
- c. — The vehicle must be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights must be operational, safe and free of hazard;
- d. — Seating must be comfortable with a seat of at least ten (10) inches wide for each child;
- e. — Vehicles must be loaded only within the passenger seating limit established by the vehicle manufacturer; and
- f. — Each vehicle must have a first aid kit.

2. — In passenger vehicles, with a manufacturer's established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:

- a. — Each camper and staff member must be restrained in an individual seat belt; and
 - b. — Campers and staff must be instructed and required to keep the seat belt properly fastened and adjusted.
3. — In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required.

C. — Requirements for drivers of vehicles

- 1. — All drivers of vehicles transporting children must operate the vehicle in a safe and appropriate manner.
- 2. — The camp must verify that all drivers meet minimum requirements, including:
 - a. — Driving records that have been reviewed within the last four months for seasonally hired drivers or within the last twelve months for year-round drivers to determine driver suitability;
 - b. — Drivers have the appropriate license for the vehicles to be driven;
 - c. — Drivers must have current department-approved first aid and CPR certification;
 - d. — All drivers must be at least twenty (20) years of age;
 - e. — Drivers must complete a minimum of four (4) hours of driver training that includes at a minimum: behind the wheel training; participant transport attendance procedures including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedure; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and, if buses are used, evacuation procedures;
- 3. — The driver must ensure that all doors are secured at all times when the vehicle is moving;
- 4. — The driver must make a good faith effort to ensure that each child is properly belted throughout the trip; and
- 5. — The driver must not eat or use a cellular or other mobile device while driving.

7.711.4 RECORDS FOR CHILDREN AND PERSONNEL

7.711.41 — Children's Records

A. ~~_____ Prior to the child's attendance at camp, the following information must be obtained and maintained at the campsite for each camper:~~

1. ~~_____ Child's name, birth date, and address.~~

2. ~~_____ Parent's or guardian's names, home and employment addresses, telephone numbers, and email addresses.~~

3. ~~_____ Name, address and telephone number of emergency contacts.~~

4. ~~_____ Name, address, and telephone number of individuals authorized to take the child from camp if different from the parent or guardian.~~

5. ~~_____ Dates of the camp session which the child will attend.~~

6. ~~_____ Name and telephone number of the child's health care provider.~~

7. ~~_____ Authorization signed by the parents/guardians, giving authority for the camp to obtain emergency medical care.~~

8. ~~_____ Authorization signed by the parents/guardians of the child to participate in all special trips or excursions away from the campsite.~~

9. ~~_____ Indication of any camp activity in which the parents/guardians of the child does not wish the child to participate (see Section 7.719, et seq.).~~

10. ~~_____ Physical examination, health history and immunization as required in Section 7.711.51.C-D.~~

7.711.42 _____ Staff Records

~~There must be maintained at the campsite a record for each staff member, paid or volunteer, which must include the following:~~

A. ~~_____ Name, address, and birth date of the individual.~~

B. ~~_____ Training, education, and experience of the staff member.~~

C. ~~_____ Copies of any required certification or other training confirming qualifications for the responsibilities assigned at the camp.~~

D. ~~_____ Copy of a health history as required in Section 7.711.21.E.~~

E. ~~_____ Name, address, and telephone number of any person(s) to be notified in the event of an emergency.~~

F. ~~_____ Copy of the written references or note of phone references pursuant to Section 7.711.21.D.~~

G. ~~_____ Copy of the signed letter of agreement pursuant to Section 7.711.21.C.~~

H. ~~_____ The dates of employment for each staff member.~~

7.711.43 _____ General Information

A. ~~_____ The camper's file must be retained by the camp for at least three (3) years after the child's last day of attendance at the camp, and must be available without restriction to Department.~~

B. ~~Personnel and children's records must be maintained by the camp for at least three (3) years. If the record reflects an accident, injury, or other unusual circumstance, it is suggested that the record be maintained for a longer period of time.~~

7.711.5 CAMPSITE, PHYSICAL FACILITY, FIRE SAFETY AND SANITATION

7.711.51 ~~Campsites~~

A. ~~Travel trip camps must submit plans for approval by the Colorado Department of Public Health and Environment, thirty (30) days prior to the date the trip camp begins. The travel trip camp must maintain written evidence of Colorado Department of Public Health and Environment approval.~~

B. ~~The camp must conform to fire prevention and protection requirements of local fire departments in the locality of the camp. In the case of a travel trip camp, the fire department approval is not required.~~

C. ~~The camp must identify hazards and high-risk areas and develop policies they follow to prevent unauthorized access to these hazards and high-risk areas.~~

D. ~~Each camp must have a telephone or means of communication to contact emergency services.~~

E. ~~Emergency telephone numbers must be posted the camp health care professional, nearest clinic or hospital, ambulance service, local sheriff's office, national or state forest service office (as appropriate), fire department or lookout station, and poison control center.~~

F. ~~In the case of a primitive camp or travel trip camp, sources of emergency care and methods of communication with such facilities as hospitals, police, and forest service must be identified for each campsite on the itinerary.~~

G. ~~When playground equipment is provided at a residential camp, the equipment and playground area must be free of obstruction and man-made or natural hazards and must be away from natural pathways of traffic.~~

H. ~~Playground equipment must meet the following requirements:~~

1. ~~Be in good repair, of solid and safe construction, free of rough edges, protruding bolts, and the possibility of entrapment of extremities.~~

2. ~~Be securely anchored by suitable footing.~~

3. ~~Swings must have seats made of a flexible material.~~

4. ~~Moving equipment must be located toward the edge or corner of a play area or be designed in such a way as to discourage children from running into the path of the moving equipment.~~

5. ~~Metal equipment must be placed in the shade or a shade structure must be provided.~~

6. ~~The maximum height of any piece of playground equipment is six (6) feet.~~

7. ~~All pieces of playground equipment must be designed to guard against entrapment and strangulation.~~

8. ~~All pieces of permanently installed playground equipment must be surrounded by a resilient surface of a depth of at least six (6) inches. Rubber mats manufactured for such use if safe and free from hazard may be used in place of resilient material.~~

9. ~~Department approved resilient surfacing includes loose fill materials such as wood chips, wood mulch, engineered wood fiber, pea gravel, synthetic pea gravel, shredded rubber tires, and fine loose~~

sand. Solid unitary materials include poured in place surfacing, approved rubber mats, playground tiles, and astro turf with built in resilient pad.

10. — Any permanently installed outdoor climbing equipment or portable climbing equipment eighteen (18) inches or higher must have Department approved resilient surfacing underneath and in the use zone surrounding the equipment, and installed according to manufacturer instructions.

11. — Playground surfaces must be checked prior to use for the presence of dangerous or other foreign materials. Playground equipment must be checked for safety on a monthly basis and written documentation of the safety check must be maintained.

I. — If the residential camp is located on or uses national or state lands, the director must familiarize the staff and campers with rules and ethics governing the use of such property and must be responsible for compliance.

J. — An itinerary must be filed or an arrangement must be made with national or state forest service office if such land is to be used by the travel trip camp. The director must familiarize the staff and campers with rules governing the use of such property. Should the travel trip camp pass onto private land, an agreement must be made with the individual responsible for that land prior to access.

K. — In indoor structures where the program uses any source of coal, wood, charcoal, oil, kerosene, propane, natural gas or any other product that can produce carbon monoxide indoors, an operational carbon monoxide detector must be installed according to the manufacturer's instructions. Carbon monoxide detectors must be tested at least annually with documentation available upon request. Carbon monoxide detectors that are only battery powered must meet the following requirements:

1. — Tested monthly to ensure they are operational.

2. — Batteries changed at least yearly.

7.711.52 — Permanent and Semi-Permanent Shelters and Sleeping Facilities

A. — All structures used by children must be kept in good repair at all times.

B. — At least one-half of the floor area in each living unit, excluding tents, must have a minimum ceiling height of seven (7) feet. No portion of a room having a ceiling height of less than five (5) feet will be considered as usable floor space.

C. — If fabric structures are used they must be constructed of a fire and flame retardant material.

D. — Each camper must be provided with his or her own mat, pad, bed, or cot.

E. — The aisles between rows of cots, beds, or bunks must be kept clear for exiting purposes. There must be at least two (2) feet of clear space separating sides of cots, beds or bunks.

F. — If bunk beds are in use, no bunks may contain more than two tiers of beds. There must be at least twenty-seven (27) inches of clear space separating the tiers of beds and thirty-six (36) inches of clear space between the top tier and the ceiling. Electric lights which are within reach of the top bunk must be protected.

G. — Each permanent sleeping unit, building, or tent must have at least thirty (30) square feet of floor space per person, camper, or counselor for single-tier beds and twenty (20) square feet per person, camper, or counselor for two-tier bunks.

H. — In tent structures which have a platform floor, beds or bunks must be arranged in such a fashion that no camper who might fall from a bed or bunk could fall through the sides of the tent to the ground below.

I. ~~_____ No camper shall sleep in the same room or tent with any person of the opposite gender, except for members of his or her immediate family.~~

J. ~~_____ In a primitive camp or travel trip camp, adequate shelters such as a tent must be available for each child. The shelter occupancy must be in compliance with manufacturers' recommendations.~~

7.711.53 ~~_____ Toilet and Bathing Facilities~~

A. ~~_____ In a resident camp there must be one approved toilet for every twenty (20) or fewer campers for which the camp is licensed. Urinals may be substituted for no more than one third of the required toilets.~~

B. ~~_____ Children must be allowed the use of gender-segregated toilet facilities that are consistent with their gender identity or have individual toilet facilities.~~

C. ~~_____ Hand washing facilities must be provided throughout the camp. There must be one basin or lavatory for per every twenty (20) campers. In new construction completed after April 1, 2018, change of governing body or extensive remodeling the camp must provide hand washing facilities located adjacent to where the camp serves meals.~~

D. ~~_____ Showers or bathtubs must be located within buildings used for sleeping, such as cabins or dormitories, or in a centrally located shower or bathing structure.~~

1. ~~_____ There must be one shower head or bathtub per every twenty (20) campers for which the camp is licensed.~~

2. ~~_____ Hand washing facilities must be available in the shower or bathing area.~~

E. ~~_____ Camps must provide evidence that all sewage disposable systems must meet Colorado Department of Public Health and Environment (CDPHE) requirements.~~

7.711.54 ~~_____ General Building Safety~~

A. ~~_____ Every building, structure, tent, cabin, and camp premises must be kept in good repair, and must be maintained in a safe condition.~~

B. ~~_____ All construction and electrical installations must be safe and free from hazard.~~

C. ~~_____ In permanent structures, exit signs must be posted at every required exit doorway and wherever otherwise required to clearly indicate the directions of egress.~~

D. ~~_____ A building with occupancy of more than twelve (12) persons must be provided with at least two independent means of egress separated by no less than fifty (50) percent of the largest dimension of the building from each other.~~

1. ~~_____ In an existing building, such as a cabin occupied by more than twelve (12) but less than twenty (20) persons, a window may be utilized as an acceptable second exit. The window must be openable and the distance from the window to the ground must not be more than four feet.~~

2. ~~_____ Each exit door must be hung to swing in the direction of exit travel. Exiting through a food preparation area is not permitted.~~

E. ~~_____ If buildings with second stories are used by campers, there must be two independent means of egress separated by no less than fifty (50) percent of the building from each other per floor.~~

F. ~~_____ The camp must provide evidence each fire escape from any upper level of a building is installed in accordance with local fire protection ordinances.~~

G. — In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building can be installed. Only panic hardware or single-action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.

H. — Exit doors must be equipped only with panic or single-action hardware.

I. — There must be fifteen (15) square feet per occupant in any room having an occupant load of more than fifty (50) persons where fixed seats are not installed and which is used for classroom, assembly, or similar purposes. The maximum occupancy must be posted in a conspicuous place near the main exit from the room.

J. — Furnaces, fireplaces, heaters, or wood-burning stoves must meet the following regulations:

1. — All heating units must be and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them.

2. — A heater or wood-burning stove must be located and/or protected in such a manner as to prevent injuries to occupants of the building.

3. — Wood-burning stoves must be regularly cleaned of ashes, which are immediately removed from the building and properly stored.

4. — Space around furnaces, heaters, and wood-burning stoves must not be used for storage.

K. — All firearms must be locked and inaccessible to children. This includes, but is not limited to air rifles, bb guns, and paintball guns. Ammunition must be locked and stored separately.

L. — Power tools, explosives and special equipment involving unusual risk must be stored in a locked place inaccessible to children, and must always be under the custody and direct supervision of authorized personnel when in use.

M. — Volatile substances such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives, and other hazardous items must not be stored in any area of the building used for children unless approved by the local fire department.

N. — Substances which may be toxic to a child if ingested, inhaled, or handled, including, but not limited to, poisons, drugs, medicines, insecticides, herbicides, rodenticides, bleaches, chemicals, and corrosive agents must be stored in a cabinet or enclosure located in an area not used by children, stored in the original container, and properly labeled.

O. — Glass doors, walls, or panels must be clearly marked. Safety glass must be installed when required.

P. — Stairways of a height of more than thirty (30) inches must be equipped with handrails on each side of the stairways. A stairway which is larger than 88 inches wide must have an intermediate handrail equal distance between the two handrails.

Q. — All window wells and outside stairwells that are hazardous to children must be equipped with screens or guards, which must be attached in such a manner that they may either be removed from the inside or broken in from the outside in case of fire.

R. — All areas accessible to children must be maintained in a safe condition by removal of debris, dilapidated structures, and broken or worn equipment or dangerous items.

7.711.55 — Fire Safety Provisions

A. — Any fire extinguisher used at the camp must be of a dry chemical type, hung at a level readily available to staff members, and annually inspected by an approved inspector. Indian pump backpack fire extinguishers and fire extinguishers approved for use by the U.S. Forest Services are also acceptable.

1. — There must be a fire extinguisher located in the camp kitchen.

2. — In each building and/or structure, there must be a fire extinguisher on each floor.

3. — In tent areas, there must be a fire extinguisher located within seventy-five (75) feet of each tent or a plan approved by the department.

B. — In each camp there must be a fire alarm(s) must sounds a separate and distinctly recognizable tone from all other signaling devices used by the camp. The alarm(s) must be audible throughout the occupied camp premises. The alarm device, once activated, must continue to sound automatically.

C. — Within twenty-four (24) hours after arrival at the campsite, all individuals attending the camp must be made familiar with the methods by which the fire alarm may be activated and with procedures to be followed upon notification of fire.

D. — Each separate building used for sleeping campers and each multistory building must be protected by a smoke detector on each floor of the building.

E. — Areas used for campfires must be cleared and must be away from overhanging branches.

F. — Campfires must never be left unattended and must be thoroughly extinguished. Extinguishing equipment must immediately accessible.

G. — Campfires and open flames of any type must be prohibited within 10 feet of any tent or fabric structure.

7.712 — RULES REGULATING SCHOOL-AGE CHILD CARE CENTERS

All school-age child care centers must comply with the “General Rules for Child Care Facilities” as well as the “Rules Regulating School-Age Child Care Centers”

7.712.1 (None)

7.712.2 DEFINITIONS

A. — A “school-age child care center” (hereafter referred to as the “center”) is a child care center that provides care for five (5) or more children who are between five (5) and eighteen (18) years of age. Children four (4) years of age, who will turn five (5) on or before October 15th of the current calendar year may attend the center as part of a “building-based school-age child care program” or “building-based day camp” summer program prior to their kindergarten year. 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 operating with or without compensation for such care, and with or without stated educational purposes.

B. — A “building-based school-age child care program” is a child care program that provides care for five (5) or more children who are between five (5) and eighteen (18) years of age. The center is located in a building that is regularly used for the care of children.

C. — A “day camp” is a school-age child care program which operates at least four (4) hours a day primarily during one season of the year, and during school vacation periods for children between five (5)

and eighteen (18) years of age, which accepts registrations for finite, not necessarily contiguous sessions. Programs may operate daily between 6:00 a.m. and 10:00 p.m. Day camp programs may offer no more than two overnight stays each camp session.

The types of day camps are as follows:

1. — A “building-based day camp” is a child care program that provides care for five (5) or more children who are between five (5) and eighteen (18) years of age. The day camp is located in a building which, along with the outdoor surroundings, is regularly used by the program.

2. — A “mobile day camp” is a child care program that provides programming for five (5) or more children who are at least seven (7) years of age or who have completed the first grade. Children move from one site to another by means of transportation provided by the governing body of the program. The program uses no permanent building on a regular basis. Mobile day camp programs may operate in multiple sites, in a single county, under one license.

3. — An “outdoor-based day camp” is a child care program that provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade. The day camp does not use a permanent building on a regular basis and provides programming in a permanent outdoor or park setting.

7.712.3 POLICIES AND PROCEDURES

7.712.31 — Statement of Policies and Procedures

A. — At the time of enrollment, and upon amendments to policies and procedures, the center must give the parent(s)/guardian(s) the center’s policies and procedures, and provide the opportunity to ask questions. Written copies must be available either electronically or in hard copy. The center must obtain a signed document stating that the parent(s)/guardian(s) have received the policies and procedures, and by signing the policies and procedures document, the parent(s)/guardian(s) agree to follow, accept the conditions of, and give authorization and approval for the activities described in the policies and procedures. Policies must include the following:

1. — The center’s purpose and its philosophy on child care;

2. — The ages of children accepted;

3. — Services offered for special needs children in compliance with the Americans with Disabilities Act (see Section 7.701.14, General Rules for Child Care Facilities);

4. — The hours and dates when the center is in operation, specific hours during which special activities are offered, and holidays when the center is closed;

5. — The policy regarding inclement weather;

6. — The procedure concerning admission and enrollment of children;

7. — An itemized fee schedule;

8. — The procedure to ensure the location of children is known at all times, how children are accounted for throughout the day, and that children are supervised at all times by their assigned staff member;

9. — The center’s procedure on guidance, positive instruction, supporting positive behavior, discipline and consequences, including how the center will:

a. — Cultivate positive child, staff and family relationships;

- b. — Create and maintain a socially and emotionally respectful early learning and care environment;
 - c. — Implement teaching strategies supporting positive behavior, pro-social peer interaction, and overall social and emotional competence in young children;
 - d. — Provide individualized social and emotional intervention supports for children who need them, including methods for understanding child behavior; and developing, adopting and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions; and
 - e. — Access an early childhood mental health consultant or other specialist as needed.
10. — The procedure for handling children's illnesses, accidents, and injuries, including when children will be excluded from care and notification of parents/guardians;
 11. — The procedures followed when it has been identified a child is separated from their group and not under the direct supervision of their assigned staff member.
 12. — The procedure for transporting children, if applicable, including transportation arrangements and parental permission for excursions and related activities;
 13. — The written policy and procedure governing field trips, television and video viewing, and special activities, including the staff's role for the supervision of children;
 14. — The procedure on children's safety related to riding in a vehicle, seating, supervision, and emergency procedures on the road;
 15. — The procedure for releasing children from the center only to persons for whom the center has written authorization;
 16. — The procedures followed when a child is picked up from the center after the closing hours of the center or not picked up at all, and the procedure to ensure that all children are picked up before the staff leave for the day;
 17. — The procedure for caring for children who arrive late to the center and their class/group is away from the center on a field trip or excursion;
 18. — The procedure for storing and administering children's medicines and delegation of medication administration in compliance with Section 12-38-132, C.R.S., of the "Nurse Practice Act.";
 19. — The procedure concerning children's personal belongings and money;
 20. — The policy concerning meals and snacks;
 21. — The policy and procedure regarding visitors;
 22. — The procedure for filing a complaint about child care (see Section 7.701.5. General Rules for Child Care Facilities);
 23. — The procedure regarding the reporting of suspected or known child abuse and/or neglect (see Section 7.701.5 General Rules for Child Care Facilities);
 24. — The policy for notification when child care service is withdrawn by the program, or when parents or guardians withdraw their child(ren) from the center;
 25. — The procedure, if applicable, for transitioning children between school or community sponsored activities; and

26. — The policy on the steps the center will take prior to the suspension, expulsion or request to parents/guardians to withdraw a child from care due to concerns about the child's behavioral issues. These procedures must be consistent with the center's policy on guidance, positive instruction, discipline and consequences, and include documentation of the steps taken to understand and respond to challenging behavior.

7.712.32 — Communication, Emergency, and Security Procedures

A. — The center must notify the parents/guardians in writing of significant changes in its services, policies, or procedures so that they can decide whether the center continues to meet the needs of the child(ren).

B. — For security purposes, a daily sign-in/sign-out sheet or other mechanism for parents/guardians must be maintained by the center it must include, for each child in care, the date, the child's name, the time when the child arrived and left the center, and the parent/guardian's signature or other identifier. With a parent/guardian's approval, a child five (5) years of age or older may sign in and out instead of the parent/guardian. Staff must verify attendance periodically throughout the day.

C. — During the hours the center is in operation, the center must provide an office and/or monitored telephone number known to the public and available to parents/guardians in order to provide immediate access to the center.

D. — If the center has a permanent site, there must be a telephone at the site.

E. — Emergency telephone numbers must be posted at each permanent site and taken on all field trips and during mobile school-age child care programs. The emergency numbers must include, at a minimum, 911, or a rescue unit if 911 isn't available; the clinic or hospital nearest to the activity location; ambulance service; fire, police, and health departments; and Rocky Mountain Poison Control.

F. — Mobile school-age child care programs must have a way to be contacted while in transit.

G. — The center must be able to provide emergency transportation to a health care facility at all times either via program vehicle or the emergency medical services system.

H. — The director of the center or the director's delegated substitute must have a means for determining who is present at the center at all times.

I. — A written policy regarding visitors to the center must be posted and a record maintained daily by the center that includes, at a minimum, the visitor's name and address and the purpose of the visit. At least one piece of identification must be inspected for individuals who are strangers to personnel at the center.

J. — With the exception of children who are allowed to sign themselves in and out, the center must release a child only to the adult(s) for whom written authorization has been given and is maintained in the child's record (see Section 7.712.81). In an emergency, the child(ren) may also be released to an adult for whom the child's parent or guardian has given verbal authorization. If the staff member who releases the child does not know the adult, identification must be required to assure that the adult is authorized to pick up the child.

K. — The center must have a procedure for dealing with individuals not authorized by the parent/guardian of a child who attempts to have the child released to them.

L. — The center must have a written procedure for closing the center at the end of the day to ensure that all children are picked up.

7.712.4 PERSONNEL

7.712.41 — General Requirements for All Personnel

A. — All personnel and volunteers at the center must demonstrate knowledgeable decision-making, judgment, and concern for the proper care and well-being of children.

B. — All personnel and volunteers must not engage in actions that would endanger the health, safety, or well-being of children.

C. — A criminal record check request for all staff must be submitted to the Colorado Bureau of Investigation. The personnel file of staff members of the center must contain clearance report from the Colorado Bureau of Investigation. The requirement for a criminal record check is found in Section 7.701.33 of the General Rules for Child Care Facilities. Seasonal staff that indicates that they will not be returning to the program for employment must be removed from the CBI list for the program.

D. — Each staff member and regular volunteer as defined in section 7.712.44.C must complete an annual health history. The health history must be maintained in a secure location.

E. — The duties and responsibilities of each staff position and the lines of authority and responsibility within the center must be in writing. At the time of employment, staff members must be informed of their duties and assigned a supervisor.

F. — Prior to working with children, the staff member must read and be instructed on the policies and procedures of the center, including those relating to hygiene, sanitation, food preparation practices, proper supervision of children, and reporting of child abuse. Staff members must sign a statement indicating that they have read and understand the center's policies and procedures.

G. — Day camp staff must receive a minimum of fifteen (15) hours of pre-camp training, in addition to Department-approved First Aid and CPR. Pre-camp training must include all training activities that staff members participate in as a whole. Training should include, but not be limited to, familiarizing staff with the camp mission, site emergency policy and procedures, how to supervise and facilitate activities with campers, and health care policies and procedures. Policies and procedures must be in writing. Staff will be supervised and additional training may be provided if needed. Day camps must have a system in place to provide staff the essential training information for late hires.

H. — The center must have a staff development plan that includes a minimum of fifteen (15) clock hours of ongoing training each year for all staff. This requirement does not apply to day camps. At least three (3) clock hours per year must be in the focus of social emotional development. The fifteen (15) clock hours of training does not include recertification in First Aid and CPR. Ongoing training and courses must demonstrate a direct connection to one or more of the following competency areas:

1. — Child growth and development, and learning or courses that align with the competency domains of child growth and development;

2. — Child observation and assessment;

3. — Family and community partnership;

4. — Guidance;

5. — Health, safety and nutrition;

6. — Professional development and leadership;

7. — Program planning and development;

8. — Teaching practices:

a. — Each one (1) semester hour course with a direct connection to the competency area listed in section 7.712.41, j, 1-8, taken at a regionally accredited college or university may count as fifteen (15) clock hours of ongoing training.

- b. Training hours completed can only be counted during the year taken and cannot be carried over.
- I. To be counted for ongoing training, the training certificate must have documentation that includes:
 - 1. The title of the training; and,
 - 2. The competency domain; and,
 - 3. The date and clock hours of the training; and,
 - 4. The name or signature, or other approved method of verifying the identity of trainer or entity; and,
 - 5. Expiration of training if applicable; and,
 - 6. Connection to social-emotional focus if applicable.
- J. All staff members must complete a Department-approved standard precautions training prior to working with children. This training must be renewed annually and may count towards ongoing training requirements.
- K. All staff members must complete a building and physical premises safety training prior to working with children. The training must include:
 - a. Identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic; and
 - b. Handling and storage of hazardous materials and the appropriate disposal of biological contaminants.
- L. All staff member responsible for the collection, review and maintenance of the child-immunizations records must show evidence they have completed the Colorado Department of Public Health and Environment (CDPHE) immunization course within (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.
- M. All staff members and regular volunteers must complete a Department-approved training about child abuse prevention, including common symptoms and signs of child abuse within (30) calendar days of employment. This training must be renewed annually and may count towards ongoing training requirements.

7.712.42 Required Personnel and Qualifications

A. Program Director

Each center must have an on-site program director who must be at least twenty-one (21) years of age. The program director must have demonstrated to the hiring authority maturity of judgment, administrative ability and the skill to appropriately supervise and direct school-age children in an unstructured setting.

- 1. The program director must have verifiable education or training in work with school-age children in such areas as recreation, education, scouting or 4-H; and the program director must have completed at least one of the following qualifications:
 - a. A four (4) year college degree with a major such as recreation, outdoor education, education with a specialty in art, elementary or early childhood education, or a subject in the human service field; or
 - b. Two years of college training and six (6) months (910 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience, since attaining the age of eighteen (18), in the care and supervision of four (4) or more children; or

c. — Three years (5460 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience and one of the following qualifications:

1) — Complete six semester hours, or nine quarter hours in course work from a regionally accredited college or university; or

2) — 40 clock hours of training in course work applicable to school-age children and the department-approved courses in injury prevention, and playground safety for School-Aged Child Care Centers within the first nine months of employment.

2. — Satisfactory experience includes experience in the care and supervision of four or more children from the ages of four (4)–eighteen (18) years old, unrelated to the individual, since attaining the age of eighteen (18).

3. — The program director is responsible for planning and implementing the program and supervising the staff.

B. — Program Leaders

Each program leader must be at least 18 years of age, demonstrate ability to work with children, and must meet the following qualifications:

1. — Complete the Department-approved course in injury prevention;

2. — Complete the Department-approved course in playground safety for School-Aged Child Care Centers. This requirement does not apply to day camps that do not regularly use a playground.; and

3. — Must have at least three (3) months (460 hours) of full-time or equivalent part-time satisfactory and verifiable experience with school-age children.

C. — Program Aides

1. — Program aides must be at least sixteen (16) years of age. Program aides must work directly under the supervision of the program director or program leaders and must never be left alone with children.

2. — Program aides can be counted as staff in determining child care staff ratios.

D. — Department-approved Child Care Health Consultant

1. — As required by these rules, staff must consult with a current Department-approved Colorado Child Care Health Consultant. To be approved the Child Care Health Consultant must be one of the following: a licensed registered nurse with knowledge and experience in maternal and child health, a pediatric nurse-practitioner, a family nurse practitioner, or a pediatrician. The consultation must be specific to the needs of the facility and include some of the following topics: training, delegation and supervision of medication administration and special health procedures, health care, hygiene, disease prevention, equipment safety, interaction between children and adult caregivers, and normal growth and development. Consultation must occur as often as the child care health consultant who is delegating medications and/or medical procedures requires.

2. — The date and content of each consultation must be recorded and maintained in the center's files.

3. — The center must maintain documentation including the child care health consultant's (CCHC)-Department of Regulatory Agencies (DORA) proof of RN or MD current licensure in good standing, a brief

biography highlighting applicable knowledge, experience and approximate dates worked as a school nurse or Child Care health Consultant commenced.

4. — Child care health consultants (CCHC) must complete the Department approved child care health consultant (CCHC) training prior to consulting with the center. The center must obtain and maintain proof of course completion.

5. — All Child Care Health Consultants (CCHC) must show evidence they have completed the Colorado Department of Public Health and Environment (CDPHE) immunization course annually.

E. — Employment of maintenance staff, including kitchen service, grounds, and housekeeping employees less than sixteen (16) years of age, must be in compliance with Colorado labor laws.

F. — At least one staff member with current department approved medication administration training and delegation must be on duty at all times.

G. — First Aid and CPR Certified Staff

1. — For every thirty (30) or fewer children in attendance, there must be at least one (1) staff member who holds current Department approved First Aid and CPR certificate for all ages of children. Such individuals must be with the children at all times when the center is in operation. If children are at different locations, there must be a First Aid and CPR qualified staff member at each location.

2. — In a day camp, all staff members who are eighteen (18) years of age and older must have current Department approved First Aid and CPR certificates. Uncertified staff members must work with another certified staff member.

3. — All employees caring for children, not required by rule to be certified in First Aid and CPR, must complete a Department approved basic First Aid and CPR module within thirty (30) calendar days of employment and the module must be renewed every two (2) years.

7.712.43 — Required Staff Supervision

A. — A program director must be present at the center at least 60 percent of any day the center is in operation. An individual who meets one of the following requirements must be present for the remaining 40 percent of the day:

1. — A qualified program leader who is at least twenty one (21) years of age; OR

2. — A qualified program leader who is at least eighteen (18) years of age and has at least one (1) year (1820 hours) full-time or equivalent part-time verifiable experience working with children; or

3. — Two qualified program leaders who are at least nineteen (19) years of age.

B. — If the program director cannot be present 60 percent of any day the center is in operation, an individual who meets program director qualifications must substitute for the director.

C. — There must be at least one (1) program leader providing supervision with each group of thirty (30) or fewer children cared for by the center. When four (4) year olds are in attendance, there must be at least one program leader providing supervision with each group of twenty-four (24) or fewer children cared for by the center.

D. — The maximum group size for children over the age of five (5) is thirty (30) children. When four (4) year olds are in attendance the maximum group size is twenty-four (24). When the center has the capacity to care for multiple groups of children, they must be separated into developmentally and age-appropriate activities. Groups are not required to be separated from each other by permanent or portable dividers or walls.

E. Group size for children in care may be exceeded for attendance time, meal and snack time, special occasions and activities. The room capacity must not be exceeded.

F. There must be one (1) staff member for each fifteen (15) children in attendance. When four (4) year olds are in attendance, there must be at least one staff member for each twelve (12) or fewer children cared for by the center.

Ages of Children	Number of Staff	Maximum Group Size
Mixed age group with 4 year olds	1 staff member to 12 children	24 children
5 years and older	1 staff member to 15 children	30 children

G. At any time when nine (9) or more children are in care at the center, there must be at least one (1) program leader actively supervising children and another responsible person at least sixteen (16) years of age on the premises. When eight (8) or fewer children are present, there must be at least one (1) program leader on duty and a second staff member on call who is immediately available in an emergency.

H. At all times, school age child care personnel must be directly supervising the children.

I. In a mobile day camp program, an outdoor based day camp program, or anytime a building based program is away from the facility, the staff ratio given at Section 7.712.43 must be maintained, but there must be at least two (2) program leaders at all times with the children.

7.712.44 — Volunteers

A. If volunteers are used by the center, there must be a clearly established policy in regard to their function, orientation, and supervision.

B. References must be obtained for volunteers who are counted in the staff to child ratio, consistent with Section 7.701.33B.

C. Volunteers that work more than fourteen (14) calendar days (112 hours) per calendar year who are used to meet staff to child ratio must be equally qualified as a program director, program leader or program aide and must have complete staff records as defined in 7.712.82.

D. Volunteers unless equally qualified must be directly supervised by a program director or program leader.

E. Volunteers must be given instruction as to the center's policies and procedures.

7.712.5 CHILD CARE SERVICES

7.712.51 — Admission Procedure

A. The center can accept children only of the ages and capacity for which it has been licensed.

B. Admission procedures must be completed prior to the child's first day in care at the center and must include:

1. Completion of the registration information for inclusion in the child's record, as required in Section 7.712.81; and

2. Providing the parent(s)/guardian(s) with a copy of the center's policies and procedures.

7.712.52 — Health Care

A. Statements of Health Status

1. ~~At the time of enrollment, the parent(s)/guardian(s) must provide for each child entering the center:~~

a. ~~A complete health history for each child, including any communicable diseases, chronic illnesses or injuries, known drug reactions and allergies, current medications and any special diets needed, the name address and phone number for the child's health care provider and dentist.~~

b. ~~Documentation of immunization status or exemption as required by Colorado Department of Public Health and Environment (CDPHE). Colorado law requires proof of immunization be provided prior to or on the first day of admission.~~

1) ~~Child care centers as defined in section 26-6-102 (1.5), C.R.S., located at a ski area, are exempt from obtaining immunization records for students when all of the following conditions are met:~~

a) ~~Students attend for fifteen (15) days or less in a fifteen consecutive-day period, no more than twice in a calendar year; and~~

b) ~~At least sixty (60) calendar days separate the two sessions within the calendar year; and~~

c) ~~The center notifies parents/guardians that non-immunized children are enrolled on the above-short term basis.~~

2. ~~The center must inform its child care health consultant (CCHC) prior to the first day of care of the enrollment of a child with special health care needs, if known, so staff receives training, delegation and supervision as indicated by the child's individualized health care plan.~~

3. ~~If the center is located at an elementary school and all the children attend that school, the immunization records may be maintained at the school office but, must be accessible to center staff members and licensing specialists during the hours the center is open.~~

B. ~~Emergency Procedures~~

1. ~~Written authorization for emergency medical care must be in the child's file as required in Section 7.712.81.~~

2. ~~When accidents, injuries, or illnesses occur, the program director or responsible adult in charge must notify the child's parent or guardian and, if necessary, seek medical care for the child.~~

3. ~~A responsible staff member must be directly supervising any ill or injured child.~~

4. ~~Portable first aid kits must be available to staff at all times, including field trips, and must be located out of reach of children and maintained in a sanitary condition. First aid kits must be checked and restocked on at least a monthly basis.~~

C. ~~Medication~~

1. ~~Any un-expired routine medication, prescription and non-prescription (over the counter) medications must be administered only with a current written order of a Health Care Provider with prescriptive authority and with written parental consent. Home remedies, including homeopathic medications, must never be given to a child.~~

2. ~~The written order by the prescribing practitioner must include:~~

a. ~~Child's name;~~

b. ~~Licensed prescribing practitioner name, telephone number, and signature;~~

- c. — Date authorized;
 - d. — Name of medication and dosage;
 - e. — Time of day medication is to be given;
 - f. — Route of medication;
 - g. — Length of time the medication is to be given;
 - h. — Reason for medication (unless this information needs to remain confidential);
 - i. — Side effects or reactions to watch for; and
 - j. — Special instructions.
3. — Medications must be kept in the original labeled bottle or container. Prescription medications must contain the original pharmacy label.
4. — Over the counter medication must be kept in the originally labeled container and be labeled with the child's first and last name.
5. — In the case medication needs to be given on an ongoing, long term basis, the authorization and consent forms must be reauthorized on an annual basis. Any changes in the original medication authorization require a new written order by the prescribing practitioner and a change in the prescription label.
6. — Staff designated by the program director to give medications must complete the department approved medication administration training and have current annual delegation or more often as determined by the Child Care Health Consultant. Delegation must be from the center's Current Child Care Health Consultant who must observe and document the competency of each staff member involved in medication administration. All staff administering medication must have current department approved CPR, first aid training prior to administering medication with the following exceptions:
- a. — Staff determined by the program director, in consultation with the Child Care Health Consultant, to be responsible for providing routine emergency medications covered in the approved medication administration training for the treatment of severe allergies or inhaled medications for the treatment of asthma must receive training and delegation from their Child Care Health Consultant for those medications only. Staff must then provide those medications to children based on the instructions from the child's individualized health care plan.
 - b. — Staff determined by the director, in consultation with the Child Care Health Consultant, to be responsible for providing medications not covered in the approved medication administration training must also be permitted to administer medications and/or medical treatments such as emergency seizure medication, insulin or oxygen with individualized training and delegation from the Child Care Health Consultant based on instructions from the child's individualized health care plan.
 - c. — Staff may be trained and delegated in the administration of a single rescue medication or rescue medical intervention by the center's Child Care Health Consultant. Such training and delegation must qualify the staff member to provide a rescue medication or treatment for a specific child based on instructions from the child's individualized health care plan.
7. — All medications, except those medications specified in the department's approved medication administration training as emergency medications, must be kept in an area inaccessible to children, but available to staff trained in administering medication. If refrigeration is required, the medication must be stored in either a separate refrigerator or a leak proof container in a designated area of a food storage refrigerator, separate from food and inaccessible to children. Controlled medications must be counted and

safely secured, and specific policies regarding their handling require special attention in the center's policies. Access to these medications must be limited (see section 12-22-318, C.R.S.).

8. ——— Emergency medications must be stored in accordance with the Child Care Health Consultant's recommendation. Emergency medications are not required to be stored in a locked area. Emergency medications may be stored in an area easily accessible and identifiable to staff but out of reach of children. When away from the classroom, staff must carry emergency medications in a bag on their person.

9. ——— A written medication log must be kept for each child. This log is part of the child's records. The log must contain the following:

a. ——— Child's name;

b. ——— Name of the medication, dosage, and route;

c. ——— Time medication is to be given;

d. ——— Special instructions;

e. ——— Name and initials of the individuals giving the medication; and

f. ——— Notation if the medication was not given and the reason.

10. ——— Topical preparations such as petroleum jelly and bug sprays may be administered to children with written parental authorization. These preparations may not be applied to open wounds or broken skin unless there is a written order by the prescribing practitioner.

11. ——— The center must have a written policy on the storage and access of inhalers and epinephrine auto injectors for all children in care. This policy must be reviewed by the Child Care Health Consultant.

12. ——— The center may, with written parental consent and authorization of the prescribing health care provider, permit children who have asthma to carry their own inhalers or children who are at risk of anaphylaxis to carry their own epinephrine, and use them as directed. The center must have a specific written policy on the storage and access of inhalers and epinephrine for children who are permitted to carry or self-administer these medications. The policy must include a contract with the parent(s)/guardian(s), and child acknowledgement, assigning levels of responsibility of each individual. This contract must accompany orders for the medication from the health care provider, along with confirmation from Child Care Health Consultant that the student has been instructed and is capable of self-administration of the prescribed medications.

13. ——— All staff members and Child Care Health Consultants must be aware of which children have asthma and severe allergies, and which of those may administer their own inhaler or auto injectors.

D. ——— Sun Protection

1. ——— The center must obtain the parent/guardian's written authorization and instructions for applying sunscreen or use of another form of parent/guardian approved sun protection. A health care provider's permission is not needed to use sunscreen at the center.

2. ——— When supplied for an individual child, the sunscreen must be labeled with the child's first and last name.

3. ——— If sunscreen is provided by the center, parents must be notified in advance, in writing, of the type of sunscreen the center will use.

4. ——— Children may apply sunscreen to themselves under the direct supervision of a staff member.

5. — The center must apply sunscreen, have the child apply sunscreen, have the parent or guardian apply sunscreen, or use another form of parent or guardian approved sun protection for children prior to children going outside. Sunscreen must be reapplied as directed by the product label.

E. — Control of Communicable Illness

1. — When children show signs of communicable illness, they must be separated from other children, the parent(s) or guardian(s) notified, and a doctor or medical facility consulted as needed regarding treatment.

2. — Staff members with a communicable illness must not be permitted to work or have contact with children or other staff members if the illness could be readily transmitted during normal working activities.

7.712.53 — Personal Hygiene

A. — Children with specific toileting needs

The center must have one or more designated change areas for all children in need of changing. The change area must:

1. — Meet a child's individual and developmental needs and be large enough to accommodate the size of the child;

2. — Have a place inaccessible to children for storing all change supplies and disinfecting solutions and products; and

3. — Have sufficient supplies.

7.712.54 — Food and Nutrition

A. — The center must show evidence that all meals and snacks provided by the center must meet current USDA child and adult care food program meal pattern requirements and be offered at suitable intervals. Children who are at the center for more than 4 hours, day or evening, must be offered a meal.

B. — Centers must not provide sugar sweetened beverages to children. These are liquids that have been sweetened with various forms of sugars that add calories and include, but are not limited to: soda, fruitades, fruit drinks, flavored milks, and sports and energy drinks.

C. — If 100% fruit juice, which is not a sugar sweetened beverage, is offered as part of meals and/or snacks, it must be limited to no more than twice per week.

D. — In centers that do not regularly provide a meal, if a child brings a meal from home that does not appear to meet current USDA child and adult care food program meal pattern requirements, the center must have foods available to offer as a supplement to that meal.

E. — Meal menus must be planned at least one week in advance, dated, and available to parents. After use, menus must be filed and retained for three (3) months. Records must be available for periodic review and evaluation.

F. — The size of servings must be suitable for the child's age and appetite, and sufficient time must be allowed so that meals are unhurried.

7.712.55 — GUIDANCE

- A. — Guidance must be appropriate and constructive or educational in nature and may include such measures as diversion, separation of the child from situation, talking with the child about the situation, or praise for appropriate behavior
- B. — Children must not be subjected to physical or emotional harm or humiliation
- C. — The director must not use, or permit a staff member or child to use, corporal or other harsh punishment, including but not limited to pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of discipline.
- D. — Guidance must not be associated with food, rest, or toileting. Children should never be punished for toileting accidents. Children must not be denied food or forced to eat as a disciplinary measure.
- E. — Separation, when used as guidance, must not exceed five minutes and must be appropriate for the child's age. The child must be in a safe, lighted, well-ventilated area and be within sight and hearing of an adult. The child must not be isolated in a locked or closed area.
- F. — Verbal abuse and derogatory remarks about the child are not permitted.
- G. — Authority for guidance must not be delegated to other children, and the center must not sanction one child punishing another child.
- H. — Physical exercise must not be used as a form of guidance.

7.712.56 — Transportation

A. — Transportation Provided by the Center

- 1. — The center is responsible for any children it transports.
- 2. — The center must obtain written permission from parents/guardians for any transportation of their child during child care hours.
- 3. — The number of staff members who accompany children when being transported in the vehicle must meet the child care staff ratio found at Section 7.712.43. The driver of the center vehicle is considered a staff member.
- 4. — Children must not be permitted to ride in the front seat of a vehicle unless they are secured in a seat belt that is safe and free from hazard. Children must remain seated while the vehicle is in motion.
- 5. — Children must be loaded and unloaded out of the path of moving vehicles.
- 6. — Children must not be permitted to stand or sit on the floor of a moving vehicle, and their arms, legs, and heads must remain inside the vehicle at all times.
- 7. — Transportation arrangements for school-age children must be by agreement between the center and the children's parents/guardians, i.e., whether the children can walk, ride a bicycle or travel in a car. The center must monitor the children to ensure they arrive at the center when expected and follow up on their whereabouts if they are late. Written permission from parents or guardians for their children to attend community functions after school hours must include agreements regarding transportation.
- 8. — Prior to a field trip or other excursion, the center must obtain information on liability insurance from parents/guardians and staff who transport children in their own cars and verify that all drivers have valid driver's licenses.

B. — Requirements for Vehicles

1. Any vehicle used for transporting children to and from the center or during program activities must meet the following requirements:

a. The vehicle must be enclosed and have door locks;

b. The seats of the vehicle must be constructed and installed according to the vehicle manufacturer's specifications;

c. The vehicle must be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights must be operational, safe and free of hazard; and

d. Modifications to vehicles including, but not limited to, the addition of seats and seat belts must be completed by the manufacturer or an authorized representative of the manufacturer. Documentation of such modifications must be available for review.

2. In passenger vehicles with a manufacturer's established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:

a. Each child must be restrained in an individual seat belt or child restraint system;

b. The provider must not transport more children than any vehicle is able to safely accommodate when child restraint systems and seat belts are properly installed and used in the vehicle;

c. Lap belts must be secured low and tight across the upper thighs and under the belly; and

d. Children must be instructed and required to keep the seat belt properly fastened and adjusted.

3. In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required, but must be used if provided.

C. Requirements for Drivers of Vehicles

1. All drivers of vehicles transporting children must operate the vehicle in a safe and appropriate manner.

2. All drivers of vehicles owned or leased by the center in which children are transported must have a current Department approved First Aid and safety certificate that includes CPR for all ages of children

3. In each vehicle used to transport children, drivers must have access to a First Aid kit.

4. The driver must ensure that all doors are secured at all times when the vehicle is moving.

5. The driver must make a good faith effort to ensure that each child is properly belted throughout the trip.

6. The driver must not eat or use a cellular or other mobile device while driving.

7. The required staff to child ratio must be maintained at all times.

8. All drivers must be at least 20 years of age.

9. Drivers must complete a minimum of four hours of driver training prior to transporting children. The driver training curriculum may be developed and administered by the center and must include at a minimum: behind the wheel training; participant transport attendance procedures, including taking attendance at the destination; managing behavioral issues; loading and unloading procedures; daily vehicle inspection procedures; proper tire inflation; emergency equipment and how to use it; accident procedures; passenger illness procedures; procedures for backing up; and vehicle evacuation.

7.712.6 PROGRAM ACTIVITIES

7.712.61 Activity Schedules

- A. The center must provide parents/guardians with a list of activities it offers.
- B. Parents or guardians must be given the opportunity to indicate to the staff of the center if they do not want their child to participate in an activity.
- C. Parents/guardians must be notified in advance of all activities that will occur away from the center.
- D. Television viewing, including videos, should not be permitted without the approval of a child's parents/guardians, who must be advised of the center's policy regarding television and video viewing.
- E. A mobile day camp program must establish a daily itinerary and make available a copy to each child's parent or guardian. A copy must also be on file at the program's headquarters. The itinerary should be followed as closely as possible. In case of an emergency or change in the itinerary, the headquarters of the mobile day camp must be notified immediately. Parents/guardians must be instructed to contact the main headquarters to determine the exact location of their child.

7.712.62 Physical Activity

- A. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors, or indoors during inclement weather, for no less than 60 minutes total for programs operating over five hours per day. Activities do not have to occur all at one time.
- B. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during inclement weather, for no less than 30 minutes total for programs operating from three to five hours per day. Activities do not have to occur all at one time.
- C. Daily physical gross motor activities, with or without equipment or materials, must be provided outdoors or indoors during inclement weather, for no less than 15 minutes total for programs operating less than 3 hours per day. Activities do not have to occur all at one time.

7.712.63 Screen Time and Media Use

- A. All media that children are exposed to must not contain explicit language or topics.
- B. All television, recorded media, computer, tablet, cell phones, video games and other media devices are prohibited during snack or meal times except during a planned special occasion.
- C. The center must develop a media and internet usage plan outlining screen time and media use related to their curriculum. The media plan must have information on ongoing communication with children about safe online practices. The center must obtain a signed document stating that the parents/guardians have received this plan, and agree to the activities described in the plan.
- D. There is no time restriction for children using personal adaptive equipment or assistive technology.

7.712.64 Equipment and Materials

- A. In a building based school-age child care center, rest time and rest equipment must be provided for school-age children who require a rest time.
- B. Children at the center must have access to age-appropriate materials and equipment from at least the following categories:

1. ~~Activity supplies;~~
 2. ~~Manipulatives and games;~~
 3. ~~Recreation equipment;~~
 4. ~~Library items; and~~
 5. ~~Science equipment and materials.~~
- C. ~~Children must wear helmets when riding scooters, bicycling, skateboarding, or rollerblading.~~

7.712.65 ~~Field Trips~~

- A. ~~On a field trip or during a mobile school-age child care program:~~
1. ~~The center must notify the children's parents /guardians in advance of any field trip. The staff-child ratios found at section 7.712.43.C, D, I must be maintained at all times;~~
 2. ~~All groups of children must be directly supervised by a qualified program director or program leader at all times;~~
 3. ~~An accurate itinerary of each field trip must remain at the center;~~
 4. ~~The staff must have the following information about each child: parents/guardians contact information, health care provider's name, address, and phone number, and the written authorization from parent(s)/guardian(s) for emergency medical care.~~
 5. ~~If children attending the field trip require medications to be administered during the field trip or have special health needs, a staff member with current medication administration training and delegation must attend the field trip;~~
 6. ~~A list of all children and staff on a field trip must be kept at the center; and~~
 7. ~~A copy of the emergency disaster plan must accompany staff offsite.~~

7.712.7 BUILDING AND FACILITIES

7.712.71 ~~Facility Requirements~~

- A. ~~The mobile day camp program and the outdoor-based day camp program may use as a gathering place a public park or playground if the program primarily includes field trips away from the gathering place. Such programs must have a contingency plan for facilities to use during inclement weather. The plan must be available to parents/guardians on a daily basis.~~
- B. ~~If a room(s) inside a building are used for indoor care at least thirty (30) square feet of floor space per child is required. Indoor space is exclusive of kitchen, toilet rooms, office, staff rooms, hallways and stairways, closets, laundry rooms, furnace rooms.~~
- C. ~~When a building is being used during the summer months by a center specifically as a gathering place at the beginning and end of the day, the thirty (30) square feet requirement need not apply. The total amount of time during which the number of children present may exceed the thirty (30) square feet requirement must not exceed three (3) hours. This time must be divided evenly between the morning and the evening.~~

~~D. — The building based school-age child care center must provide access to an outdoor play area. The outdoor play area may be a city park or public school ground. The play area must meet the following requirements:~~

- ~~1. — The center must provide a total outside play area of at least seventy-five (75) square feet per child for a minimum of one-third of the licensed capacity of the center or a minimum of 1500 square feet, whichever is greater;~~
- ~~2. — Access to a shaded area, sheltered area, or inside building area must be provided at all times to guard children against the hazards of excessive sun and heat; and~~
- ~~3. — The outdoor play area must be maintained in a safe condition by removing debris, dilapidated structures, and worn and broken play equipment. The center must identify hazardous, high-risk areas. These areas must be monitored to reduce the possibility of injury and accidents.~~
- ~~4. — Outdoor play areas provided by the center must not have equipment that exceeds six (6) feet in height for any surface area intended for children's play unless equipped with a protective barrier to prevent children from falling.~~
- ~~5. — All outdoor climbing equipment over eighteen (18) inches provided by the center must have least six (6) inches resilient surface throughout the use zone.~~

7.712.72 — Toilet Facilities

- ~~A. — Children must be allowed the use of gender-segregated toilet facilities that are consistent with their gender identity, with toilets separated by partitions to provide privacy.~~
- ~~B. — There must be a minimum of one (1) toilet per thirty (30) or fewer children for which the center is licensed. Hand-washing facilities must be available at the ratio of one (1) sink per thirty (30) or fewer children. After April 1, 2018 all new construction must have a minimum of one (1) toilet and one (1) hand-washing sink per every fifteen (15) or fewer children for which the center is licensed.~~

7.712.73 — Fire and Other Safety Requirements

A. — General Requirements

- ~~1. — Buildings must be kept in good repair and maintained in a safe condition.~~
- ~~2. — Major cleaning is prohibited in rooms occupied by children.~~
- ~~3. — Volatile substances, such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives, and other hazardous items, must be stored away from the area used for child care and be inaccessible to children.~~
- ~~4. — Combustibles, such as cleaning rags, mops, and cleaning compounds, must be stored in well-ventilated areas separated from flammable materials and stored in areas inaccessible to children.~~
- ~~5. — Closets, attics, basements, cellars, furnace rooms, and exit routes must be kept free from accumulation of extraneous materials.~~
- ~~6. — All heating units, gas or electric, must be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters can be used for heating purposes. All heating elements, including hot water pipes, must be insulated or installed in such a way that children cannot come in contact with them. Nothing flammable or combustible can be stored within three (3) feet of a hot water heater or furnace.~~

7. — Indoor and outdoor equipment, materials, and furnishings must be sturdy, safe and free of hazards.

8. — Equipment, materials, and furnishings, including durable furniture such as tables and chairs, must be stored in a manner that is safe for children.

9. — Extension cords cannot be used in place of permanent wiring.

10. — Corridors, halls, stairs, and porches must be adequately lighted. Operable battery-powered lights must be provided in locations readily accessible to staff in the event of electric power failure.

B. — Fire Safety

1. — Every building and structure must be constructed, arranged, equipped, maintained, and operated so as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.

2. — Every building and structure must have at least two (2) approved, alternate means of egress from each floor of the building or to a common hallway leading to the exterior. They must be at different locations.

3. — Every exit must be clearly visible, or the route to reach it must be conspicuously indicated. Each path of escape must be clearly marked.

4. — In every building or structure, exits must be arranged and maintained so as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. Locks or fastening devices to prevent free escape from the inside of any building must not be installed. Only panic hardware or single action hardware is permitted on a door or on a pair of doors. All door hardware must be within the reach of children.

5. — If the building in which the center operates has a security lock on outside exit doors, the center must obtain written permission from the local fire department; and there must be a written sign attached to the door instructing staff that the security lock is not to be utilized when children are present and the center is in operation.

6. — Every building and structure must have an automatic or Department approved manually operated fire alarm system to warn occupants of the existence of fire or to facilitate the orderly conduct of fire exit drills.

7.712.8 RECORDS AND REPORTS

7.712.81 — Children's Records

A. — The center must maintain and update annually a record on each child that includes:

1. — The child's full name, age, current address, and date of enrollment;

2. — Names, home and employment addresses and telephone numbers, which may include cell phone numbers, and e-mail of parents/guardians if available;

3. — Any special instructions as to how the parents/guardians can be reached during the hours the child is at the center;

4. — Names and telephone numbers of persons other than parents/guardians who are authorized to take the child from the center;

5. — Names, addresses, and telephone numbers of persons who can assume responsibility for the child in the event of an emergency if parents/guardians cannot be reached immediately;
6. — Name, address, and telephone number of the child's physician, dentist, and hospital of choice;
7. — A complete health history including communicable diseases, chronic illnesses or injuries, immunization history, known drug reactions or allergies, medication records, special diet needs, and health care plans as required in 7.712.52.A.1;
8. — A dated written authorization for emergency medical care signed and submitted annually by the parent or guardian. The authorization must be notarized if required by the local health care facility;
9. — Written authorization from a parent or guardian for the child to participate in field trips and to participate in program activities, listing all exclusions from authorization;
10. — Written authorization from a parent/guardian for the center to transport the child to and from school, whether by walking or driving; and
11. — Reports of serious injuries and accidents occurring during care that result in medical attention, admission to the hospital, or death of a child.

7.712.82 — Staff Records

A. — The center office must maintain a record for each staff member, paid or volunteer, which includes the following:

1. — Name, address, and birth date of the individual;
2. — The date that the staff member was employed by the center;
3. — Name, address, and phone number of the person(s) to be notified in the event of an emergency;
4. — Verification of the staff member's certifications, qualifications and training requirements;
5. — Copies of written references or notes of phone references, as required by Section 7.712.41.D.1;
7. — Verification that a criminal record check with the Colorado Bureau of Investigation and federal bureau of investigation is in process, or a copy of the results of the staff member's criminal record check; and
8. — Verification that a review of the State Department's automated system for reporting child abuse and neglect has occurred or is in process.

B. — Each staff member's personnel file must contain all required information within thirty (30) working days of the first day of employment.

7.712.83 — Administrative Records and Reports

A. — The following records must be on file at the center:

1. — Records of enrollment, daily attendance for each child, and daily record of time child arrives at and departs from the center;
2. — Current health department child care inspection report issued for the assigned license number within the past two (2) years;
3. — Current fire department inspection report issued within the past two (2) years;

4. — A list of current staff members, substitutes, and staffing patterns.

B. — Each center must submit a report in writing to the Department using the online injury reporting system of any accident or illness occurring at the center that resulted in medical treatment by a physician or other health care professional, hospitalization, or death. This report must be made within twenty-four (24) hours after the accident or illness occurred.

C. — A report about a fatality must include:

1. — The child's name, birth date, address, and telephone number;

2. — The names of the child's parents or guardians and their address and telephone number if different from those of the child;

3. — Date of the fatality;

4. — Brief description of the incident or illness leading to the fatality;

5. — Names and addresses of witnesses or persons who were with the child at the time of death; and

6. — Name and address of police department or authority to which the report was made.

D. — The center must maintain records of reports of communicable illness made to the Colorado Department of Public Health and Environment or local public health agency.

E. — The center must submit to the Department as soon as possible but not longer than twenty-four (24) hours a written report about any child who has been separated from the group outside of the supervision of their assigned staff member or for whom the local authorities have been contacted. Such report must indicate:

1. — The name, birth date, address, and telephone number of the child;

2. — The names of the parents/guardians and their address and telephone number if different from those of the child;

3. — The date when the child was lost;

4. — The location, time, and circumstances when the child was last seen;

5. — Actions taken to locate the child; and

6. — The name of the staff person supervising the child.

7.712.84 — Confidentiality and Retention

A. — The center must maintain complete records of personnel and children as required at Sections 7.712.81, 7.712.82, and 7.712.83.

B. — The confidentiality of all personnel and children's records must be maintained (see Section 7.701.7, General Rules for Child Care Facilities).

C. — Personnel and children's records must be available, upon request, to authorized personnel of the Department.

D. — If records for organizations having more than one center are kept in a central file, duplicate identifying and emergency information for personnel and children must also be kept on file at the center attended by the child.

E. — The records of children must be maintained by the school-age child care center for at least three (3) years.

7.716 — COLORADO SCHOOL READINESS QUALITY IMPROVEMENT PROGRAM

The Colorado School Readiness Quality Improvement Program is part of the Colorado Shines quality rating and improvement system. The purpose of the program is to improve the school readiness of children, five (5) years of age or younger, who are cared for at early childhood education programs pursuant to Section 26-6.5-106, C.R.S.

7.716.1 DEFINITIONS

“Child” means a child five (5) years of age or younger.

“Children with identified risk factors” means children who have risks that affect their overall learning ability and kindergarten readiness, risks include, but are not limited to:

A. — A child with a disability or developmental delay under age five who has an individual family service plan (IFSP), an individualized education program (IEP) or medical care plan;

B. — A child who has a home language other than English (English language learner);

C. — A child from a household meeting income eligibility criteria for Colorado Child Care Assistance Program;

D. — A child who is migrant and meets the definition of “migratory child” in elementary and secondary education act (ESEA) section 1309(2);

E. — A child who resides on Indian lands;

F. — A child who is in foster care, kinship care or receiving services through the child welfare system;

G. — A child who is eligible to receive free or reduced cost meals pursuant to the provisions of the federal National School Lunch Act;

H. — A child who is experiencing homelessness or frequent relocations to new residences by the child’s family;

I. — Drug or alcohol abuse in the child’s family;

J. — A child living in the home with an abusive adult; or,

K. — Either parent of the child was less than eighteen years of age at the time of the birth of the child.

“Colorado Shines quality rating and improvement system” referred to as the “Colorado Shines system” shall measure the level of preparedness of, and quality services provided by, an early childhood education program to prepare children to enter elementary school.

“Early Childhood Council means an early childhood council identified or established locally in communities throughout the state, pursuant to Sections 26-6.5-103 and 26-6.5-106 for the purpose of developing and ultimately implementing a comprehensive system of early childhood services to ensure the school readiness of children five (5) years of age or younger in the community.

“Early childhood education program” means a licensed child care program pursuant to Part 1 of Article 6 of this Title 26 that provides child care and education to children five (5) years of age or younger.

"High quality rating" means a quality rating level of three (3), four (4), or five (5) within the Colorado Shines system.

"Intentional misrepresentation" means a deliberate and willful false representation by submission or omission from an individual or early childhood education program in an attempt to deceive in order to receive a higher Colorado Shines quality rating level. This includes but is not limited to the following:

- A. — A false statement of material fact;
- B. — Knowledge on the part of the individual that the statement and/or submitted document is untrue; or,
- C. — Intent of the applicant to deceive the state and all other agents working on behalf of the state.

"State Department" or "State" means the Colorado Department of Human Services.

7.716.2 APPLICATION FOR FUNDING

A. — An early childhood council seeking school readiness quality improvement program funds must apply directly to the state department through a formal procurement process that ensures an equitable distribution between rural and urban communities.

B. — To be eligible to receive school readiness quality improvement program funds through the Colorado Shines system, an early childhood council must:

- 1. — Apply on behalf of the designated service area it represents.
 - 2. — Prepare and submit to the state department a three (3) year school readiness plan that includes, at minimum:
 - a. — A narrative that demonstrates the need to improve quality and increase the capacity of early childhood education programs in its service area, and,
 - b. — Strategies developed in partnership with community partners to include, at minimum, county departments of human or social services, for how the early childhood council will target and recruit early childhood education programs that are rated in the Colorado Shines system at a level two (2) or higher or that are licensed programs with demonstrated hardship that are actively working toward achieving Colorado Shines system level two (2) rating to:
 - i. — Increase the access and availability of high quality child care for children participating in the Colorado Child Care Assistance Program created in Part 8 of Article 2 of Title 26;
 - ii. — Target quality improvement funding to improve the level of quality at participating early childhood education programs; and,
 - iii. — Promote family involvement as aligned to the family engagement quality indicator within the Colorado Shines quality rating and improvement system framework.
 - 3. — The early childhood council must execute a memorandum of understanding with participating early childhood education programs to secure the program's commitment to engage in the Colorado Shines system and improve quality.
 - 4. — The early childhood council must make provisions to prioritize the distribution of quality improvement funding to early childhood education programs that serve children with identified risk factors.
- C. — The state department shall contract with an existing early childhood council to implement the school readiness quality improvement program:

1. In areas of the state that are not covered by an early childhood council; and,
2. In cases where the early childhood council that covers a particular area of the state did not apply.

7.716.3 EARLY CHILDHOOD EDUCATION PROGRAM ELIGIBILITY CRITERIA

A. Early childhood education programs are eligible for quality improvement funding if participating in the Colorado Shines quality rating and improvement system:

B. Quality improvement funds shall only be awarded to early childhood education programs that meet the following criteria:

1. Rated in the Colorado Shines system at a quality level two (2) or higher and meets the Colorado Shines quality improvement eligibility criteria, as defined within the business rules of the current early childhood council contract with the state; or,
2. Rated in the Colorado Shines system at a quality level one (1) with a demonstrated hardship that requires additional resources in order to reach a quality level two (2); and,
3. Upon award, execute a memorandum of understanding with the early childhood council serving the early childhood education program.

C. Participating early childhood education programs will become ineligible if they are:

1. In receipt of a notice of child care license revocation or suspension;
2. Under review or determined to have committed intentional misrepresentation as defined in Section 7.716.1;
3. Not compliant with memorandum of understanding executed between the early childhood council and the early childhood education program; or,
4. Not compliant with improvement in ratings in Section 7.716.5.

7.716.4 COLORADO SHINES QUALITY RATING AND IMPROVEMENT SYSTEM

A. The Colorado Shines quality rating and improvement system measures the level of preparedness of and quality services provided by an early childhood education program in the following five (5) standard areas:

1. Workforce qualifications and professional development;
2. Family partnership;
3. Leadership, management, and administration;
4. Learning environment; and,
5. Child health.

B. The Colorado Shines system shall:

1. Measure elements of quality at an early childhood education program;
2. Be supported by statistically valid research as a reliable measure of quality of an early childhood education program;

3. ——— Include a quality improvement plan that informs participating early childhood education programs of their strengths and opportunities and provides early childhood education programs with strategies to improve the quality of their services;
4. ——— Demonstrate effectiveness at improving the level of quality of providers in geographically diverse Colorado communities; and,
5. ——— Be variable to inform parents, counties, and other purchasers of early childhood care and education about the level of quality at an early childhood education program in a simple and easy-to-understand manner.

7.716.5 IMPROVEMENT IN RATINGS

- A. ——— To be eligible for quality improvement funds, early childhood education programs are required to participate in the Colorado Shines quality rating system with the goal to earn and/or maintain a high-quality rating.
- B. ——— To maintain eligibility for funding, participating early childhood education programs must demonstrate specific and measurable gains at the conclusion of each consecutive Colorado Shines rating as follows:
 1. ——— Early childhood education programs that complete an onsite Colorado Shines assessment and do not achieve a high quality rating must re-rate within an eighteen (18) month time period.
 2. ——— Early childhood education programs that earn a quality rating level three (3) must meet one of the following criteria to maintain eligibility for funding:
 - a. ——— Increase their average environment rating scale score;
 - b. ——— Increase their total quality points earned; or,
 - c. ——— Earn a quality rating level four (4) or five (5).
 3. ——— Early childhood education programs that earn a quality rating level four (4) or five (5) must maintain either a level four (4) or level five (5).
 4. ——— Early childhood education programs that do not maintain a high quality rating level during a rating cycle, must re-rate within an eighteen (18) month time period in order to remain eligible.

7.716.6 PUBLIC ACCESS TO RATINGS

- A. ——— Once final, the state department publishes the early childhood education program's quality rating information on the Colorado Shines quality rating and improvement system website.
- B. ——— Quality rating information is provided in plain language and includes the child care licensing reports of inspection for each early childhood education program.

7.716.7 DISPUTE RESOLUTION

- A. ——— The state department, through the Division of Early care and Learning, shall provide for an informal dispute resolution process to include a consultation and appeal process, through the Colorado Shines system.
- B. ——— Early childhood education programs shall be notified of the dispute resolution process by the Colorado Shines system rating administrator when participating in the post-rating assessment-consultation, information is additionally located within the online program portal.

- C. — Early childhood education programs must request a post-rating assessment consultation within thirty (30) calendar days of receiving their assessment results and prior to submitting an appeal.
- D. — Early childhood education programs must submit a written formal request for an appeal and all relevant documentation within ten (10) calendar days of receiving its post-rating assessment consultation.
- E. — The formal appeal of the early childhood education program's assessment will be reviewed by the Colorado Shines assessment advisory committee, which determines whether or not errors have occurred and will adjust program scores, if warranted.
- F. — A formal appeal of the early childhood education program's assessment, all calculations will be based on the information gathered during the rating window.
1. — Early childhood education programs are responsible for submitting any relevant data to the Colorado Shines system rating administrator within ten (10) calendar days of the post-rating assessment consultation.
 2. — Changes in the early childhood education program, such as the hiring of new staff that happened after the close of the rating window, will not be considered in the rescoring process.
- G. — The Colorado Shines assessment advisory committee shall notify early childhood education programs of its decisions within ten (10) business days of the meeting at which the request for review was conducted.

7.717 — EARLY CHILDHOOD COUNCILS

Each Early Childhood Council, whether newly established in a community or newly identified to serve as a council, shall work toward consolidating and coordinating funding. Together, the Early Childhood Councils throughout the state shall serve to create a seamless system of early childhood services representing collaboration among various public and private stakeholders for the effective delivery of early childhood services in the areas of early care and education, family support, mental health, and health. These services shall support children eight (8) years of age or younger and their parents in a manner that is responsive to local needs and conditions.

7.717.1 DEFINITIONS

“Children” means children eight (8) years of age or younger.

“County department” means the county Department of Human Services or Social Services.

“Early care and education provider” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a licensed and legally exempt child care provider; Head Start grantee; or district preschool program representative.

“Early Childhood Council” means a council identified or established locally in communities throughout the state, either as a community consolidated child care services pilot site agency that existed prior to May 31, 2007 or pursuant to § 26-6.5-103, C.R.S., that represents public and private stakeholders for the purpose of developing and ultimately implementing a comprehensive system of early childhood services for children in the community to ensure school readiness. A council may be an Early Childhood Care and Education Council so long as no more than one council exists in a given service area.

“Early Childhood Council membership” means the members of a voting body of an Early Childhood Council with governing authority over all of the council's duties enumerated in § 7.717.5.

“Family support and parent education services” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from a home visitation program; family resource center; or income assistance program.

~~“Health care entity” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from local public health, health care providers; Women, Infants, and Children (WIC) food nutrition service; Supplemental Nutrition Assistance Program (SNAP); Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) program; or Parts B or C of the federal Individuals with Disabilities Education and Improvement Act.~~

~~“Local government” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from the County Board of Commissioners; City Council; local school district board; or a local County Department of Human Services or Social Services.~~

~~“Mental health care” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from the community mental health centers or a local mental health care provider.~~

~~“Resource and referral agency” is a required Early Childhood Council membership stakeholder group that includes, but is not limited to, a representative from a child care resource and referral agency or other agency that provides this support for parents with children eight (8) years of age or younger.~~

~~“State Department” means the Colorado Department of Human Services.~~

7.717.2 CREATION AND RECONFIGURATION PROCESSES

~~A. — To create a new Early Childhood Council or reconfigure an existing Early Childhood Council, the Board(s) of Commissioners in the applicable county or counties must first designate a convening entity. This convening entity may be, but is not limited to, the following agency types:~~

- ~~1. — A local resource and referral agency;~~
- ~~2. — A County Department of Human Services or Social Services;~~
- ~~3. — A local school district;~~
- ~~4. — Department of Public Health; or,~~
- ~~5. — A Colorado Preschool Program Council.~~

~~B. — The convening entity shall convene an Early Childhood Council, either as part of a single county or as part of a multi-county regional network, by submitting an application to the state department under paragraph E.~~

~~C. — The convening entity shall initially approve the Early Childhood Council membership, ensuring the mandatory stakeholders listed in § 7.717.4 are included.~~

~~D. — Existing Early Childhood Councils may apply to merge or reconfigure under § 7.717.2. A reconfigured council replaces the councils named in the application to reconfigure.~~

~~E. — A convening entity’s application for an agency applying to be newly identified as a council or an existing Early Childhood Council(s) applying to be a newly created and reconfigured council shall designate, at minimum, the following information:~~

- ~~1. — An intended service area that complies with § 7.717.3;~~
- ~~2. — The county or counties involved with the council;~~
- ~~3. — The participating Early Childhood Council members that includes stakeholders required by § 7.717.4;~~

4. — The designated fiscal agent; and,

5. — Signatures of the Chair or Chairs of the Board or Boards of County Commissioners of all counties involved in the council, the legal signatory for the counties, and the president of any school district Board of Education involved in the council.

F. — The State Department's approval of an Early Childhood Council's application under § 7.717.6, does not guarantee funds to that council.

7.717.3 SERVICE AREA

A. — To the extent practicable, a service area of an Early Childhood Council shall be representative of the various public and private stakeholders in the local community who serve children.

B. — Early Childhood Council's service area may include more than one county.

C. — No two Early Childhood Councils may cover the same service area.

7.717.4 GOVERNANCE

A. — Early Childhood Council membership shall:

1. — To the extent practicable, reflect local needs and cultural and geographic diversity within the service area;

2. — Have voting rights;

3. — Consist of a minimum of ten (10) members;

4. — Include at least one representative, who operates or resides within the council's service area, from each of the following seven (7) mandatory stakeholder groups:

a. — Early care and education;

b. — Family support and parent education services;

c. — Health care;

d. — Local government;

e. — Parent of a child five (5) years of age or younger;

f. — Mental health care; and,

g. — Resource and referral agency.

5. — Early Childhood Council membership may also include, but is not limited to, representation from any combination of the following stakeholder groups within the council's service area:

a. — Child care association;

b. — Medical practice;

c. — Dental practice;

d. — School district parent organization;

- e. — Head Start Policy Council;
- f. — Chamber of Commerce;
- g. — Local business;
- h. — Faith-based organization;
- i. — Nonprofit organization;
- j. — Higher education institution; and/or,
- k. — Library.

B. — Each member of an Early Childhood Council shall sign a Memorandum of Understanding on behalf of the organization he or she represents to participate in and collaborate on the work of the Early Childhood Council.

C. — Each Early Childhood Council shall submit a summary of justification and a request for approval to the State Department in cases where:

- 1. — One (1) individual represents multiple, mandatory stakeholder groups on the Early Childhood Council membership; and/or,
- 2. — A mandatory stakeholder group is vacant for more than ninety (90) days.

D. — Each Early Childhood Council shall adopt bylaws that provide for, at minimum:

- 1. — Early Childhood Council name;
- 2. — Early Childhood Council purpose;
- 3. — Requirements for membership;
- 4. — Members' roles and responsibilities;
- 5. — Process for selecting members;
- 6. — Rules for membership rotation and terms;
- 7. — How meetings will be conducted; and,
- 8. — Meeting frequency and the quorum required for council action.

E. — Each Early Childhood Council shall designate and enter into a formal, written agreement with a fiscal agent that requires the fiscal agent to:

- 1. — Accept legal and financial responsibility for the work being performed under the contract, including all deliverables and deadlines associated with the council scope of work;
- 2. — Acknowledge that if work is not performed in accordance with the council contract, payment may be withheld by the state department;
- 3. — Comply with fiscal contractual requirements, in accordance with the state fiscal rules (see 2 C.F.R. Part 200) and applicable federal guidance (see 1 CCR 101-1); and,
- 4. — Comply with the Colorado Information Security Act (see § 24-37.5, Part 4).

F. — In the case of an Early Childhood Council that is an incorporated legal entity, including a nonprofit corporation, the entity itself may serve as the fiscal agent, in which case it is directly responsible for the obligations set out in paragraph E.

7.717.5 EARLY CHILDHOOD COUNCIL DUTIES AND DELIVERABLES

A. — Each Early Childhood Council is responsible for the following minimum duties and functions:

1. — To apply for early childhood funding pursuant to § 26-6.5-104, C.R.S.;
2. — Develop and execute a strategic plan that responds to local needs and conditions to increase and sustain the quality, accessibility, capacity, and affordability of early childhood services for children and their parents;
3. — To establish a local system of accountability to measure local progress based on the needs and goals set for program performance;
4. — To report annually the results of the accountability measurements defined in the strategic plan;
5. — To select a fiscal agent to disburse funds and serve as the employer of the Council Director, once hired;
6. — To conduct a comprehensive evaluation and report, based on the strategic plan; and,
7. — To actively inform and include small or under-represented early childhood service providers in Early Childhood Council activities and functions.

B. — Each Early Childhood Council shall submit and ensure that the State Department has current record of the council governance structure, to include at minimum:

1. — Early Childhood Council membership, to include the name and contact information for representatives from each of the mandatory stakeholder groups in § 7.717.4, A (4);
2. — An organizational chart or other description of its officer/leadership structure, including current officers;
3. — The name and contact information for the Council Director, or, if none has been hired, an interim program contact employed by the fiscal agent;
4. — The Early Childhood Council bylaws; and,
5. — An annual budget for developing a local early childhood system and infrastructure to improve and coordinate early childhood services.

C. — Each Early Childhood Council shall develop, execute, and submit for State Department compliance review, an up-to-date organizational strategic plan that:

1. — Reflects the state department priorities and performance standards to increase and sustain the quality, accessibility, capacity, and affordability of early childhood services for children and their parents;
2. — Responds to the early childhood needs and conditions in the designated service area based upon a rigorous assessment; and,
3. — Sets measurable goals to increase and sustain quality, accessibility, capacity, and affordability of early childhood services for children and their parents.

D. — The strategic plan shall be developed at least once every five (5) years and include, at minimum:

1. ~~_____ A description of the long-term goals to be accomplished;~~
 2. ~~_____ A description of the short-term objectives;~~
 3. ~~_____ A description of the expected outcomes aligned with the goals and objectives; and,~~
 4. ~~_____ A definition of the data tools and methods for tracking progress towards the goals, objectives, and expected outcomes.~~
- E. ~~_____ Annually, each Early Childhood Council shall submit to the state department and its Early Childhood Council membership:~~
1. ~~_____ The current strategic plan; and,~~
 2. ~~_____ A written, comprehensive evaluation and report of its progress based on the strategic plan-accountability metrics.~~

7.717.6 STATE DEPARTMENT FUNDING REQUIREMENTS

- A. ~~_____ To be eligible to receive infrastructure, quality improvement, technical assistance, and evaluation-funding from the state department, an Early Childhood Council must:~~
1. ~~_____ Be properly convened; and meet the minimum service area and governance standards in § 7.717.3-4.~~
 2. ~~_____ Submit strategic plan for compliance review in accordance with § 7.717.5, C and D.~~
- B. ~~_____ Each Early Childhood Council seeking infrastructure, quality improvement, technical assistance, and evaluation funding shall submit an application to the state department that includes or describes:~~
1. ~~_____ The Council's designated service area, as defined in § 7.717.3;~~
 2. ~~_____ The Council's current membership, including proof of a Memorandum of Understanding signed by the members representing each mandatory stakeholder group, as defined in § 7.717.4, A (4);~~
 3. ~~_____ The registered business name, certificate in good standing with the Colorado Secretary Of State, and the D-U-N-S number for the designated fiscal agent;~~
 4. ~~_____ The capacity to comply with state department data entry and data reporting requirements, as defined by the state department and other applicable funding stream requirements;~~
 5. ~~_____ Current record of the council governance structure, as defined in § 7.717.5, B;~~
 6. ~~_____ The Council director's signature; and,~~
 7. ~~_____ The Council's strategic plan, in compliance with § 7.717.5, C and D.~~
- C. ~~_____ If an Early Childhood Council fails to maintain ongoing compliance with these funding-requirements, including the requirement of a current strategic plan, the State Department may deny its pending or immediately subsequent application for funding.~~
- D. ~~_____ Councils that have previously applied for and been denied funding by the State Department may re-apply by showing current compliance with state requirements.~~
- E. ~~_____ For one (1) year after March 30, 2017, in order to promote an orderly transition to a new-governance structure, any Council may apply for a waiver of specific governance rules in § 7.717.4 upon-a showing of substantial compliance and undue hardship. A Council shall submit any request for a waiver~~

to the Early Childhood Leadership Commission, which shall consult with the Department on the request. The Department will grant such waivers upon recommendation by the Commission.

7.717.7 RULE WAIVER REQUEST

A. — A local Early Childhood Council may submit a rule waiver request to the Early Childhood Leadership Commission for any rule within C.C.R. 2509 that would prevent a Council from implementing council projects related to the minimum duties and functions defined in § 7.717.5, A.

B. — The Early Childhood Council submitting a waiver request is required to demonstrate that the waiver in question is necessary to support implementation of the Early Childhood Council projects related to the minimum duties and functions defined in § 7.717.5, A.

C. — The waiver request shall be submitted in writing to the Early Childhood Leadership Commission Director.

7.720 — RULES REGULATING NEIGHBORHOOD YOUTH ORGANIZATIONS [Eff. 4/1/11]

All Neighborhood Youth Organizations shall comply with the “General Rules for Child Care Facilities”.

7.720.1 DEFINITIONS [Eff. 4/1/11]

“Employee” means a paid employee of a neighborhood youth organization who is of eighteen years of age or older.

“Neighborhood Youth Organization” means a nonprofit organization that is designed to serve youth as young as six years of age and as old as eighteen years of age and that operates primarily during times of the day when school is not in session and provides research-based, age-appropriate, and character-building activities designed exclusively for the development of youth from six to eighteen years of age.

A. — These activities shall occur primarily in a facility leased or owned by the neighborhood youth organization. The activities shall occur in an environment in which youth have written parental or legal guardian consent to become a youth member of the Neighborhood Youth Organization and to arrive at and depart from the primary location of the activity on their own accord, without supervision by a parent, legal guardian, or organization.

B. — A Neighborhood Youth Organization shall not include faith-based centers, organizations or programs operated by state or city parks or special districts, or departments or facilities that are currently licensed as child care centers as defined in Section 7.702, et seq. (12 CCR 2509-8).

“Volunteer” means a person who volunteers his or her assistance to a neighborhood youth organization and who is eighteen years of age or older.

“Youth member” means a youth who is six years of age through eighteen years of age whose parent or legal guardian has provided written consent for the youth to participate in the activities of a Neighborhood Youth Organization and who pays a nominal fee for said membership.

7.720.2 OPERATION OF A NEIGHBORHOOD YOUTH ORGANIZATION [Eff. 4/1/11]

A. — The Neighborhood Youth Organization 's shall post its policies and procedures in bold print and in plain view, and shall make a written copy available to parents and guardians, which shall include the following:

1. — The address of the licensed Neighborhood Youth Organization, general hours of operation, and policy regarding closure of the Neighborhood Youth Organization.

2. — The Neighborhood Youth Organization's mission statement.

3. ~~_____ The ages of youth accepted.~~
4. ~~_____ The procedure concerning membership requirements that at a minimum include: name, date of birth, parent/guardian contact information, emergency contact information, and written authorization to attend.~~
5. ~~_____ The procedures for:

 - a. ~~_____ Arrival and departure from the Neighborhood Youth Organization;~~
 - b. ~~_____ Notification of parents and guardians, for handling emergencies;~~
 - c. ~~_____ Youth's personal belongings and money;~~
 - d. ~~_____ Filing a complaint against the Neighborhood Youth Organization; and,~~
 - e. ~~_____ Background checks and other criminal history checks of employees and volunteers.~~~~
6. ~~_____ The policies on:

 - a. ~~_____ Guidance;~~
 - b. ~~_____ Visitors;~~
 - c. ~~_____ Meals and snacks;~~
 - d. ~~_____ The reporting of child abuse (see Section 7.701.53 of the General Rules for Child Care Facilities).~~~~
7. ~~_____ If services are offered for special needs youth that the Neighborhood Youth Organization operates in compliance with Section 7.701.14, Civil Rights.~~
8. ~~_____ An itemized fee schedule.~~
9. ~~_____ The role of the governing board.~~
- B. ~~_____ The fee for obtaining a Neighborhood Youth Organization License is located in the General Rules at Section 7.701.4.~~

~~7.720.3 COMMUNICATION, EMERGENCY AND SECURITY PROCEDURES [Eff. 4/1/11]~~

~~Each Neighborhood Youth Organization is required to have a written mission statement. This statement shall be kept on file, updated periodically, and made known to staff and to parents and guardians, and shall be available during the licensing inspection.~~

- A. ~~_____ During the hours the Neighborhood Youth Organization is in operation, the Neighborhood Youth Organization shall provide an office and/or monitored telephone number known to the public and available to parents in order to provide immediate access to the Neighborhood Youth Organization.~~
- B. ~~_____ There shall be a land line telephone at the primary facility.~~
- C. ~~_____ The Neighborhood Youth Organization shall have an established means of communication between staff and the program office when youth are being transported or are away from the permanent site on a field trip.~~
- D. ~~_____ Emergency telephone numbers shall be posted at each permanent site and taken on all field trips and during mobile Neighborhood Youth Organization programs. The emergency numbers shall include, at a minimum, emergency 911, or rescue unit telephone number if 911 is not available; phone numbers are~~

also required for the clinic or hospital nearest to the activity location; ambulance service; local fire, police, and health departments; and, Rocky Mountain Poison Control.

E. — The Neighborhood Youth Organization shall have a written emergency procedure that explains at a minimum, how youth will be evacuated to a safe area in case of fire or other disaster and the reporting of reportable communicable illnesses to the local health department pursuant to regulations of the Colorado Department of Public Health and Environment.

F. — The Neighborhood Youth Organization shall be able to provide emergency transportation to a health care facility at all times either via program vehicle or the emergency medical services system.

G. — The director of the Neighborhood Youth Organization or the director's delegated substitute shall have a means for determining at all times who is present at the Neighborhood Youth Organization.

H. — A written policy regarding visitors to the Neighborhood Youth Organization shall be posted and a record maintained daily by the Neighborhood Youth Organization that includes, at a minimum, the visitor's name and address and the purpose of the visit.

7.720.4 PERSONNEL POLICIES, ORIENTATION, AND STAFF DEVELOPMENT [Eff. 4/1/11]

The duties and responsibilities of each staff position and the lines of authority and responsibility within the Neighborhood Youth Organization shall be in writing.

A. — At the time of employment, staff members shall be informed of their duties and assigned a supervisor.

B. — Prior to working with youth, the staff member shall read and be instructed about the policies and procedures of the Neighborhood Youth Organization, including those relating to proper supervision of youth and reporting of child abuse. Staff members shall sign a statement indicating that they have read and understand the Neighborhood Youth Organization's policies and procedures.

C. — All full time staff shall be required to receive CPR and First Aid certification within the first sixty (60) calendar days of employment at their own expense or as arranged by the Neighborhood Youth Organization.

D. — All staff shall complete training in universal precautions within the first three (3) months of employment at their own expense or as arranged by the Neighborhood Youth Organization.

7.720.41 — General Requirements for All Personnel [Rev. eff. 6/1/12]

A. — All personnel of the Neighborhood Youth Organization shall demonstrate an interest in and knowledge of youth development and concern for youths' well-being.

B. — All personnel shall be free from communicable disease and conduct that would endanger the health, safety, or well-being of youth. Each staff member shall furnish the Neighborhood Youth Organization with information concerning communicable health problems that could affect the staff member's ability to perform the duties of the job assigned.

C. — A child abuse and neglect and a criminal record check request for all staff shall be completed and on file at the Neighborhood Youth Organization's administrative headquarters pursuant to General Rules sections 7.701.32 and 7.701.33.

7.720.42 — Volunteers and Visitors [Eff. 4/1/11]

If volunteers are used by the Neighborhood Youth Organization, there shall be a clearly established policy in regard to their function, orientation, training and supervision.

- A. ——— Volunteers shall have qualifications suitable to the tasks assigned.
- B. ——— Individuals who volunteer less than five days a month shall be:
 - 1. ——— Directly supervised by a program director or program leader.
 - 2. ——— Given instruction as to the Neighborhood Youth Organization's policies and procedures.
- C. ——— Individuals who volunteer more than five days a month shall be:
 - 1. ——— Appropriately trained for the position; and,
 - 2. ——— Have the same background check as staff pursuant to Section 7.720.41, D; and,
 - 3. ——— Section 7.701.33, D, 5 or 6, shall be referenced to determine whether a conviction requires that the individual not be allowed to volunteer or the conviction requires reporting to the Division of Child Care.
- D. ——— Visitors and youth members shall always be supervised by a staff member.

7.720.5 NEIGHBORHOOD YOUTH ORGANIZATION SERVICES

7.720.51 ——— Admission Procedure [Eff. 4/1/11]

- A. ——— Prior to admission, the parent(s)' or legal guardian's signed authorization for the youth member to arrive or depart without parental or legal guardian supervision shall be obtained.
- B. ——— The Neighborhood Youth Organization can accept youth only of the ages for which it has been licensed. At no time shall the number of youth in attendance exceed the number for which the Neighborhood Youth Organization has been certified by the fire department.
- C. ——— Admission and membership procedures shall be completed prior to the youth's attendance at the Neighborhood Youth Organization and shall include completion of the registration information for inclusion in the youth's record, as required in Section 7.720.81.

7.720.52 ——— Guidance and Discipline [Eff. 4/1/11]

- A. ——— Corporal or other harsh punishment including, but not limited to, pinching, shaking, spanking, punching, biting, kicking, rough handling, hair pulling, or any humiliating or frightening method of guidance shall not be allowed.
- B. ——— Separation or time-out, when used as guidance or discipline, shall be brief and appropriate for the youth's age and circumstances. The youth shall be in a safe, lighted, well-ventilated area and be within hearing and vision of a staff member. The youth shall not be isolated in a locked room, bathroom, closet, or pantry.
- C. ——— Verbal abuse and derogatory remarks about the youth are not permitted.
- D. ——— Authority to provide guidance and/or discipline shall not be delegated to other youth.
- E. ——— Youth shall not be denied food or water as a form of guidance or discipline.

7.720.53 ——— Records and Reporting [Eff. 4/1/11]

Each Neighborhood Youth Organization shall develop:

- A. ——— A system of gathering, recording, and responding to complaints; and,

- B. ~~— A method and a training for employees on reporting known or suspected child abuse; and,~~
- C. ~~— A method of record keeping for staff, volunteer, visitor, youth member and other program files.~~

7.720.54 — Transportation [Eff. 4/1/11]

A. ~~— Transportation Provided by the Neighborhood Youth Organization~~

- 1. ~~— The Neighborhood Youth Organization is responsible for any youth it transports and shall abide by applicable State and Federal motor vehicle laws.~~
- 2. ~~— The Neighborhood Youth Organization shall obtain written permission from parents or guardians for any transportation of their youth.~~
- 3. ~~— Youth shall not be permitted to ride in the front seat of a vehicle unless they are secured in a constraint system that conforms to all applicable Federal Motor Vehicle Safety Standards based on the youth's weight and size.~~
- 4. ~~— Youth shall be loaded and unloaded out of the path of moving vehicles.~~
- 5. ~~— Youth shall remain seated while the vehicle is in motion. Youth shall not be permitted to stand or sit on the floor of a moving vehicle and their arms, legs, and heads shall remain inside the vehicle at all times.~~
- 6. ~~— Prior to a field trip or other excursion, the Neighborhood Youth Organization shall obtain information on liability insurance from parents and staff who transport youth in their own cars and verify that all drivers have valid driver's licenses.~~

B. ~~— Requirements for Vehicles~~

- 1. ~~— Any vehicle used for transporting youth to and from the Neighborhood Youth Organization or during program activities shall meet the following requirements:~~
 - a. ~~— The vehicle shall be enclosed and have working door locks.~~
 - b. ~~— The seats of the vehicle shall be constructed and installed according to the vehicle manufacturer's specifications.~~
 - c. ~~— The vehicle shall be kept in satisfactory condition to assure the safety of occupants. Vehicle tires, brakes, and lights shall meet safety standards set by the Colorado Department of Revenue, Motor Vehicle Division.~~
 - d. ~~— Seating shall be comfortable, with a seat of at least ten (10) inches wide for each youth.~~
- 2. ~~— In passenger vehicles, which include automobiles, station wagons and vans with a manufacturer's established capacity of sixteen (16) or fewer passengers and less than 10,000 pounds, the following is required:~~
 - a. ~~— Each youth shall be restrained in an individual seat belt.~~
 - b. ~~— Two or more youth shall never be restrained in one seat belt.~~
 - c. ~~— Lap belts shall be secured low and tight across the upper thighs and under the belly.~~
 - d. ~~— Youth shall be instructed and required to keep the seat belt properly fastened and adjusted.~~

3. ~~_____ In vehicles with a manufacturer's established capacity of sixteen (16) or more passengers, seat belts for passengers are not required, but shall be used if provided.~~

4. ~~_____ There shall be a First Aid kit in all vehicles.~~

C. ~~_____ Requirements for Drivers of Vehicles~~

1. ~~_____ All drivers of vehicles transporting youth shall comply with applicable laws of the Colorado Department of Revenue, Motor Vehicle Division, and ordinances of the municipality in which the youth-care program is operated.~~

2. ~~_____ All drivers of vehicles owned or leased by the Neighborhood Youth Organization in which youth are transported shall have a current Department approved First Aid and safety certificate that includes CPR for all ages of youth.~~

3. ~~_____ The driver shall ensure that all doors are secured at all times when the vehicle is moving.~~

4. ~~_____ The driver shall periodically check that each youth is properly belted throughout the trip.~~

7.720.6 PROGRAM ACTIVITIES

7.720.61 _____ Field Trips [Eff. 4/1/11]

A. ~~_____ The program may include field trips, where youth and staff leave the Neighborhood Youth Organization to visit sites in the community.~~

1. ~~_____ Youth shall be actively supervised at all times.~~

2. ~~_____ An accurate itinerary shall remain at the headquarters, office, primary or temporary site of the Neighborhood Youth Organization.~~

3. ~~_____ During a field trip, the staff shall have the following information with them:~~

a. ~~_____ Each youth's emergency contact information; and,~~

b. ~~_____ The written authorization from parent(s) or guardian(s) for emergency medical care.~~

B. ~~_____ During a field trip, a list of all youth and staff on the field trip shall be kept at the headquarters or site of the Neighborhood Youth Organization.~~

C. ~~_____ During all field trips, staff shall bring a First Aid kit.~~

D. ~~_____ During all field trips, youth members shall have access to water and toilet facilities.~~

E. ~~_____ During all field trips, staff shall carry with them information regarding the nearest health care facility.~~

F. ~~_____ Field trip locations shall be accessible to emergency medical service.~~

7.720.7 BUILDING AND FACILITIES

7.720.71 _____ Facility Requirements [Eff. 4/1/11]

~~Each Neighborhood Youth Organization shall maintain and post the appropriate fire and health inspection certificates.~~

7.720.72 _____ Food [Eff. 4/1/11]

A. — Areas used for food preparation, dish and utensil washing, and storage shall be in compliance with the requirements of the Colorado Department of Public Health and Environment or its local unit.

B. — Youth member dietary allergy information gathered during youth member admission shall be referenced when preparing food for any and all youth members.

7.720.73 — Fire and Other Safety Requirements [Rev. eff. 6/1/12]

A. — General Requirements

1. — Buildings shall be kept in good repair and maintained in a safe condition.

2. — Major cleaning involving the use of household or industrial cleaners is prohibited in rooms presently occupied by youth.

3. — Volatile substances such as gasoline, kerosene, fuel oil, and oil-based paints, firearms, explosives and other hazardous items shall be stored away from the area used for youth care and be inaccessible to youth.

4. — Combustibles such as cleaning rags, mops, and cleaning compounds shall be stored in well-ventilated areas separated from flammable materials and stored in areas inaccessible to youth.

5. — Closets, attic, basement, cellar, furnace room, and exit routes shall be kept free from accumulation of extraneous materials that could cause or fuel a fire or hinder an escape or evacuation.

6. — All heating units, whether gas or electric, shall be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open flame gas or oil stoves, unscreened fireplaces, hot plates, or unvented heaters may be used for heating purposes. All heating elements, including hot water pipes, shall be insulated or installed in such a way that youth cannot come into contact with them. Nothing flammable or combustible may be stored within three (3) feet of a hot water heater or furnace.

7. — Indoor and outdoor equipment, materials, and furnishings shall be sturdy, safe and free of hazards.

8. — Equipment, materials, and furnishings, including durable furniture such as tables and chairs, shall be stored in a manner that is safe for youth.

9. — Extension cords cannot be used in place of permanent wiring.

10. — Corridors, halls, stairs, and porches shall be adequately lighted. Operable battery-powered or solar lights shall be provided in locations readily accessible to staff in the event of electric power failure.

B. — Fire Safety

A fire safety certificate shall be on file for each Neighborhood Youth Organization or at a central location.

C. — Emergency Drills

1. — Each staff member and volunteer of the Neighborhood Youth Organization shall be trained in fire safety.

2. — Fire exit drills shall be held often enough that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine. Fire drills shall be consistent with local fire department procedures. A record of fire drills held over the past twelve (12) months, including date and time of drill, number of adults and youth participating, and the amount of time taken to evacuate, shall be maintained at the Neighborhood Youth Organization site.

3. ——— Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions of an actual fire.
4. ——— Drills shall emphasize orderly evacuation under proper discipline rather than speed. No running or horseplay should be permitted.
5. ——— Drills shall include suitable procedures for ensuring that all persons in the building or all persons subject to the drill participate.
6. ——— Fire alarm equipment shall be used regularly in the conduct of fire exit drills.
7. ——— Tornado and emergency evacuation and lock down drills shall be held often enough that all occupants are familiar with the drill procedure and their conduct during a drill is a matter of established routine. A record of these drills held over the past twelve (12) months shall be maintained at the Neighborhood Youth Organization site.

7.720.8 RECORDS AND REPORTS

7.720.81 ——— Youth Records [Eff. 4/1/11]

The central administrative facility or Neighborhood Youth Organization site shall maintain and update annually a record on each youth that includes:

- A. ——— The youth's full name, age, current address, date of birth, and membership.
- B. ——— Names, addresses, and telephone numbers, which may include cell phone number(s), pagers, fax, and e-mail of parents or legal guardians.
- C. ——— Any special instructions as to how the parents or guardians can be reached during the hours the youth is at the Neighborhood Youth Organization.
- D. ——— Names, addresses, and telephone numbers of persons who can assume responsibility for the youth in the event of an emergency if parents or guardians cannot be reached immediately.
- E. ——— A dated written authorization by a parent or legal guardian for:
 1. ——— The youth member to attend and be a member of the Neighborhood Youth Organization and to arrive and depart with parental or legal guardian supervision.
 2. ——— Emergency medical care signed and submitted annually by the parent or guardian.
 3. ——— The youth to participate in field trips and to participate in program activities, listing any possible exclusions.
- F. ——— Reports of critical incidents including, but not limited to, serious injuries and accidents occurring during care that result in medical attention, admission to the hospital, or death of a youth.
- G. ——— Information regarding food borne allergies shall be obtained from all youth members and shall be referenced when preparing or serving food to youth members to prevent allergic reactions.

7.720.82 ——— Staff Records [Eff. 4/1/11]

- A. ——— The Neighborhood Youth Organization shall maintain a record for each adult staff member, paid or volunteer, that includes the following:
 1. ——— Name, address, and birth date of the individual.

2. — The date that the staff member was employed by the Neighborhood Youth Organization.
 3. — Name, address, and daytime telephone number, which may include cell phone numbers, pager numbers, fax numbers and e-mail address, of the person(s) to be notified in the event of an emergency.
 4. — Record and verification of the staff member's training, education, and experience.
 5. — Copies of First Aid and CPR certification or other certification confirming the qualifications for the responsibilities assumed at the Neighborhood Youth Organization, which may include copies of driver's licenses, college transcripts, and diplomas.
 6. — Verification that a criminal record check has been performed and updated every two years with the Colorado Bureau of Investigation is in process, and a copy of the results of the staff member's criminal record check.
 7. — Verification that a review of the State Department's automated system for reporting youth abuse and neglect has occurred or is in process.
- B. — Each staff member's personnel file shall contain all required information within thirty (30) calendar days of the first day of employment.

7.720.83 — Administrative Records and Reports [Eff. 4/1/11]

- A. — The following records shall be on file at the Neighborhood Youth Organization:
1. — Records of enrollment, daily attendance for each youth, and daily record of time each youth arrives at and departs from the Neighborhood Youth Organization.
 2. — Current Colorado Department of Public Health and Environment or local health department inspection report within the past twenty-four (24) months.
 3. — Current local fire department inspection report issued within the past twenty-four (24) months.
 4. — A list of current staff members, available on site or on file at a central location.
- B. — A report about a critical incident shall include:
1. — The youth's name, birth date, address, and telephone number.
 2. — The names of all involved and witnesses to the incident, the youth's parents or guardians, and their address and telephone number(s) if different from those of the youth.
 3. — Date of the incident.
 4. — Brief description of the incident.
 5. — Documentation of action taken and/or the name and address of the police department or authority if a report was made.
- C. — Each Neighborhood Youth Organization shall have a written plan for action in case of natural disaster including, but not limited to, floods, tornadoes, severe weather, and injuries. This plan shall be on file at the Neighborhood Youth Organization. The staff shall have received training regarding the implementation of the plan prior to assuming supervisory responsibility for youth. Written verification of the training shall be in the staff member's personnel file.

7.720.84 — Confidentiality, Records Retention, and Cooperation with Local Investigations [Eff. 4/1/11]

A. ~~_____ The Neighborhood Youth Organization shall maintain complete records of youth and personnel.~~

B. ~~_____ The confidentiality of all personnel and youth's records shall be maintained, pursuant to Section 7.701.6, "Confidentiality of Records".~~

C. ~~_____ Personnel and youth's records shall be available, upon request, to authorized personnel of the State Department, pursuant to Section 19-1-307(2)(j-7), C.R.S.~~

D. ~~_____ If records for a headquarters servicing more than one Neighborhood Youth Organization are kept in a central file, duplicate identifying and emergency information for both staff and youth must also be kept on file at the Neighborhood Youth Organization attended by the youth and where the staff member is assigned.~~

E. ~~_____ The records of youth and personnel shall be maintained by the Neighborhood Youth Organization or Neighborhood Youth Organization central headquarters for at least three (3) years.~~

F. ~~_____ Neighborhood Youth Organizations shall cooperate with all state and local investigations regarding incidents including but not limited to licensing violations, child abuse, and incidents affecting the health, safety, and welfare of youth members.~~

7.730 RULES REGULATING SUBSTITUTE PLACEMENT AGENCIES

All substitute placement agencies must comply with the current "General Rules for Child Care Facilities" 7.701 AND "Rules Regulating Substitute Placement Agencies (less than 24-hour care)"

7.730.1 DEFINITIONS

A. ~~_____ "Adverse or negative licensing action" means a final agency action resulting in the denial of an application, the imposition of fines, or the suspension or revocation of a license or the demotion of such a license to a probationary license.~~

B. ~~_____ "Arrange for placement" means to act as an intermediary by assisting a child care facility in the placement of a substitute child care provider.~~

C. ~~_____ "Background checks" means a set of required records that are obtained and analyzed to determine whether the history of a prospective substitute child care employee meets legal and safety criteria when considering the placement of the individual in a less than 24 hour child care facility.~~

D. ~~_____ "Child care center" means a licensed child care center, preschool or licensed school age child care center.~~

E. ~~_____ "Employee" means any individual who is employed by or contracted through the agency.~~

F. ~~_____ "Emergency child care center substitute" means a substitute who works in place of a regular staff member in a child care facility who is unable to work their normally scheduled work hours due to an unexpected event such as an absence of a staff member or personal emergency event. The purpose of the emergency substitute is to provide coverage for a staff member for no more than three (3) calendar days.~~

G. ~~_____ "Emergency family child care home substitute" means a substitute who works in place of a family child care home provider who is unable to work their normally scheduled work hours due to an unexpected event such as an illness or personal emergency event. The purpose of the emergency substitute is to provide coverage for a family child care home provider until parents are able to pick up the children in care.~~

H. ~~_____ "Equally qualified" means that the employee or substitute provider has the same required training and qualifications as the primary provider as specified in the rules regulating family child care homes, rules regulating child care centers or rules regulating school age child care.~~

I. ——— “Family child care home” means a child care facility located within a residence of a primary provider.

J. ——— “Licensing” means the process by which the Colorado department of human services approves a facility or agency for the purpose of conducting business as a child care facility and/or substitute placement agency.

K. ——— “Long term child care center substitute” means a substitute who works in place of a regular staff member who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular staff member be on leave for more than two (2) calendar weeks.

L. ——— “Long term family child care home substitute” means a substitute who works in place of a regular family child care home provider who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular family child care home provider to be on leave for more than two (2) calendar weeks.

M. ——— “Short term child care center substitute” means a substitute who works in place of a regular staff member who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular staff member be on leave for more than three (3) days and less than two (2) calendar weeks.

N. ——— “Short term family child care home substitute” means a substitute who works in place of a regular family child care home who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular family child care home to be on leave for more than three (3) days and less than two (2) calendar weeks.

O. ——— “Substitute child care provider,” defined at section 26-6-102(37), C.R.S., means an adult over the age of eighteen (18) years who provides temporary care for a child or children in a licensed child care facility, including a child care center, preschool, school age child center or a family child care home.

P. ——— “Substitute placement agency,” defined at section 26-6-102(37.5), C.R.S., means any corporation, partnership, association, firm, agency, or institution that places or that facilitates or arranges placement of emergency, short term or long term substitute child care providers in licensed child care facilities providing less than twenty four hour care.

Q. ——— “Substitute placement,” means to coordinate, arrange, and approve the process of an adult substitute child care provider entering an unrelated family child care home or child care facility to provide substitute child care services on an emergency, temporary/short term or long term assignment. Substitutes may be employees or contract employees of the agency.

7.730.11 ——— GOVERNING BODY

The governing body must be identified by its legal name. The names and addresses of individuals who hold primary financial control and officers of the governing body must be disclosed fully to the Colorado department of human services. The governing body is responsible for providing adequate financing, qualified personnel, services, and program functions for the safety and well-being of children in accordance with these rules. When changes of governing body occur, the new governing body must immediately submit an original application and pay the required fee before a new license can be issued.

A. ——— A substitute placement agency, herein referred to as “THE AGENCY” may not be operated without a license, as required by law, to be issued by the state department in conformity with all rules and regulations.

B. ——— The substitute placement agency must:

1. ——— Maintain the written purpose and policies for the general operation and management of the agency, including the placement of substitutes. When such purpose and policies are reviewed and

revised, the state department must be advised of such changes. The purpose and policies at a minimum must include:

- a. — The types of child care facilities in which substitutes will be placed, including the ages of children served at the child care facility where substitutes will be placed and the geographic area(s) the agency expects to serve;
 - b. — The responsibilities for child care facilities utilizing the substitute placement agency;
 - c. — Itemized fee schedule, including client set up fees, if applicable;
 - d. — Refund policy;
 - e. — Cancellation policy;
 - f. — Mileage/travel policy;
 - g. — Minimum scheduled time policy;
 - h. — Services and types of substitutes available to the community; and
 - i. — The responsibilities of the agency and the child care facility for reporting suspected child abuse or neglect.
2. — The substitute agency must obtain a fully executed and signed contract with the child care facility prior to placing substitutes in the child care facility.
 3. — The substitute agency must develop and implement personnel policies including, but not limited to:
 - a. — Job descriptions for substitutes;
 - b. — Qualifications for the position in accordance with current licensing standards;
 - c. — The duties and responsibilities of substitutes;
 - d. — The responsibilities of the substitute within a child care facility;
 - e. — The proper supervision of children;
 - f. — Proper guidance techniques;
 - g. — Proper name to face attendance and transitions;
 - h. — The identification and symptoms of suspected child abuse or neglect; and
 - i. — The reporting of suspected child abuse, including the statewide child abuse reporting hotline.
 4. — Substitutes must be informed of their duties at the time of employment or acceptance of a contract with the agency, and before being placed in a child care facility.
 5. — Inform the department, in writing, of:
 - a. — A change in the executive director or the main contact of the agency within ten (10) calendar days.
 - b. — The hours of operation the agency office is open and available for inspection of agency records.

6. ——— Notify the department, in writing, within 24 hours, anytime a substitute is the subject of a child protection investigation that resulted while placed at a child care facility; a substitute was the staff member in charge of a classroom and a child received an injury requiring emergency medical treatment; a substitute is responsible for a safe sleep violation or a substitute has been terminated as a result of his/her actions while placed at a child care facility.

7. ——— Document and report within 24 hours, in writing, to the Colorado department of human services when the substitute from the agency is the staff member responsible for the child(ren,) in a child care facility and the child receives an injury resulting in medical care or treatment, any accident or illness occurring at a child care facility that resulted in medical care or treatment by a physician or other health care professional, hospitalization, or death.

8. ——— Carry public liability insurance. The applicant or licensee must submit the amount of the insurance and the name and the address of the insurance agency providing the insurance to the agency. Documentation of current liability insurance must be on file and available for review at all times at the agency.

9. ——— Complete the licensing renewal requirements by:

a. ——— Submitting the license continuation notice and fee prior to the annual due date of the continuation notice;

b. ——— Paying the prescribed application or continuation fee pursuant to section 7.701.4;

c. ——— Cooperating with on-site monitoring inspections and investigations to assess the agency's compliance with the rules for substitute placement agencies.

7.730.2 PERSONNEL

7.730.21 ——— GENERAL REQUIREMENTS FOR ALL SUBSTITUTES

A. ——— There must be a dated letter of agreement with each substitute which includes the specific job responsibilities/job description. The letter of agreement must be executed upon hire by both the agency and the substitute. Prior to being placed at a child care facility, substitutes must sign a statement indicating that they have read and understand the agency policies and procedures. All substitutes must be notified of changes to policies and procedures.

B. ——— All substitutes must be eighteen (18) years or older and qualified for the position which he/she will be providing substitute care.

C. ——— All substitutes must be registered in the professional development information system;

D. ——— All substitutes must have completed all the pre-service training courses listed at 7.730.3d1-6j prior to being placed at a child care facility;

E. ——— All substitutes must complete the department-approved playground safety training prior to working with children and annually;

F. ——— All substitutes must complete the department-approved injury prevention training prior to working with children and annually;

G. ——— The personnel file of each substitute must contain clearance or arrest report from the Colorado Bureau of Investigation resulting from the staff member's criminal record check in accordance with section 7.701.33 of the general rules for child care facilities.

H. ——— The personnel file of each substitute must contain the results of the state department's automated child abuse and neglect system. In accordance with section 7.701.32 of the general rules for child care facilities.

~~I. — Substitutes must be current for all immunizations routinely recommended for adults by their health care provider.~~

~~7.730.22 — PERSONNEL POLICIES, ORIENTATION AND STAFF DEVELOPMENT~~

~~A. — A written statement of personnel policy shall be provided to each substitute or qualified applicant. This statement shall, at a minimum, contain the following information:~~

~~1. — A job description which outlines the duties, responsibilities, qualifications; and educational requirements for the position.~~

~~2. — A procedure for tracking the placement hours, including the name of the facility, the license number, facility address and ages of children where the substitute is placed.~~

~~3. — Prior to working with children, each substitute must read and be instructed about the policies and procedures of the agency, including those related to proper supervision of children, identification and symptoms of suspected child abuse or neglect, the reporting of suspected child abuse. Substitutes must sign a statement indicating that they have read and understand the agency's policies and procedures.~~

~~4. — A written pre-service training plan for each substitute. Each substitute must complete the following training before being placed in a child care facility:~~

~~a. — Each substitute working with infants less than twelve (12) months old must complete a department-approved safe sleep training prior to working with infants less than twelve (12) months old. This training must be renewed annually and may be counted towards ongoing training requirements.~~

~~b. — Each substitute working with children less than three (3) years of age must complete a department-approved prevention of shaken baby/abusive head trauma training prior to working with children less than three (3) years of age. This training must be renewed annually and counts towards ongoing training requirements.~~

~~c. — Each substitute must complete a department-approved standard precautions training that meets current occupational safety and health administration (OSHA) requirements prior to working with children. This training must be renewed annually and counts towards ongoing training requirements.~~

~~d. — Prior to working with children and annually each substitute must be trained using department-approved training about child abuse prevention, including common symptoms and signs of child abuse.~~

~~e. — Prior to working with children and annually each substitute must be trained using a department-approved training on how to report, where to report and when to report suspected or known child abuse or neglect.~~

~~f. — The agency must ensure that each substitute is familiar with the licensing rules governing the specific child care license type in which the substitute will be placed within thirty (30) calendar days of employment at the Substitute Placement Agency.~~

~~g. — The agency must ensure that each substitute is familiar with the rules and regulations governing the health and sanitation of child care facilities in the state of Colorado if placed in a facility that these rules apply within thirty (30) calendar days of employment at the substitute placement agency.~~

~~h. — Each substitute must have current department-approved first aid and CPR certification before working in a classroom alone.~~

~~i. — Each substitute must complete a minimum of fifteen (15) clock hours of training each year beginning with the start date of the employee. At least three (3) clock hours per year must be in the focus of social emotional development.~~

j. ~~Ongoing training and courses shall demonstrate a direct connection to one or more of the following competency areas:~~

- 1) ~~Child growth and development, and learning or courses that align with the competency domains of child growth and development;~~
- 2) ~~Child observation and assessment;~~
- 3) ~~Family and community partnership;~~
- 4) ~~Guidance;~~
- 5) ~~Health, safety and nutrition;~~
- 6) ~~Professional development and leadership;~~
- 7) ~~Program planning and development; or,~~
- 8) ~~Teaching practices~~

k. ~~Each one (1) semester-hour course with a direct connection to the competency area listed in section 7.702.33, L, 1-8, taken at a regionally accredited college or university shall count as fifteen (15) clock hours of ongoing training.~~

l. ~~Training hours completed can only be counted during the year taken and cannot be carried over.~~

m. ~~To be counted for ongoing training, the training certificate must have documentation that includes:~~

- 1) ~~The title of the training;~~
- 2) ~~The competency domain;~~
- 3) ~~The date and clock hours of the training;~~
- 4) ~~The name or signature, or other approved method of verifying the identity of trainer or entity;~~
- 5) ~~Expiration of training if applicable; and~~
- 6) ~~Connection to social-emotional focus if applicable.~~

5. ~~The substitute must have a complete file maintained at the substitute placement agency and have a portable file available for review at all times to both licensing and the child care facility where the substitute is providing substitute care. Documentation of qualifications for the position includes:~~

- a. ~~Certificate verifying all pre-service training, including name, phone number, and license number of agency;~~
- b. ~~Department issued director letter; or~~
- c. ~~Department issued early childhood teacher letter; or~~
- d. ~~Official college transcript and letters of experience; or~~
- e. ~~Credential 2.0 level 3 or higher; and~~
- f. ~~First aid and CPR certificates; and~~

- g. ~~Complete background check; and~~
- h. ~~Emergency contact name, address and phone number.~~
- 6. ~~Substitutes must not consume or be under the influence of any substance that impairs their ability to care for children while caring for children.~~
- 7. ~~Illegal drugs, drug paraphernalia, marijuana and marijuana infused products, and alcohol must never be present on the premises of the facility.~~
- 8. ~~Substitutes must maintain the confidentiality of the children, families and the child care facility where the substitute is placed.~~
- 9. ~~Substitutes are responsible for documenting experience hours with the specific ages of children cared for, while providing substitute child care for the purpose of employment verification with the agency.~~
- 10. ~~Substitutes must not take personal photos of children, or make reference to any personal information of children, families or other child care facilities, including staff, on social media, email, text messages or other means of communication, written or verbal.~~
- 11. ~~When caring for children, substitutes must refrain from personal use of electronics including, but not limited to, cell phones and portable electronic devices.~~
- 12. ~~Substitutes must sign in and out of every facility each time they work at a child care facility.~~

7.730.23 ~~————~~ SUBSTITUTE QUALIFICATIONS

A. ~~————~~ Substitute for a child care center

- 1. ~~Must meet requirements found at 7.730.21; and~~
- 2. ~~Must meet the current minimum education and experience requirements for the position in which the substitute is providing child care.~~

B. ~~————~~ Large child care center director: the educational requirements for the director or substitute director of a large center must be met by satisfactory completion of one of the following. Official college transcripts must be submitted to the department for evaluation of qualifications.

- 1. ~~A Bachelor degree in Early Childhood Education from a regionally accredited Colorado college or university; or,~~
- 2. ~~A current Early Childhood Professional Credential Level IV version 2.0 as determined by the Colorado Department Of Education; or,~~
- 3. ~~A Master's Degree with a major emphasis in Child Development, Early Childhood Education, Early Childhood Special Education; or,~~
- 4. ~~Completion of all of the following three (3) semester hour courses from a regionally accredited college or university, at either a two year, four year or graduate level, in each of the following subject or content areas:~~
 - a. ~~Introduction To Early Childhood Professions;~~
 - b. ~~Introduction To Early Childhood Lab Techniques;~~
 - c. ~~Early Childhood Guidance Strategies For Children;~~

- d. ——— Early Childhood Health, Nutrition, And Safety;
 - e. ——— Administration Of Early Childhood Care And Education Programs;
 - f. ——— Administration: Human Relations For Early Childhood Professions or Introduction To Business;- Early Childhood Curriculum Development;
 - g. ——— Early Childhood Growth And Development;
 - h. ——— The Exceptional Child; and,
 - i. ——— Infant/Toddler Theory And Practice; Or The Department Approved Expanding Quality Infant/Toddler training; or,
5. ——— Completion of a course of training approved by the department that includes course content listed at section 7.730.22c, a-j, and documented experience.
6. ——— Department approved alternative pathway or credential.
7. ——— The experience requirements for the director of a large center must be met by completion of the following amount of work experience in a child development program, which includes working with a group of children in such programs as a preschool, child care center, kindergarten, or Head Start program:
- a. ——— Persons with Bachelor's or Master's degree with a major emphasis in Child Development, Early Childhood Education, Early Childhood Special Education, Or An Early Childhood Professional Credential Level IV version 2.0 as determined by the Colorado Department Of Education; no additional experience is required.
 - b. ——— Persons with a 2-year college degree in Early Childhood Education must have twelve (12)-months (1,820 hours) of verified experience working directly with children in a child development program.
 - c. ——— Persons with a Bachelor's degree and completion of courses specified in sections 7.702.42, A, 3, A-J, must have twelve (12) months (1,820 hours) of verified experience working directly with children in a child development program.
 - d. ——— Persons who have no degree but have completed the thirty (30) semester hours specified in section 7.702.42, A, 3, A-J, must have twenty-four (24) months (3,640 hours) of verified experience working directly with children in a child development program.
 - e. ——— Verified experience acquired in a licensed COLORADO Family Child Care Home OR School Age Child Care Center may count for up to half of the required experience for director qualifications. To have Colorado Family Child Care Home experience considered, the applicant must be or have been the licensee. The other half of the required experience must be working directly with children in a child development program;
 - f. ——— Experience with five (5) year olds must be verified as follows:
 - i. ——— If experience caring for five-year-old children occurs in a child care center classroom, the hours worked shall be counted as preschool experience; or,
 - ii. ——— If experience caring for five-year-old children occurs in an elementary school program, the hours worked shall be counted as school-age experience.
- C. ——— The small center director qualifications must be met by satisfactory completion of:

1. ~~———— A current professional teaching license issued by the Colorado Department Of Education with an endorsement in the area of Early Childhood Education Or Early Childhood Special Education;~~
 2. ~~———— A current Early Childhood Professional Credential Level III version 2.0 as determined by the Colorado Department Of Education;~~
 3. ~~———— Three (3) years' satisfactory experience in the group care of children less than six (6) years of age (5460 hours) and at least two (2) 3-semester hours from a regionally accredited college or university, at either a two-year, four-year or graduate level, in each of the following subject or content areas in early childhood education; one of the courses must be either Introduction To Early Childhood Education Or Guidance Strategies;~~
 4. ~~———— Two (2) years' college education (sixty semester hours) at a regionally accredited college or university, at either a two-year, four-year or graduate level, in each of the following subject or content areas with at least two (2) 3-semester-hour courses in early childhood education; one of which must be either Introduction To Early Childhood Education Or Guidance Strategies; and one (1) year (1820 hours) of satisfactory experience in the group care of children less than six (6) years of age;~~
 5. ~~———— Current certification as a Child Development Associate (CDA) or other department approved credential; or,~~
 6. ~~———— A two (2) year college degree in Child Development Or Early Childhood Education from a regionally accredited college or university, at either a two-year, four-year or graduate level, in each of the following subject or content areas that must include at least one 3-semester hour course in either Introduction To Early Childhood Education Or Guidance Strategies and six (6) months (910 hours) satisfactory experience in the group care of children less than six (6) years of age.~~
 7. ~~———— Department approved alternative pathway or credential.~~
- D. ~~———— The Early Childhood Teacher must be met by satisfactory completion of:~~
1. ~~———— A Bachelor's degree from a regionally accredited college or university with a major area of study in one of the following areas:~~
 - a. ~~———— Early Childhood Education;~~
 - b. ~~———— Elementary Education;~~
 - c. ~~———— Special Education;~~
 - d. ~~———— Family And Child Development; Or,~~
 - e. ~~———— Child Psychology.~~
 2. ~~———— A Bachelor's degree from a regionally accredited college or university with a major area of study in any area other than those listed at section 7.730.23a5 and additional two (2) three-semester hour early childhood education college courses with one course being Either Introduction To Early Childhood Education or Guidance Strategies;~~
 - a. ~~———— Current Early Childhood Professional Credential Level III version 2.0 as determined by the Colorado Department Of Education;~~
 - b. ~~———— A 2-year college degree, sixty (60) semester hours, in early childhood education from a regionally accredited college or university, which must include at least two (2) three-semester hour courses, one of which must be either Introduction To Early Childhood Education Or Guidance Strategies; and at least six (6) months (910 hours) of satisfactory experience;~~

c. — Completion of twelve (12) semester hours from a regionally accredited college or university, at either a two year, four year or graduate level, in each of the following subject or content areas in early childhood education and one of the three (3) semester hour courses must be either introduction to Early Childhood Education Or Guidance Strategies, plus nine (9) months (1,395 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;

d. — Completion of a vocational or occupational education sequence in Child Growth And Development plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;

e. — Current certification as a Child Development Associate (CDA) or other Department approved credential;

f. — Completion of a course of training approved by the Department that includes training and work experience with children in a child growth and development program plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual; or,

g. — Twenty four (24) months (3,640 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual. Satisfactory experience includes being a licensee of a Colorado family child care home; a teacher's aide or teacher in a child care center, preschool, or elementary school, plus either:

h. — A current Colorado level I credential; or,

i. — Two (2) three semester hour Early Childhood Education college courses from a regionally accredited college or university, at either a two year, four year or graduate level, in each of the following subject or content areas with one course being either Introduction To Early Childhood Education Or Guidance Strategies.

j. — Department approved alternative pathway or credential.

3. — All college course grades toward Early Childhood Teacher qualifications must be "C" or better.

E. — Assistant early childhood teacher

1. — Completion of one of the Early Childhood Education courses in section 7.702.42, a, with a course grade of "C" or better and twelve (12) months (1820 hours) verified experience in the care and supervision of four (4) or more children less than six (6) years of age, who are not related to the individual. Satisfactory experience includes being a licensee of a Family Child Care Home; a teacher's aide in a center, preschool or elementary school. Assistant Early Childhood Teachers must be enrolled in and attending the second (2nd) Early Childhood Education class which will be used as the basis for their qualification for the position of Early Childhood Teacher;

2. — Persons having completed two (2) of the Early Childhood Education classes referenced in section 7.702.42, a, with a course grade of "C" or better and no experience; or,

3. — A current Early Childhood Professional Credential level I version 1.0 or 2.0 as determined by the Colorado Department of Education.

F. — Staff Aide

1. — Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the Director or an Early Childhood Teacher.

2. — Infant Staff Aides must be at least eighteen (18) years of age.

3. — Staff Aides, without supervision from an Early Childhood Teacher or Director, may supervise no more than two (2) preschool-age children while assisting the children with diapering or toileting.

G. — The Kindergarten teacher qualifications must be met by satisfactory completion of:

1. — Each teacher of a kindergarten class must have the same qualifications as a director for a large center (see section 7.702.42), be state certified or licensed as an elementary teacher by the Colorado Department of Education, or have a four (4) year degree from a regionally accredited college or university in Elementary or Early Childhood Education.

2. — A current Early Childhood Professional credential level iii version 2.0 as determined by the Colorado Department of Education.

H. — The Infant Program Supervisor qualifications must be met by satisfactory completion of:

1. — A Registered Nurse, licensed to practice in Colorado, with a minimum of 6 months of experience in the care of infants.

2. — A Licensed Practical Nurse, licensed to practice in Colorado, with twelve (12) months of experience in the care of infants.

3. — An adult who holds a certificate in Infant And Toddler Care from a regionally accredited college or university with completion of a minimum of 30 semester hours in the development and care of infants and toddlers in a group setting.

4. — An adult who is currently certified as a Child Development Associate (CDA) and has completed the department approved Expanding Quality in Infant and Toddler Development Course of training.

5. — An adult who:

a. — Holds a current Early Childhood Professional credential level III version 2.0, as determined by the Colorado Department Of Education;

b. — Has completed one three-semester-hour class in infant/toddler development; or,

c. — Has completed the department approved “Expanding Quality in Infant and Toddler Development” and holds twelve months of verifiable full-day experience working with infants and/or toddlers.

6. — An adult who:

a. — Is at least nineteen (19) years of age, and,

b. — Is qualified as an Early Childhood Teacher and,

c. — Has a minimum of twelve (12) months of verifiable full-day experience in the group care of infants or toddlers; and,

d. — Has completed at least two (2) three (3) semester hour college courses from a regionally accredited college or university on the development and care of infants and toddlers in a group setting, one (1) of which must be infant/toddler development or the Department approved Expanding Quality In Infant And Toddler Development course of training.

7. — The Infant Program Early Childhood Teacher qualifications must be met by satisfactory completion of:

a. — Eight (8) hours of orientation in the infant program from the Infant Program Supervisor including, but not limited to, the following topics: toys and equipment, appropriate activities for infants and toddlers,

appropriate sleep positions for infants and toddlers, the safe and appropriate diaper change technique; and;

b. — At least six (6) months of experience in the care of infants or toddlers; and;

c. — Meet qualifications for an Early Childhood Teacher found at section 7.702.44, a, or be qualified as an infant program supervisor.

8. — The Infant Program Staff Aide must be at least eighteen (18) years of age, must have completed eight (8) hours of orientation as listed above, at the infant program and must work under the direct supervision of an Infant Early Childhood Teacher.

9. — Substitutes for infant program staff must hold a current Department approved first aid and safety certificate that includes CPR for all ages of children.

10. — The toddler program Early Childhood Teacher qualifications must be met by satisfactory completion of:

a. — A Registered Nurse, licensed to practice in Colorado, with a minimum of 6 months of experience in the care of infants and/or toddlers;

b. — An adult who holds a certificate in Infant And Toddler Care from a regionally accredited college or university with completion of at least thirty (30) semester hours or equivalent in such courses as Child Growth And Development, Nutrition, And Care Practices with children birth to three (3) years of age;

c. — An adult who is certified as a Child Development Associate (CDA) or certified Child Care Professional (CCP) or holds another Department approved certificate;

d. — A Licensed Practical Nurse with at least twelve (12) months of verifiable experience in the care of children less than three (3) years of age;

e. — An adult who meets the education and experience requirements for Early Childhood Teacher of a large center (SECTION 7.702.44, A); or;

f. — A current Early Childhood Professional Credential level II version 1.0 or level III version 2.0 as determined by the Colorado Department of Education.

l. — The Toddler Program Staff Aide must be at least sixteen (16) years of age, must work directly under the supervision of the director or a toddler Early Childhood Teacher, and must have completed 8 hours of orientation at the toddler program.

a. — Substitutes for toddler program staff must hold a current department approved first aid and safety certificate that includes CPR for all ages of children.

b. — Substitutes placed in an infant and toddler program affiliated with a teen parent programs that are operated by accredited public school systems on school premises must meet the following staff requirements by:

i. — Director qualifications may be met by a certified teacher with a major in Home Economics Education or a vocationally credentialed teacher in Consumer and Homemaking or Early Childhood Occupations. The Director must complete at least three (3) semester hours in administration of a child care center.

ii. — The Director must be present in the infant program classroom or adjacent teen parent classroom at least sixty percent (60%) of any day the center is open.

iii. — If the Director cannot be present sixty percent (60%) of any day, an individual who meets director qualifications must substitute for the Director.

iv. — Infant Staff Aides must be at least fifteen (15) years of age and may be parents to be, parents of enrolled infants, or students enrolled in a child care related course with the sponsoring school system.

v. — Substitutes for infant program staff must be from the sponsoring school system's list of approved substitute staff members. Substitutes who do not meet minimum staff qualifications can work no more than ten (10) consecutive business days per assignment.

vi. — Substitutes for infant program staff must hold a current department approved first aid and safety certificate that includes CPR for all ages of children.

7.730.24 — FAMILY CHILD CARE HOME SUBSTITUTE QUALIFICATIONS

A. — Regular Family Child Care Home

1. — Must meet requirements found at 7.730.21;
2. — Be familiar with the Rules Regulating Family Child Care Homes;
3. — Be familiar with the home and provider's policies and procedures;
4. — Know the names, ages and any special needs or health concerns of the children;
5. — Know the location of emergency information.

B. — Infant/Toddler Family Child Care Homes

1. — Must meet requirements found at 7.730.21;
2. — Be familiar with the Rules Regulating Family Child Care Homes;
3. — Be familiar with the home and provider's policies and procedures;
4. — Know the names, ages and any special needs or health concerns of the children;
5. — Know the location of emergency information.
6. — Must have completed one (1) year of supervised experience caring for children who are younger than three (3) years old. The experience may have been obtained as:
 - a. — A Colorado licensed Family Child Care Home;
 - b. — A military licensed child care home;
 - c. — A provider, in a family foster home certified for children younger than three (3) years of age; or,
 - d. — An employee in a licensed child care center in an infant and/or toddler program.

C. — The substitute for the large family child care home must be qualified by:

1. — A minimum of two (2) years of documented satisfactory experience in the group care of children under the age of six (6) years or as a licensed home provider in Colorado. Equal experience operating as an approved military child care home is accepted; or,

2. ~~———— A minimum of two (2) years of college education from a regionally accredited college or university, with at least one (1) college course in Early Childhood Education, plus one (1) year of documented satisfactory experience in the group care of children as:~~
 - a. ~~———— A licensed home provider in Colorado;~~
 - b. ~~———— A military licensed child care home;~~
 - c. ~~———— A Colorado certified family foster home; or,~~
 - d. ~~———— A staff member in a licensed child care center.~~
3. ~~———— Current certification as a Child Development Associate (CDA); or,~~
4. ~~———— Completion prior to licensing of the State Department approved Expanding Quality Infant/Toddler course; and,~~
 - a. ~~———— A minimum of two (2) years of experience as a licensed child care provider holding a permanent license in Colorado immediately before becoming a licensee of a large child care home; or,~~
 - b. ~~———— A minimum of two (2) years of full-time experience in a licensed program. The group care shall have been with children who are under the age of six (6) years.~~
5. ~~———— Substitutes working in place as the Large Family Child Care Home Staff Aides must be at least sixteen (16) years of age and must work directly under the supervision of the primary provider or a substitute who is equally qualified as a Large Family Child Care Home provider. If left alone with children, the staff aide substitute or assistant provider substitute must meet all same age and training requirements as the provider.~~

7.730.25 ~~————~~ SCHOOL AGE CHILD CARE SUBSTITUTE QUALIFICATIONS

- A. ~~———— Substitute for school age child care:~~
 1. ~~———— Must meet requirements found at 7.730.21;~~
- B. ~~———— Substitute program director~~
 1. ~~———— Must meet requirements at 7.730.24 A 1 AND 2;~~
 2. ~~———— The Program Director substitute must be at least twenty-one (21) years of age. The substitute program director must have demonstrated to the Agency, prior to placement at a school age child care center, maturity of judgment, administrative ability and the skill to appropriately supervise and direct school age children in an unstructured setting.~~
 3. ~~———— The Substitute Program Director must have verifiable education or training in work with school age children in such areas as Recreation, Education, Scouting or 4-H; and the program director must have completed at least one of the following qualifications:~~
 - a. ~~———— A four (4) year college degree with a major such as Recreation, Outdoor Education, Education With A Specialty In Art, Elementary Or Early Childhood Education, or a subject in the Human Service Field; or,~~
 - b. ~~———— Two years of college training and six (6) months (910 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience, since attaining the age of eighteen (18), in the care and supervision of four (4) or more children; or~~
 - c. ~~———— Is qualified as a Large Child Care Center Director; or~~

4. — Three years (5460 hours) of satisfactory and verifiable full-time or equivalent part-time, paid or volunteer, experience and one of the following qualifications:

a. — Complete six semester hours, or nine quarter hours in course work from a regionally accredited college or university; or

b. — 40 clock hours of training in course work applicable to school-age children and the Department-approved courses in Injury Prevention, And Playground Safety For School-Aged Child-Care Centers within the first nine months of employment.

c. — Satisfactory experience includes experience in the care and supervision of four or more children from the ages of four (4)–eighteen (18) years old, unrelated to the individual, since attaining the age of eighteen (18).

C. — Substitute program leaders for school-age child-care centers

1. — Must meet requirements found at 7.730.21;

2. — Each Substitute Program Leader must be at least 18 years of age, demonstrate ability to work with children, and must meet the following qualifications:

a. — Complete the Department-approved course in Injury Prevention;

b. — Complete the Department-approved course in Playground Safety For School-Aged Child-Care Centers. This requirement does not apply to day camps that do not regularly use a playground; and

c. — Must have at least three (3) months (460 hours) of full-time or equivalent part-time satisfactory and verifiable experience with school-age children.

D. — Substitute program aides for school-age child-care centers

1. — Substitute Program Aides must be at least sixteen (16) years of age. Program Aides must work directly under the supervision of the Program Director or Program Leaders and must never be left alone with children.

2. — Substitute Program Aides can be counted as staff in determining child-care staff ratios.

7.730.26 — PERSONNEL FILES

A. — The center office must maintain a record for each staff member that includes the following:

1. — Documentation for any substitute employed by the agency to determine if the individual has ever been convicted of a disqualifying crime as found at section 7.701.33 of the general rules for child-care facilities. The personnel file of each substitute of the center must contain clearance or arrest report from the Colorado Bureau of Investigation;

2. — Documentation for any substitute employed by the Agency to determine if the individual has a confirmed report for child abuse or neglect reported to the State Department's Automated System as found at section 7.701.32 of the General Rules for Child-Care Facilities. The personnel file of each substitute must contain the results of the State Department's Automated System.

3. — Substitutes must be current for all immunizations routinely recommended for adults by their health care provider.

4. — Prior to being placed in a child-care facility, substitutes must submit to the Agency a medical statement, signed and dated by a licensed Physician or other Health Care Professional, verifying that they are in good mental, physical, and emotional health appropriate for the position for which they have been

hired. This statement must be dated no more than 6 months prior to employment or within thirty (30) calendar days after the date of employment. This statement must indicate when subsequent medical statements are required. Subsequent medical statements must be submitted as required in writing by a Physician or other Health Care Professional.

5. ——— If, in the opinion of a Physician or Mental Health Practitioner, an employee's examination or test results indicate a physical, emotional, or mental condition that could be hazardous to a child, other staff, or self, or that would prevent satisfactory performance of duties must not be assigned or returned to a position until the condition is cleared to the satisfaction of the examining Physician or other Health Care Professional.

6. ——— Name, address, phone number and birthdate of the individual;

7. ——— Verification of education, work experience, employment, training, and completion of first aid and CPR courses;

8. ——— Date of employment;

9. ——— Record of placements including dates, number of hours worked, name, address and license number of the child care facility where the substitute was placed.

10. ——— Names, addresses, and telephone numbers of persons to be notified in the event of an emergency.

11. ——— Substitute records must be available, upon request, to authorized personnel of the State Department or Department Representatives.

12. ——— The records of the substitute must be maintained by the Substitute Placement Agency for at least three (3) years. The current files must be maintained at the Agency, The Previous Two (2) Years May Be Stored at Either the Agency or a Central Location. If Requested, The Records Must Be Provided To The Department or Department Representative.

B. ——— The personnel file for each substitute must contain all required information before the substitute can be placed at a child care facility.

7.730.3 HEALTH AND SAFETY

7.730.31 ——— Control Of Communicable Illnesses

A. ——— When a substitute has worked in a child care facility where there has been an increase in or outbreak of communicable illness among staff, or children the substitute must immediately notify the agency. Individuals' confidentiality must be maintained.

B. ——— The Placement Agency must have a written agreement with the child care facility which requires the child care facility to:

a. ——— Notify the agency of an increase of illness or outbreak at the time the placement will occur.

b. ——— Notify the agency of any substitute exposed to a communicable illness at a child care facility, and, the agency must be notified within 24 hours.

C. ——— When the substitute placement agency has been notified that a substitute has been in a placement where the individual has been exposed to a communicable illness, the agency and the substitute must consult with and comply with all Health Department requirements before being placed at another facility.

7.730.4 ——— ADMINISTRATIVE

7.730.41 ~~Administrative Records and Reports~~

A. ~~The following records must be on file at the Agency:~~

1. ~~A list of current substitutes, and substitute placements;~~

2. ~~Reports from contracted child care facilities where any incident reports occur.~~

3. ~~Contracts with both substitutes and child care facilities.~~

4. ~~Within thirty (30) calendar days of the last day of employment, staff members must be provided a letter verifying their experience at the Agency. The letter must contain the Agency's address, phone number and license number, the employee's start and end date and the total number of hours worked with children. Hours worked with infants and toddlers must be documented separately from hours worked with other age groups. The letter must be signed by a director, owner or Human Resources Agent of the Agency.~~

Permanent Rules Adopted

Department

Department of Education

Agency

Colorado State Board of Education

CCR number

1 CCR 301-11

Rule title

1 CCR 301-11 RULES FOR ACCOUNTING AND REPORTING 1 - eff 12/01/2025

Effective date

12/01/2025

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES FOR ACCOUNTING AND REPORTING

1 CCR 301-11

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

Adopted: 10-2-75, 11-12-92, 12-9-93, 3-6-08

Attorney General Opinion: 11-21-75, 12-15-92, 12-17-93

Statutory Authority: 22-45-101, 22-45-102, 22-45-103, 22-30.5-104, 22-30.5-503, 22-2-107(1)(c), 22-30.5-603, 22-44-206, C.R.S.

2245-R-1.00 Applicability.

The rules stated herein shall apply to Colorado public school districts, the charter school institute, charter schools, charter school collaboratives, and boards of cooperative educational services.

2245-R-2.00 No Tax Authority.

Establishment of a fund under these rules confers no authority to levy a tax for the purpose of the fund, except as otherwise established by statute.

2245-R-3.00 Funds and Accounts Structure.

The local board of education shall establish within the funds and accounts structure stated herein those local school district funds and accounts necessary to meet legal requirements, Colorado Department of Education (CDE) reporting requirements, and generally accepted principles of governmental accounting. In addition to the funds created in statute (Section 22-45-103, C.R.S.), the following funds are available for school district financial accounting and reporting.

- 3.01 Charter school fund. Used to track revenues and expenditures of charter schools. The district is not required to include charter school transactions in its financial database for normal day-to-day operations. However, charter school transactions must be included in the district's database in the financial reporting system pursuant to Section 22-44-105(4)(a), C.R.S. for reporting purposes.
- 3.02 Universal Preschool Program (UPK)/Colorado Preschool Program (CPP) Sub-Fund of the General Fund. An optional fund, if used, this fund allows a district to separate the UPK/CPP accounting and maintain a self-balancing set of records specific to the UPK/CPP requirements for allocations. Used to account for the purposes and limitations specified by Section 22-28-108(5.5), C.R.S. and Section 26.5-4-208, C.R.S.
- 3.03 Special Revenue Funds. The special revenue funds established by the local board of education are used to account for the proceeds of specific revenue sources, other than debt service or

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capital projects, that are legally restricted or committed to expenditure for specified purposes. Governmental designated-purpose grants may be accounted for in special revenue funds. The general fund portion of blended component units may be accounted for in special revenue funds.

3.03(1) Food Service Funds. A separate fund shall be maintained for the food service program, in order to identify all allowable and reportable expenditures and revenues related to the federal grant program.

3.03(2) The food service fund is a special revenue fund that shall be used to account for all reportable and allowable revenues, expenditures, and other sources and uses of food service transactions funded in part or in whole through the United States Department of Agriculture programs including, but not limited to: School Breakfast Program (CFDA 10.553); National School Lunch Program (CFDA 10.555); Special Milk Program for Children (CFDA 10.556); Summer Food Service Program for Children (CFDA 10.559); and Federal Fresh Fruit and Vegetable Program (CFDA 10.582) as well as food service transactions funded in part or in whole through the State of Colorado including, but not limited to: Healthy School Meals for All, Start Smart Nutrition Program; and Child Nutrition School Lunch Protection Program.

3.03(3) A school food authority must use the food service special revenue fund for all food service transactions. A district that is not a school food authority must not use the food service special revenue fund.

3.03(4) As stated in Section 22-32-120, C.R.S., the food service fund shall be operated as nearly as practicable on a nonprofit basis. Districts are encouraged to consider the appropriate levels of reserves in the food service fund through the budget process in consultation with the district official responsible for the operation of the district's food service program participating in the School Breakfast and/or National School Lunch Program(s).

3.03(5) Food service funds shall not be used to pay salaries or wages for dining room supervision.

3.03(6) For each school year, indirect costs or direct charging of indirect cost items may be recovered from the food service fund, but shall be limited to that amount established by the approved unrestricted indirect cost rate as determined by CDE under the federal indirect cost rate agreement.

3.03(6)(a) School Food Authorities must submit a proposal to CDE for review and approval for the initial year of charging indirect costs to the nonprofit food service account.

3.03(7) Capital equipment purchases must be made based upon the CDE approved equipment list or prior approval process. As stated in Section 22-32-120(2), C.R.S., capital outlay and equipment rental costs shall not be included in computing the cost of reimbursable school meals served.

3.03(8) Net cash resources must be limited to three months average expenditures based upon a nine-month operating year. Net cash resources is defined as current assets less current

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liabilities, except that current assets shall not include the value of inventories and prepaid expenditures for the purpose of computing net cash resources.

- 3.03(9) As stated in Section 22-32-120(1)(a), C.R.S., food service facilities shall be deemed to be an integral part of the district and shall be maintained, operated and governed in the same manner as the schools of the district. As such, expenditures including but not limited to new kitchens with new equipment related to new school construction and to major renovations of school facilities are the responsibility of the district from other district funding sources.
- 3.03(10) Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year must remain in the funds, shall be used for the support of the food service program pursuant to these rules, and shall not be used for any other purpose.
- 3.04 Pupil Activity Funds. The pupil activity funds may be used to account for revenues and expenditures related to school-sponsored pupil activities supported by revenues from pupils, gate receipts, or fund-raising sources. The pupil activity funds are accounted for as special revenue funds or fiduciary (trust and agency) funds, depending on their purpose and source of funding.
- 3.05 Building Fund. The building fund shall be used to account for the proceeds of bond sales, revenues from other sources, and capital expenditures for land or existing buildings, improvements of grounds, or replacement of equipment as authorized by the local board of education. The building fund is accounted for as a capital projects fund.
- 3.05(1) Proceeds from the sale of bonds remaining after the completion of the project for which such bonds were authorized may be transferred to the bond redemption fund or in the event all bonds have been redeemed, to the general fund.
- 3.06 Enterprise Fund. Enterprise funds may be used to account for revenues and expenses for activities that are financed and operated in a manner similar to private business enterprises.
- 3.07 Internal Service Fund. The internal service funds may be used to account for the financing of goods or services provided by one department or agency to other departments or agencies of the school district, or to other school districts, on a cost-recovery basis.
- 3.08 Fiduciary (Trust and Agency) Funds. The trust and agency funds may be used to account for money and property held by the school district in a trustee capacity or as an agent for individuals, private organizations, and/or other governmental units.
- 3.08(1) A private-purpose trust fund may be used to report any trust arrangement under which the principal and/or income benefit individuals or organizations and the funds are not used as part of the operations of the district.
- 3.08(2) An agency fund may be used to account for assets held for other governments, private organizations, or individuals. Agency funds generally serve as clearing accounts.
- 3.09 Permanent fund. The GASB 34 permanent fund is a governmental fund type used to report resources that are legally restricted to the extent that only earnings, and not principal, may be used for purposes that support the reporting government's programs.

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- 3.10 Foundations. The district will report foundation activity in fund 85 in the financial reporting system pursuant to Section 22-44-105(4)(a), C.R.S., and will indicate that the audit reflects this activity in a specific fund based on the purpose of the foundation.
- 3.11 Certificate of Participation (COP) Debt Service Fund. A debt service type fund may be established to allow school districts to account for the accumulation of resources and payment of principal, interest, and related expenses on any COP debt.

2245-R-4.00 Statement of Basis and Purpose.

Conforms these regulations to the Accounting and Reporting Law and the School District Budget Law, as amended through the 2007 legislative session. The basis for these rules is found in Article 2 of Title 22, Article 30.5 of Title 22 and Article 45 of Title 22.

- 4.01 Statement of Basis and Purpose. The basis for these rules is found in C.R.S. Article 45 of Title 22, Accounting and Reporting; Article 30.5 of Title 22, Charter Schools, as well as in Section 22-2-107(l)(c) which relates to the duties of the state board of education. The Accounting and Reporting law identifies eight funds to be used by school districts in financial accounting and reporting and specifies conditions and requirements regarding the use of these funds. The funds are: General Fund, Bond Redemption Fund, Capital Reserve Fund, Special Building and Technology Fund, Risk Management Reserves, Transportation Fund, Preschool and Kindergarten Program Fund, and Full-day Kindergarten fund.

Article 45 allows the authorization through regulation of additional funds by the state board of education. These regulations authorize nine additional funds for use by school districts in financial management and reporting. Generally accepted principles of governmental accounting permit the use of these funds.

- 4.02 Statement of Basis and Purpose amendments. The 2010 changes to the rules are due to statutory amendments in HB 08-1388 and SB 10-161, modifications to Governmental Accounting Standards (Statement No. 54), and procedural changes by the U.S. Department of Agriculture (elimination of the separate commodity coding).

The Accounting and Reporting law identifies seven funds to be used by school districts in financial accounting and reporting and specifies conditions and requirements regarding the use of these funds. The funds are: General Fund, Bond Redemption Fund, Capital Reserve Fund, Special Building and Technology Fund, Risk Management Reserves, Transportation Fund, and Full-day Kindergarten Fund.

Article 45 allows the authorization through regulation of additional funds by the state board of education. These regulations authorize ten additional funds for use by school districts in financial management and reporting. Generally accepted principles of governmental accounting permit the use of these funds.

- 4.03 Statement of Basis and Purpose for Amendments. The 2012 amendment to these rules are in response to recommendations from the Financial Policies and Procedures Advisory Committee to designate a Debt Service Type Fund that will allow school districts to account for the accumulation of resources and payment of principal, interest, and related expenses on any non-voter approved debt.

Colorado State Board of Education

- 4.04 Statement of Basis and Purpose for Amendments. The 2015 amendments to these rules are in response to recommendations from the Financial Policies and Procedures Advisory Committee to change the food service fund from an enterprise fund to a special revenue fund. Additionally, the 2015 amendments incorporate rules related to the food service fund which were previously included in 1 CCR 301-3 Food and Nutrition Services into these rules and makes appropriate updates and clarifications to assist school districts in complying with federal and state law and regulations pertaining to food and nutrition service operations and to preserve and protect the fiscal integrity of food and nutrition service operations in school districts.
- 4.05 Statement of Basis and Purpose for Amendments. The 2025 amendments to these rules are based on recent statutory changes including adding references for the Universal Preschool Program and the Healthy School Meals for All Program, removing references for the Breakfast After the Bell Nutrition Program, and providing for a review process for the initial year of charging indirect costs.

Editor's Notes**History**

Entire rule eff. 04/30/2008.

Entire rule eff. 03/02/2011.

Entire rule eff. 04/14/2012.

Entire rule eff. 06/30/2015.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00382

Opinion of the Attorney General rendered in connection with the rules adopted by the
Colorado State Board of Education

on 10/08/2025

1 CCR 301-11

RULES FOR ACCOUNTING AND REPORTING

The above-referenced rules were submitted to this office on 10/10/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 27, 2025 09:05:18

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Education

Agency

Colorado State Board of Education

CCR number

1 CCR 301-14

Rule title

1 CCR 301-14 RULES FOR THE ADMINISTRATION OF THE PUBLIC SCHOOL
TRANSPORTATION FUND 1 - eff 12/01/2025

Effective date

12/01/2025

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES FOR THE ADMINISTRATION OF THE PUBLIC SCHOOL TRANSPORTATION FUND

1 CCR 301-14

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

0.0 Statement of Basis and Purpose.

The basis for these rules is found in Article 51 of Title 22, CRS. The state board has the responsibility to establish rules and regulations to implement the provisions of this article.

The purpose of these rules is to:

Establish regulations and procedures for administration of the public school transportation fund.

Establish regulations and procedures regarding the determination of current operating expenditures, mileage count and revenues received by district and institute charter schools for providing pupil transportation.

1.0 Definition of Terms

- 1.1 "Capital Outlay" means an expenditure in excess of \$10,000 and with a useful life of more than one year, for pupil transportation vehicles or facilities.
- 1.2 "Department" means the Colorado Department of Education.
- 1.3 "District" means any public school district organized under the laws of Colorado.
- 1.4 "Local Board of Education" means the board of education of a district or the governing board of an institute charter school.
- 1.5 "Pupil" means a person under age 21 as of the official mileage count date who has not met the graduation requirements of his/her district and institute charter school as of the official mileage count date.
- 1.6 "Pupil Transportation Vehicle" means every motor vehicle that is owned by a school district and institute charter school, charter school, or service provider and operated, rented, or leased for

the transportation of students to and from school, from school to school, or to school- related events, or which is privately owned and operated for compensation provided that such transportation service is sponsored and approved by the local Board of Education or schools governing body and operating within the State of Colorado.

1.7 “State Board” means the Colorado State Board of Education.

1.8 "Legal residence", for purposes of these rules only, means the location at which the pupil dwells within the district and institute charter school claiming reimbursement for that student.

1.8 (a) A pupil for whom legal residence within the district and institute charter school claiming reimbursement cannot be established, may be included if the student is identified as homeless or runaway using guidelines established under the McKinney-Vento Act by the district and institute charter school as of the count day.

2.0 General

2.1 The Department shall prepare necessary forms and appropriate directions related thereto, which a district and institute charter school shall use to provide the data required by the Department to meet its responsibilities relating to the administration of the Public School Transportation Fund.

2.01(1) A district and the Colorado Charter School Institute annually shall submit a form CDE-40 no later than September 15 to be eligible to receive reimbursement from the Public School Transportation Fund for prior year’s pupil transportation costs.

3.0 Official Mileage Count Date

3.1 The official mileage count date shall be the same as the pupil enrollment count date, as defined in section 22-54-103 (10.5) (a), C.R.S.

3.2 Determination of the official mileage count date shall not be affected by a district and institute charter school’s decision to not have a school day on the official mileage count date as defined above.

4.0 Current Operating Expenditures

4.1 The term “current operating expenditures” means actual expenditures, not including encumbrances, incurred during the entitlement period by a district and institute charter school in transporting pupils from home to school, school to school, and school to home, both in state and to and from an adjoining state border.

4.01(1) A district and institute charter school shall include employment costs of pupil transportation vehicle drivers including Public Employee's Retirement Association (PERA) and/or other retirement plan costs, and health and other fringe benefits.

4.01(2) A district and institute charter school shall include employment costs of personnel paid exclusively for pupil transportation supervision and support services, including Public Employee's Retirement Association (PERA) and/or other retirement plan costs, and health and other fringe benefits.

4.01(3) A district and institute charter school shall include a percentage of employment costs of personnel with non-pupil transportation responsibilities as well as specific pupil transportation responsibilities, including Public Employee's Retirement Association (PERA) and/or other retirement plan costs, and health and other fringe benefits.

4.01(4) A district and institute charter school shall include expenditures for professional development directly related to pupil transportation.

4.01(4)(a) A district and institute charter school may include expenditures directly related to the cost of attending annual state or national school transportation workshops or conferences, including registration fees and related travel expenses.

4.01(4)(b) A district and institute charter school shall not include expenditures for awards, banquets or ceremonies, or other types of employee recognition.

4.01(4)(c) A district and institute charter school shall not include expenditures for workshops or conferences related to advertising or other non-pupil transportation topics.

4.01(5) A district and institute charter school shall include insurance premiums related to pupil transportation and prorated insurance pool contributions equivalent to commercial insurance premiums. In addition, a district and institute charter school may include the equivalent commercial insurance premium value of a self- insurance program contribution prorated to reflect the pupil transportation insurance costs. A district and institute

charter school may include the net cost of self-insured repairs and self-insured replacement.

4.01(6) If a school district and institute charter school contracts to furnish transportation for another school district and institute charter school, the district and institute charter school furnishing the transportation shall include operation expenses.

4.01(7) A district and institute charter school shall include costs of contracts with independent contractors providing pupil transportation less a calculated amount for capital outlay.

4.01(7)(a) The department shall base its calculation of the capital outlay amount on the contractor's acquisition cost of pupil transportation vehicles less than ten years old and on the percentage of total vehicle use attributable to the district and institute charter school.

4.01(8) A district and institute charter school shall include costs of contracts with commercial transportation carriers subject to the cost of federal regulations, title 49, parts 390 to 397, or successor regulations thereto to provide pupil transportation pursuant to section 22-51-104(c), CRS.

4.01(8)(a) The department shall calculate the portion of this contract to be included in the current operating expenditures pursuant to section 22-51-104(1)(c).

4.01(9) A district and institute charter school shall include reimbursements to pupils who use public transportation services pursuant to section 22-51-102(1)(a), CRS.

4.01(10) A district and institute charter school shall include payments to other school district and institute charter schools for the purpose of furnishing pupil transportation.

4.01(11) A district and institute charter school shall include payments to district and institute charter school-approved persons for providing pupil transportation due to the absence of a district and institute charter school-approved established bus route. The total reimbursement entitlement attributable to district and institute charter school approved persons shall not exceed the amount actually paid to district and institute charter school-approved persons.

4.01(11)(a) A district and institute charter school-approved person shall not be considered an independent contractor if he/she transports only him/herself or members of his/her immediate family to or from school, or between schools.

4.01(12) A district and institute charter school shall include fuel and oil for pupil transportation vehicles.

4.01(13) A district and institute charter school shall include costs of supplies, materials, and other expendable non-capital outlay items utilized by the district and institute charter school in direct support of pupil transportation services.

4.01(14) A district and institute charter school shall include repair and maintenance costs of a pupil transportation vehicle only to the extent of restoration to original condition and/or mandatory condition.

4.01(15) A district and institute charter school shall include repair and maintenance costs of equipment and facilities used for pupil transportation only to the extent of restoration to original condition.

4.01(16) A district and institute charter school shall include the cost of the following types of additions or alterations to pupil transportation vehicles.

1. manual transmission to automatic transmission
2. gas engine to diesel engine or alternative fuel
3. reflective tape on the outside of vehicle
4. state-of-the-art auxiliary braking systems for purposes of supplementing service brake systems of school buses
5. heated mirrors
6. engine compartment noise reduction package (diesel engine in front engine transit only)
7. passenger seatbelts
8. air brake drying system
9. mirror system to provide a seated driver an unobstructed view of the front and front sides of a bus
10. wheelchair lifts and other special modifications which are necessary for a specially equipped school bus designed, equipped, and/or modified to accommodate students with special transportation needs.
11. automatic tire chains
12. video surveillance cameras (internal and/or external to the vehicle)

13. global positioning system (GPS) equipment
14. emergency equipment, including but not limited to fire extinguishers, first aid kits, emergency reflectors, body fluid cleanup kits, and durable webbing cutters.
15. routing software
16. other additions or alterations with prior written approval by the department which increase efficiency and safety or are necessary to meet minimum standards.

4.01(16)(a) A district and institute charter school shall own any pupil transportation vehicle to be added to or altered for a minimum of three years in order for the costs of additions or alterations to be reimbursable.

4.01(16)(b) A district and institute charter school shall request and receive from the department prior written approval of additions or alterations to a pupil transportation vehicle not specifically listed in rule 4.01(16) in order for the cost to be reimbursable. The Department may request necessary information from the district and institute charter school for use in making a determination for approval or disapproval.

4.01(16)(c) The Department shall inform a district and institute charter school in writing of approvals and disapprovals of reimbursable additions and alterations to vehicles.

4.01(16)(d) A district and institute charter school shall retain the written approval provided by the Department for a specific addition or alteration to a pupil transportation vehicle with the other records substantiating the reimbursement claim of the district and institute charter school for five years or until an audit by the department, whichever occurs first.

4.01(17) A district and institute charter school shall not include expenditures, including rent, lease or lease purchase, for all capital outlay items except those additions and alterations to vehicles specifically listed in rule 4.01(16).

4.01(18) A district and institute charter school shall not include expenditures for school field trips, extracurricular trips, or athletic trips.

4.01(19) A district and institute charter school shall not include liability claims incurred and paid by the district and institute charter school associated with providing pupil transportation.

4.01(20) A district and institute charter school shall not include expenditures relating to any district and institute charter school vehicle not used for the specific purpose of pupil transportation.

4.01(20)(a) A district and institute charter school shall not include expenditures relating to elderly transportation services.

4.01(20)(b) A district and institute charter school shall not include expenditures relating to recreational district and institute charter school transportation services.

4.01(20)(c) A district and institute charter school shall not include expenditures relating to advertising.

4.01(21) A district and institute charter school shall not include any other expenditure not specifically identified above in 4.01.

5.0 Revenues Received Through the Operation of the Pupil Transportation Program

5.1 A district and institute charter school shall reduce its reported current operating expenditures by the amount of summer school and pre-school program revenues received for pupil transportation.

5.2 A district and institute charter school shall reduce its reported current operating expenditures by the amount of revenues received from other school district and institute charter schools through contracts to furnish pupil transportation.

5.3 A district and institute charter school shall reduce its reported current operating expenditures by the amount of revenues received from federal sources for pupil transportation.

5.4 Since a district and institute charter school does not include expenditures resulting from non-pupil transportation activities per rule 4.01(20), a district and institute charter school shall not reduce its reported current operating expenditures by the amount of revenues received for non-pupil transportation activities.

5.04(1) A district and institute charter school shall not reduce its reported current operating expenditures by the amount of revenues received from the elderly for transportation services.

5.04(2) A district and institute charter school shall not reduce its reported current operating expenditures by the amount of revenues received from recreational district and institute charter schools for transportation services.

5.04(3) A district and institute charter school shall not reduce its reported current operating expenditures by the amount of revenues received for advertising on any transportation vehicles.

5.5 A district and institute charter school shall not reduce its reported current operating expenditures by the amount of revenues received from the state public school transportation fund.

5.6 A district and institute charter school shall not reduce its reported current operating expenditures by the amount of revenues received from fees imposed and collected for pupil transportation pursuant to a resolution adopted by a local board of education in accordance with the provisions of section 22-32-113(5), CRS.

5.7 A district and institute charter school shall not reduce its reported current operating expenditures by the amount of revenues received from a transportation levy approved at an election for the purpose of recovering excess pupil transportation costs pursuant to 22-40-102(1.7), CRS.

6.0 Mileage Count Reporting

6.1 A district and institute charter school shall report its total mileage scheduled to be traveled by pupil transportation vehicles on the official mileage count date in transporting all pupils enrolled in its schools.

6.01(1) A district and institute charter school shall report scheduled mileage to and from a pupil's legal residence and school in which the pupil is enrolled, both in-state and to and from an adjoining state border.

6.01(2) A district and institute charter school shall report scheduled mileage to and from a pupil's legal residence and school in which the pupil is enrolled, including mileage for loaded and unloaded pupil transportation vehicles.

6.01(3) A district and institute charter school shall report scheduled mileage between two or more schools in which pupils are regularly

enrolled and which pupils are required to attend as a part of their scheduled programs.

6.01(4) A district and institute charter school shall report actual mileage traveled by a district and institute charter school approved person due to the absence of a district and institute charter school-approved established bus route, if the district and institute charter school reimburses said district and institute charter school-approved person for such pupil transportation services.

6.01(5) District and institute charter schools with scheduled routes as of the count day that vary by more than three days from the amount reported in 7.01(3) shall calculate a weighted average (split calendar calculation) of the total scheduled mileage for these routes.

- 6.2 A district and institute charter school shall report its total scheduled miles as defined above if the district and institute charter school operates a year-round school calendar at a school or schools within the district and institute charter school. The mileage count for year-round schools shall include only unique routes that are traveled specifically for the year-round program.
- 6.3 A district and institute charter school paying another district and institute charter school for pupil transportation services shall report miles traveled by the district and institute charter school providing the pupil transportation services.
- 6.4 A district and institute charter school shall not include in its reported scheduled mileage miles traveled for the purpose of providing pupil transportation for the pupils of another district and institute charter school.
- 6.5 A district and institute charter school shall not include in its reported scheduled mileage miles traveled for school field trips, extracurricular trips, or athletic trips.
- 6.6 A district and institute charter school shall not include in its reported scheduled mileage miles traveled in trips which are not for the purpose of transporting pupils from home to school, school to school, or school to home.

6.06(1) A district and institute charter school shall not include in its reported scheduled mileage miles traveled for transportation services for the elderly.

6.06(2) A district and institute charter school shall not include in its reported scheduled mileage miles traveled for transportation services for recreational district and institute charter schools.

- 6.7 A district and institute charter school shall not include in its reported scheduled mileage miles traveled by pupil transportation support and service vehicles.

7.0 Certifications by Local Boards of Education

- 7.1 A district and institute charter school desiring reimbursement under the Public School Transportation Fund for any entitlement period shall report to the department all required information.

7.01(1) A district and institute charter school shall report current operating expenditures as defined in R-4.00 and R-5.00 of these rules.

7.01(2) A district and institute charter school shall report total scheduled mileage as defined in R-6.00 of these rules.

7.01(3) A district and institute charter school shall report the number of days of the school or district and institute charter school calendar that pupils are actually transported.

7.01(4) A district and institute charter school shall report the number of pupils scheduled to be transported on the official mileage count date.

7.01(5) A district and institute charter school shall report the total cost of a contract pursuant to rule 4.01(7) for the purposes of providing pupil transportation.

7.01(6) A district and institute charter school shall report the total cost of a contract with a commercial transportation carrier pursuant to rule 4.01(8) for the purposes of providing pupil transportation.

7.01(6)(a) A district and institute charter school shall report the comparable district and institute charter school cost of providing pupil transportation in the absence of a contract with a commercial transportation carrier.

7.01(7) A district and institute charter school shall report the total actual miles traveled for school field trips, extracurricular trips, and athletic trips by pupil transportation vehicles.

7.01 (7)(a) A district and institute charter school may consider actual miles incurred for the purposes of maintaining a pupil transportation vehicle or training to transport pupils to be attributed to the primary pupil transportation purpose of the vehicle as determined by the mileage incurred.

7.01(8) A district and institute charter school shall report the total actual miles traveled for any purpose by all pupil transportation vehicles.

7.01(9) A district and institute charter school shall report that the data reported is accurate and that the pupil transportation program has been operated in compliance with all applicable rules of the state board.

7.01(10) A district and institute charter school shall report other data as deemed necessary by the department.

8.0 Documentation

8.1 A district and institute charter school shall maintain and retain appropriate records pertaining to its application for reimbursement for five years or until an audit by the Department has been completed, whichever occurs first.

8.2 Documentation shall include appropriate mileage reports and route descriptions as of the official mileage count date which clearly define the routes and show mileage.

8.3 Documentation shall include appropriate financial records of the district and institute charter school.

8.4 Documentation shall support the number of actual miles traveled on the official mileage count date by persons who are reimbursed by the district and institute charter school for furnishing their own district and institute charter school approved transportation.

8.5 Documentation shall include the odometer reading taken at the beginning of the entitlement period and taken at the end of the entitlement

period and total miles traveled for each pupil transportation vehicle operated during the entitlement period.

8.6 Documentation shall include time sheets, work schedules, or other auditable documentation used to support the transportation claim as well as documentation to support allocation methods used to determine the amount of the claim.

8.7 Documentation shall include information from independent contractors showing the acquisition cost of vehicles used for pupil transportation and less than ten years old and showing the total value of such contracts.

8.8 Documentation shall support total expenditures for public transportation contracts.

8.9 Documentation shall support total expenditures for commercial transportation carrier contracts. Documentation shall support the amount of revenues from sources pursuant to 5.00 of these rules, such as election ballot and board resolution.

Editor's Notes

History

Entire rule eff. 01/14/2013.

Rule 2.02(1) eff. 07/30/2020.

Entire rule eff. 12/15/2021.

Annotations

Rule 2251-R-2.02(1) (adopted 06/10/2020) was not extended by Senate Bill 21-152 and therefore expired 05/15/2021



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00383

Opinion of the Attorney General rendered in connection with the rules adopted by the
Colorado State Board of Education

on 10/08/2025

1 CCR 301-14

RULES FOR THE ADMINISTRATION OF THE PUBLIC SCHOOL TRANSPORTATION FUND

The above-referenced rules were submitted to this office on 10/10/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 27, 2025 09:12:54

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Natural Resources

Agency

Colorado Parks and Wildlife (406 Series, Wildlife)

CCR number

2 CCR 406-3

Rule title

2 CCR 406-3 CHAPTER W-3 - FURBEARERS AND SMALL GAME, EXCEPT
MIGRATORY BIRDS 1 - eff 12/01/2025

Effective date

12/01/2025

FINAL REGULATIONS - CHAPTER W-3 - FURBEARERS AND SMALL GAME, EXCEPT MIGRATORY BIRDS

ARTICLE I - GENERAL PROVISIONS

#304 – License Requirements

Except as provided in 33-6-107(9) C.R.S., the following license requirements shall apply:

- A. A small game license authorizes the take of coyotes and those species defined in #300(D) as small game, except wild turkey. A turkey license is required to take wild turkey.
- B. A small game license combined with the purchase of a furbearer harvest permit authorizes the take of those species defined in #300(D) as small game, except wild turkey, and authorizes the take of all species defined in #300(B) as furbearers. An annual furbearer harvest permit can be purchased for \$10.00.
- C. Any small game and fishing combination license combined with the purchase of a furbearer harvest permit authorizes the take of those species defined in #300(D) as small game, except wild turkey, and authorizes the take of all species defined in #300(B) as furbearers.
- D. A furbearer license authorizes the take of all species defined in #300(B) as furbearers.
- E. A youth small game license authorizes the take of all species defined in #300(D) as small game and all species identified in #300(B) as furbearers.
- F. Common snapping turtles may be taken with either a small game license or a fishing license.
- G. Each hunter must register their intent to hunt migratory birds, small game or coyotes by completing a Harvest Information Program (HIP) survey online (www.cpwshop.com) or by calling (1-855-521-3050) prior to their first hunting trip of the season. For the purposes of this regulation, "season" means the period March 1 through March 31 of the following year.
- H. Beginning with the 2025 greater sage-grouse, mountain sharp-tailed grouse and ptarmigan hunting seasons, no hunter shall take any greater sage-grouse, mountain sharp-tailed grouse, or white-tailed ptarmigan unless at the time of such taking they have purchased one (1) greater sage-grouse, mountain sharp-tailed grouse, and white-tailed ptarmigan permit in addition to a small game license. An annual greater sage-grouse, mountain sharp-tailed grouse and white-tailed ptarmigan permit can be purchased for \$5.00.



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Office of the Attorney General

Tracking number: 2025-00410

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Colorado Parks and Wildlife (406 Series, Wildlife)**

on 10/09/2025

2 CCR 406-3

CHAPTER W-3 - FURBEARERS AND SMALL GAME, EXCEPT MIGRATORY BIRDS

The above-referenced rules were submitted to this office on 10/10/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2025 09:08:25

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Natural Resources

Agency

Colorado Parks and Wildlife (406 Series, Wildlife)

CCR number

2 CCR 406-9

Rule title

2 CCR 406-9 CHAPTER W-9 - WILDLIFE PROPERTIES 1 - eff 12/01/2025

Effective date

12/01/2025

FINAL REGULATIONS - CHAPTER W-9 - WILDLIFE PROPERTIES

ARTICLE II - Property-Specific Provisions

#901 - Property-Specific Regulations

- B. In addition to or in place of those restrictions listed in regulation #900, the following provisions or restrictions apply:

10. Axial Basin State Wildlife Area

- a. Vehicle access is restricted to Moffat Co Rds 32, 55, and 133.
- b. The placing of any portable blind, marker, stand or related structure is prohibited prior to August 1 annually and must be removed within 24 hours after harvesting an animal or within seven (7) days after the end of the archery pronghorn season, whichever comes first.

ARTICLE III - State Trust Lands

#903 – Property Specific Regulations

- A. In addition to or in place of those restrictions listed in regulation #902, the following provisions or restrictions apply:

1. Aguilar TV Hill – Las Animas County

- a. Access is restricted as posted on the east side of the property.

2. Alamaditas Mesa – Conejos County

- a. Public access is prohibited from March 1 through August 14.

3. Antelope Creek – Grand County

- a. ATV and snowmobile access allowed on designated route as posted at East Carter Creek gate entrance during hunting season only.

4. Antero – Park County

- a. Open for hunting from August 15 through the end of February only.
- b. Open for fishing year-round.

5. Apishapa North – Las Animas County

- a. Motorized vehicles are prohibited past parking lot.

6. Atwood – Logan County

- a. Public access is prohibited from June 1 – August 31.
- b. Public access is prohibited from 9:00 pm – 4:00 am.
- c. Hunting with centerfire rifles is prohibited.

- d. The launching or takeout of vessels is prohibited during waterfowl seasons.
- e. All recreational activities, except deer hunting, are prohibited on the opening weekend of the regular plains rifle deer season and on the opening day and first weekend of the late plains rifle deer season.

7. Badger Creek (Lower Badger Creek Unit, Upper Badger Creek Unit) – Fremont/Park County

- a. Lower Badger Creek Unit is open for public access for fishing year-round. Lower Badger Creek and Upper Badger Creek Units are open for public hunting access from September 1 through the end of February.
- b. Fishing is prohibited on the Upper Badger Creek Unit.

8. Bakers Peak - Moffat County

- a. Open for public access from August 1 through the end of February.
- b. Motorized vehicles are prohibited off of state or county roads.
- c. Only portable hunting blinds are allowed.

9. Bakerville – Clear Creek County

- a. Open for fishing year-round.
- b. Access to the property is off of I-70 right-of-way only.
- c. Access is by foot only.

10. Baking Powder Ridge – Moffat County

- a. Public access is prohibited from March 1 through August 14.

11. Bald Mountain – Moffat County

- a. Public access is prohibited March 1 through August 15.

12. Bear Gulch – Custer County

- a. Open for public access from the first day of archery deer and elk season through May 31.

13. Beddows Mountain – Custer County

- a. Open for public access from the first day of archery deer and elk season through May 31.
- b. Rifle hunting is restricted to youth mentor hunting only. Mentors are not allowed to use rifles.
- c. All hunting other than youth mentor hunting is restricted to bows, muzzle-loaders or shotguns.
- d. Parking is prohibited on Hwy 69.
- e. Shooting is prohibited within 500 feet of Hwy 69 and manmade structures.

14. Big Hole Butte – Moffat County

- a. Public access is prohibited from March 1 through August 14.

15. Big Hole Gulch – Moffat County

- a. Open for hunting from August 15 through the end of February.
- b. Open year-round for fishing.
- c. Only portable hunting blinds are allowed.

16. Big Sandy Creek – Cheyenne County

- a. Open for hunting from August 15 through the end of February only.

17. Big Springs – El Paso County

- a. Access is prohibited except by foot from designated parking areas only.
- b. Parking is prohibited except in designated areas.
- c. Camping is prohibited.
- d. Overnight parking is prohibited.

18. Black Hawk – Huerfano County

- a. Public access is prohibited from June 1 through August 31.
- b. Motorized vehicles are prohibited off of county roads.

19. Black Mountain – Huerfano County

- a. Public access is prohibited from June 1 through August 31.

20. Black Sage Pass – Gunnison County

- a. Open for fishing year-round.
- b. Open for other public access from August 15 through the end of February.

21. Blue Lake – Bent County

- a. Open for public fishing access year-round.
- b. Public access is prohibited on the islands from May 15 through August 31.
- c. Camping is allowed as posted.

22. Blue Spring – Huerfano County

- a. Public access is prohibited from June 1 through August 14.
- b. Hunting is prohibited in the safety zone along the east boundary, as posted.

23. Boston Flats – Moffat County

- a. Open for fishing access year-round.
- b. Open for hunting from September 1 through the end of February

- c. Access is by foot only.

24. Box Creek – Lake County

- a. Access is by foot only.
- b. Public access is prohibited from March 1 – August 14.

25. Bravo – Logan County

- a. Public access is prohibited from March 1 – August 31.
- b. Public access is prohibited from 9:00 pm – 4:00 am.
- c. Public access is from Bravo SWA parking areas only.
- d. On the opening weekend of the regular plains rifle deer season and the first day and weekend of the late plains rifle deer season, only deer hunting is permitted.
- e. The launching or takeout of vessels is prohibited during waterfowl seasons.

26. Brett Gray Ranch – Lincoln County

- a. Access is prohibited except by foot and from designated parking areas only.
- b. Parking is prohibited except in designated areas.
- c. Camping is prohibited.
- d. Overnight parking is prohibited.
- e. Hunting bobcat, coyote, black-tailed prairie dog, rattlesnake, snapping turtle, badger, swift fox, muskrat and raccoon is prohibited.

27. Browns Park – Moffat County

- a. Open for public fishing access on the Green River year-round.
- b. Open for big game and small game hunting year-round, during open hunting seasons only.

28. Buckwater Draw – Moffat County

- a. Public access is prohibited from March 1 through August 14.

29. Bull Canyon – Moffat County

- a. Public access is prohibited from March 1 through August 14.

30. Bull Mountain – Larimer County

- a. Motorized vehicles are prohibited off of county roads.

31. Burchfield – Baca County

- a. Access is by foot only.

32. Burro Springs – Saguache County

- a. Public access is prohibited from March 1 – April 30.
- b. Collection of shed antlers, shed horns, or antlers or horns naturally attached to skull plates is prohibited from January 1 – April 30.
- c. During big game hunting season only, public access is prohibited from one and one-half (1 ½) hours after sunset to one and one-half (1 ½) hours before sunrise. Public access is prohibited from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise during all other times.
- d. Motorized vehicle use is restricted to designated roads. The use of off-highway vehicles (OHV) to retrieve big game is prohibited.
- e. Camping is prohibited
- f. Fires are prohibited

33. Carter Creek – Grand County

- a. Except as otherwise allowed in this regulation, public access is limited to hunting only.
- b. ATV and snowmobile access allowed on designated route in Section 31 as posted at East Carter Creek gate entrance during hunting season only.

34. Carter Place – San Miguel County

- a. Access to the property is through BLM only.

35. Castor Gulch – Moffat County

- a. Open for public access from August 1 through the end of February.

36. Cedars – Moffat County

- a. Open for public access from August 1 through the end of February.
- b. Only portable hunting blinds are allowed.

37. Cedar Springs – Moffat County

- a. Motorized vehicle access is permitted only on CR 23 and BLM #1558.

38. Chubb Park – Chaffee County

- a. Camping is permitted only as posted.
- b. Motorized vehicle access is permitted on county roads as posted.

39. Coal Bank Gulch – Routt County

- a. Open for public access from the first day of archery deer and elk season through the end of February.
- b. Hunting with archery, muzzle-loaders, shotguns firing a single slug, and rimfire rifles only.
- c. Hunting is limited to youth mentor hunting only. No more than one mentor per youth hunter may engage in hunting.

40. Coal Creek – Moffat County

- a. Public access is prohibited from March 1 through August 14.

41. Coal Ridge – Moffat County

- a. Public access is prohibited from March 1 through August 14.

42. Cody Park – Fremont County

- a. Public access is prohibited from June 1 through August 14.

43. Cohagen – Jackson County

- a. Open for public access from August 15 through the end of February.

44. Cold Springs Mountain – Moffat County

- a. Access is allowed from August 1 through December 31.
- b. Camping is allowed only during big game seasons.
- c. Motorized travel permitted on designated roads.
- d. Motorized travel prohibited on the portion of the State Trust Land on the west side of the Browns Park SWA Wiggins unit.

45. Copper Gulch – Fremont County

- a. Discharge of firearms is restricted to hunting with muzzleloaders, shotguns, and rimfire rifles only.

46. Cottonwood Creek – Routt County

- a. Open for public access from the first day of archery deer and elk season through May 31.
- b. Hunter numbers may be limited through a mandatory check station when necessary to control overcrowding, resource damage or trespassing on neighboring private property.

47. Cottonwood Ridge – Fremont County

- a. Open for fishing year-round.
- b. Hunting is prohibited from June 1 through August 31.

48. Crooked Top - Park County

- a. Access is permitted from Forest Service Rd 101 only.

49. Crystal Lake – Lake County

- a. Access is by foot only.
- b. Open for fishing year-round.

50. Daley Gulch – Gunnison/Saguache Counties

- a. Open for public fishing access year-round, and from September 1 through the end of February for hunting.

- b. Camping is allowed only as posted.

51. Deer Haven – Fremont County

- a. Open for hunting from September 1 through May 31.

52. Dick’s Peak – Park County

- a. Access is by foot only.

53. Dirty Gulch - Fremont

- a. Open for public access from September 1 through May 31.

54. Dobbins Spring – Moffat County

- a. Public access is prohibited from March 1 through August 14.

55. Douglas Mountain – Moffat County

- a. Public access is prohibited from March 1 through August 14.

56. Dry Creek – Rio Grande County

- a. Hunting is prohibited in the safety zone along the east boundary of Section 16, as posted.
- b. Hunting is prohibited from June 1 through August 14.

57. Duck Creek – Logan County

- a. Public access is prohibited from March 1 – August 31.
- b. Public access is prohibited from 9:00 pm – 4:00 am.
- c. Public access is from the Duck Creek SWA parking area only.

58. East Boone Draw – Moffat County

- a. Public access is prohibited from March 1 through August 14.

59. East Carter Mountain – Grand County

- a. Except as otherwise allowed in this regulation, public access is limited to hunting only.
- b. Motorized vehicles are restricted to Chimney Rock road unless posted otherwise.
- c. Parking is allowed at designated parking lots only.
- d. ATV and snowmobile use allowed on designated route as posted at gate in Section 24 during hunting season only.
- e. Hunting not allowed in safety zone, as posted along east fence line.
- f. Camping and campfires only allowed as posted within 300 feet of Chimney Rock Road.

60. East Delaney Butte Lake – Jackson County

- a. Open for hunting from August 15 through the end of February.

- b. Open for fishing year-round.
- c. Access is by foot only.

61. Elk Mountain – Jackson County

- a. Open for fishing year-round.
- b. Open for hunting from August 15 through the end of February.
- c. Access to the property is from the parking lot only.

62. Elk Springs #3 – Moffat County

- a. Public access is prohibited from March 1 through August 14.

63. Fernleaf Gulch – Fremont County

- a. Open for public access from September 1 through May 31.
- b. Access is by foot and horseback only, except on BLM Sand Gulch Road.
- c. Motorized vehicles are prohibited off of BLM Sand Gulch Road.

64. Florence – Fremont County

- a. Public access is prohibited from June 1 through August 31.
- b. Access to the property is through National Forest land only.

65. Fly Gulch – Routt County

- a. Open for youth mentor hunting only.

66. Ford Bridge – Logan County

- a. Public access is prohibited from March 1 – August 31.
- b. Public access is prohibited from 9:00 pm – 4:00 am.
- c. Hunting with centerfire rifles is prohibited.
- d. The launching or takeout of vessels is prohibited during waterfowl seasons.

67. Fortification – Moffat County

- a. Access and hunting allowed through Frosty Acres Ranch only. Contact the Frosty Acres Ranch for reservations at 970-824-8935 or 970-824-9568.
- b. Hunting is restricted to cow elk only.
- c. Access is from parking area off Highway 13 only.
- d. Access is by foot only.
- e. Open for hunting from day after 4th season through the end of the late season in December.

68. Fourmile – Moffat County

- a. Open for big game and small game hunting from August 1 through the end of February.
- b. Motorized vehicle use is prohibited off of the County Rd.
- c. Only portable hunting blinds are allowed.

69. Froze Creek – Custer County

- a. Open for public access from August 15 through the end of February.
- b. Access is by foot only.

70. Godiva Rim – Moffat County

- a. Open for public access from August 1 through the end of February.
- b. Motorized vehicle use is restricted to BLM Rd 2124.

71. Grape Creek – Fremont County

- a. Open for fishing year-round as posted along Grape Creek.
- b. Open for hunting from August 15 through May 31.

72. Grassy Creek – Routt County

- a. Open for fishing year-round.
- b. Open for hunting from August 15 through the end of February.

73. Greasewood – Moffat County

- a. Open for public access from August 1 through the end of February.
- b. Access is by foot only.

74. Greasewood Lake – Weld County

- a. Access is by foot only.

75. Great Divide – Moffat County

- a. Open for public access from August 1 through the end of February.
- b. Only portable hunting blinds are allowed.
- c. Motorized vehicle use is restricted to county roads only.

76. Hiawatha – Moffat County

- a. Public access is prohibited from March 1 through August 14.

77. High Creek – Park County

- a. Open for hunting from August 15 through the end of February.
- b. Open for fishing year-round.

78. Hightower – Moffat County

- a. Public access is prohibited from March 1 through August 14.

79. Homestead – Moffat County

- a. Open for public access from August 15 through the end of February.

80. Horse Gulch – Moffat County

- a. Public access is prohibited from March 1 through August 14.

81. Independence Mountain – Jackson County

- a. Open for public access from August 15 through the end of February.
- b. ATVs are allowed between 10:00 a.m. and 2 p.m. on designated roads otherwise closed to motorized traffic, for game retrieval only.

82. Indian Creek – Jackson County

- a. Open for public access from August 15 through the end of February.
- b. Hunting is prohibited with centerfire rifles in the northeast (NE) 1/4 of Section 16.
- c. Access to the property if from the parking lot off of County Road 21 only.

83. Jack Springs – Moffat County

- a. Public access is prohibited from March 1 through August 14.

84. Jimmy Dunn Gulch – Moffat/Routt Counties

- a. Open for public access from the last Saturday in August through the end of February.
- b. Hunter numbers may be limited through a mandatory check station when necessary to control overcrowding, resource damage or trespassing on neighboring private property.

85. Johnny Moore Mountain – Jackson County

- a. Open for public access from August 15 through the end of February.
- b. The southern portion of the property only is open year-round for fishing as posted.

86. Jumping Cow - Elbert County

- a. Hunting is restricted to dove, turkey, doe pronghorn, antlerless elk, antlerless white-tailed deer, and antlerless mule deer.
- b. Hunting and fishing access is allowed by permit only. Hunters and anglers must have a proper and valid license for their activity prior to applying for a permit. Permit holders shall have their permit on their person at all times while on the property. Permits may designate specific geographic hunting zones; in this case permits are restricted to the listed zone and are not valid property-wide. Access permits for hunters and anglers will be issued free of charge. Permits may be obtained via a drawing process. Applications are available from the CPW in Denver (303)291-7227. Application due dates are as follows:
 - 1. Dove, fall turkey, doe pronghorn, antlerless elk, antlerless white-tailed deer, and antlerless mule deer applications due the 3rd Monday in August.

2. Spring turkey applications due 3rd Monday in March.
 3. Fishing applications due 14 days prior to intended access date.
- c. Permitted hunters and anglers may take one other person (an observer) who is not hunting or fishing with them onto the property; however that person must remain with the permit holder at all times.
 - d. Permitted hunters other than those hunting dove and wild turkey may not enter the property prior to the first Monday after the opening day of their individual season.
 - e. Vehicular access to the property is restricted. Motor vehicle use is only allowed on marked existing roadways that lead to marked parking areas. All other access is restricted to foot and horseback only.
 - f. All gates on the property shall be left in the condition in which they are found after passing through the gateway.
 - g. Access is permitted from two hours prior to sunrise to one hour after sunset. In the event that an animal has been harvested by a hunter, the hunter may remain as long as is reasonable to recover and remove the animal from the property.
 - h. Camping is prohibited.
 - i. Fires are prohibited.

87. Karney Ranch - Bent County

- a. Camping is prohibited.
- b. Fires are prohibited.
- c. Firewood collection is prohibited.
- d. Off-highway vehicle (OHV) use is prohibited.
- e. Public access is allowed one hour before sunrise until one hour after sunset, except that when an animal is harvested the successful hunter is allowed to remain as long as is necessary to remove the animal.
- f. Ornate box turtle collection and/or release is prohibited.
- g. Night hunting with artificial light may be permitted as provided in regulation #W-303.E.10.
- h. Foot access only. All vehicles are restricted to roads and parking lots.
- i. Dogs are prohibited except as an aid to hunting.
- j. No public access to signed safety zones.
- k. Public access is allowed year-round for hunting small game, turkey and furbearers.
- l. Public access is allowed August 15 through December 31 for deer and pronghorn hunting.

88. Karval – Lincoln County

- a. Access is prohibited except by foot from designated parking areas only.

- b. Parking is prohibited except in designated areas.
- c. Camping is prohibited.
- d. Overnight parking is prohibited.

89. Kemp Draw – Jackson County

- a. Motorized vehicles are restricted to designated roads and Jackson County Road 21.
- b. Open for public access from August 15 through the end of February.

90. LaGarde Creek – Larimer County

- a. Open for fishing year-round.
- b. Open for hunting from September 1 through the end of February.

91. La Jara – Conejos County

- a. Open for fishing year-round.
- b. Open for hunting from September 1 through the end of February.
- c. Camping is permitted only as posted.
- d. From the first day of archery big game season through the last day of the last regular rifle season, motor vehicle access is prohibited on that portion bounded on the north by a signed fence line beginning at a point along La Jara Creek in the SW $\frac{1}{4}$ of section 32, T35N, R6E, extending east along this fence line approximately 2.2 miles to a signed corner post in the SW $\frac{1}{4}$ of section 34, T35N, R6E; on the east by a signed fence line that extends from the above-described corner approximately 4 $\frac{3}{4}$ miles south to La Jara Creek; and on the south and west by La Jara Creek.

92. Landsman Creek – Kit Carson/Yuma County

- a. Open for hunting from September 1 through May 31.
- b. Access is by foot only.

93. Little Cochetopa Creek – Chaffee County

- a. Open for public access from September 1 through May 31.

94. Little La Garita Creek – Saguache County

- a. Open for hunting from September 1 through the end of February.

95. Little Sheep Mountain – Huerfano County

- a. Public access is prohibited from June 1 through August 31.
- b. Motorized vehicles are prohibited off of county road.

96. Lone Tree Gulch – Moffat County

- a. Public access is prohibited from March 1 through August 14.

97. Los Creek – Saguache County

- a. Open for public access from August 15 through the end of February.

98. Los Mogotes Peak – Conejos County

- a. Public access is prohibited from March 1 through August 14.

99. Lost Creek – Weld County

- a. Discharge of firearms is restricted to hunting with muzzleloaders, shotguns and rimfire rifles only.
- b. Hunting prohibited in safety zones as posted.

100. MacFarlane Reservoir – Jackson County

- a. Open for public access from August 15 through the end of February.
- b. For big game hunters, motorized access is allowed on the two track route traveling north off of Jackson Co. Rd 28 one mile to the designated parking area. Big game hunting access beyond the parking area is limited to foot or horseback only.
- c. For waterfowl and small game hunters, motorized access to MacFarlane Reservoir is allowed on the designated two track route only.
- d. All other two track roads are closed to motorized travel.

101. Manzanares Creek – Huerfano County

- a. Open for public access from August 15 through May 31.
- b. Motorized vehicle use is restricted to county roads only.

102. Maverick Flats – Moffat County

- a. Public access is prohibited from March 1 through August 14.

103. Maxwell Park – Chaffee County

- a. Public access is prohibited from March 1 through August 14.
- b. Maximum of four vehicles in the parking area and maximum of three people per vehicle.
- c. Access is through parking areas only.

104. Maybell – Moffat County

- a. Open for fishing and wildlife watching year-round.
- b. Camping is prohibited.
- c. Open for hunting from August 15 through the end of February.
- d. Access is limited to foot and horseback only on that portion of the property west of Moffat County Rd 19.

105. Maynard Gulch – Routt County

- a. Open for public access from the first day of archery deer and elk season through May 31.
- b. Vehicle parking is prohibited, except in designated areas.
- c. Hunter numbers are regulated through a mandatory check station, when necessary to control overcrowding, resource damage or trespassing on neighboring private property.

106. McArthur Gulch – Park County

- a. Public access is prohibited from June 1 through August 31.
- b. Hunting is limited to elk and deer hunting from September 1 through the end of the third combined rifle season and turkey hunting during the spring turkey season.
- c. Hunting is prohibited with centerfire rifles.
- d. Hunting is prohibited in the safety zone around the ranch house and outbuildings, as posted.

107. McCoy Gulch – Fremont County

- a. Public access is prohibited from June 1 through August 31.

108. Meadow Creek – Larimer County

- a. Open year round for wildlife-related activities north of Larimer CR 80C.
- b. Open September 1 to the end of February for hunting south of Larimer CR 80C.
- c. South of Larimer CR 80C, access is by foot and horseback travel only.
- d. Vehicle access north of Larimer CR 80C is only allowed during specific times of year when the Middle Cherokee Management Area is open to vehicle travel.

109. Menefee Peak – Montezuma County

- a. Public access is prohibited from June 1 through August 31.

110. Middle Carter (Gunsight)- Grand County

- a. Except as otherwise allowed in this regulation, public access is limited to hunting only.
- b. Camping and fires are permitted within 300 feet of Chimney Rock road (CR 27/FS 103) as posted.

111. Middle Park – Grand County

- a. Motorized vehicle access and parking is restricted as posted.

112. Middle Wolf Creek – Moffat County

- a. Public access is prohibited from March 1 through August 14.

113. Milk Creek – Grand County

- a. Motorized vehicles are restricted to County Road 184 (Hwy 40, MM 163) and parking area (MM 165) unless posted otherwise.

- b. Motorized vehicle access through gate in Section 11 is restricted to use on designated track when road is dry.
- c. Parking is restricted in Section 14 as posted.

114. Mineral Hot Springs – Saguache County

- a. Open for public access from August 15 through the end of February.

115. Mishak Lakes – Saguache County

- a. Open for public access from August 15 through the end of February.

116. Monument Butte – Moffat County

- a. Motorized vehicles are prohibited off of county road.

117. Moody Creek – Routt County

- a. Hunting is prohibited north of Moody Creek.

118. Moonhill – Routt County

- a. Hunting is prohibited with centerfire rifles.
- b. Motorized vehicles are prohibited.
- c. Snowmobiles are prohibited.
- d. Bicycles are prohibited.
- e. Firewood cutting is prohibited.

119. Moosehead Mountain – Moffat County

- a. Open for public access from August 15 through the end of February.

120. Morapos Creek – Moffat County

- a. Access from parking lot on BLM land off County Road on south side of the property only. No access from other sides of the property.

121. Morrison Creek – Routt County

- a. Motorized vehicles are prohibited off of county road.

122. Mud Springs – Park County

- a. Open for public access from September 1 through the end of February.
- b. Hunting is restricted to big game and small game hunting only.

123. Newlin Creek – Fremont County

- a. Open for public access from September 1 through May 31.
- b. Hunting is prohibited with centerfire rifles.

- c. Hunting is prohibited within a buffer zone bounded on the east by the property boundary, on the north and south by the property boundary and extending 1/4 mile west of the east property line.

124. North Canyon – Baca County

- a. Public access is prohibited from March 1 through August 14.
- b. Access is by foot only.

125. North Rabbit Creek – Larimer County

- a. Open year-round for fishing.
- b. Open year-round for small game hunting.
- c. Open August 15 to January 31 for big game hunting.
- d. Access is by foot and horseback only, except during big game seasons when vehicle access is allowed to Cherokee SWA.
- e. Parking is not permitted on the property.
- f. All activities not listed above are prohibited from September 1 to May 1.

126. North Scandinavian Gulch – Moffat County

- a. Public access is prohibited from March 1 through August 14.

127. Overland Trail – Logan County

- a. Public access is prohibited from June 1 – August 31.
- b. Public access is prohibited from 9:00 pm – 4:00 am.
- c. Public access is from Overland Trail SWA parking area only.
- d. All recreational activities, except deer hunting, are prohibited on the opening weekend of the regular plains rifle deer season and on the opening day and first weekend of the late plains rifle deer season.
- e. The launching or takeout of vessels is prohibited during waterfowl seasons.

128. Owl Creek – Jackson County

- a. Open for fishing year-round.
- b. Open for hunting from August 15 through the end of February.

129. Owl Mountain – Jackson County

- a. Open for public access from August 15 through the end of February.

130. Oxbow – Moffat County

- a. Open for public hunting access from August 15 through the end of February.

131. Parkdale – Fremont County

- a. Open for public access for fishing year-round. Open for public hunting access from September 1 through the end of February.

132. Pass Creek – Larimer County

- a. Access is by foot only.
- b. Access is permitted from south side of the property where it joins USFS land.

133. Pat Canyon/Whitby – Baca County

- a. Access is by foot only.
- b. Motorized vehicles are prohibited.

134. Peck Mesa – Moffat County

- a. Open for public access from August 1 through the end of February.
- b. Only portable hunting blinds are allowed.
- c. Motorized vehicle use is restricted to Moffat County Road 10 only.

135. Pfister Draw – Larimer County

- a. Motorized vehicles are prohibited.

136. Pine Tree Gulch – Moffat County

- a. Open for public access from September 1 through May 31.
- b. Access to the property is from parking lot on County Road 57 only.

137. Pinkham Mountain – Jackson County

- a. Open for public access from August 15 through the end of February.

138. Pinnacle Rock – Fremont County

- a. Public access is prohibited from June 1 through August 31.

139. Pinon Hills – Conejos County

- a. Open for hunting from September 1 through the end of February.

140. Pole Gulch – Moffat County

- a. Public access is prohibited from March 1 through July 31
- b. Only portable hunting blinds are allowed.

141. Poudre River – Larimer County

- a. Open for fishing year-round, as posted.
- b. Open for hunting from September 1 through May 15.
- c. All public access is prohibited east of US Hwy 287.

- d. Access is allowed from Colorado Highway 14 and U.S. Forest Service lands.

142. Powder Wash – Moffat County

- a. Public access is prohibited from March 1 through August 14.

143. Prospect – Weld County

- a. Access to the property is from the designated parking area only.
- b. Open for small game and waterfowl hunting only.

144. Ptarmigan – Grand County

- a. Open for hunting from September 1 through the end of February.
- b. Motorized vehicles are prohibited, except snowmobiles on one foot of snow.

145. Punkin Center – Lincoln County

- a. Access is prohibited except by foot from designated parking areas only.
- b. Parking is prohibited except in designated areas.
- c. Camping is prohibited.
- d. Overnight parking is prohibited.

146. Quakey Mountain – Gunnison County

- a. Open for public access from August 15 through the end of February.

147. Rabbit Ears – Jackson County

- a. Open for fishing year-round.
- b. Open for hunting from August 15 through the end of February.
- c. As posted, there is a closure area on the west side from August 15 to September 1.

148. Rajadero Canyon – Conejos County

- a. Motorized vehicles are prohibited off of existing trails.

149. Rattlesnake Hill – Moffat County formerly Temple Gulcha

- a. Hunting is prohibited within a one quarter mile safety zone along the east boundary of the property, as posted.

150. Red Canyon – Jackson County

- a. Open for public access from August 15 through the end of February.
- b. Access to the property is only from the parking area on USFS road.
- c. Trailer access is prohibited past the parking area.

151. Red Lion Ranch – Logan County

- a. Public access is prohibited from June 1 through August 31.
- b. Public access is prohibited from 9:00 pm – 4:00 am.
- c. All recreational activities, except deer hunting, are prohibited on the opening weekend of the regular plains rifle deer season and on the opening day and first weekend of the late plains rifle deer season.
- d. The launching or takeout of vessels is prohibited during waterfowl seasons.

152. Red Wash – Moffat County

- a. Public access is prohibited from March 1 through August 14.

153. Reservoir Draw – Moffat County

- a. Public access is prohibited from March 1 through August 14.

154. Ridge Road – Jackson County

- a. Open for public access from August 15 through the end of February.

155. Robinson Draw – Moffat County

- a. Public access is prohibited from March 1 through August 14.

156. Rosita – Custer County

- a. Open for public access from the first day of archery deer and elk season through May 31.
- b. Discharge of firearms is restricted to hunting with muzzleloaders and shotguns.

157. Sage Creek – Routt County

- a. Open for public access from the first day of archery deer and elk season through May 31.

158. Saguache Creek – Saguache County

- a. Open for public access from August 15 through the end of February.

159. Saint Charles – Pueblo County

- a. Discharge of firearms is prohibited within a quarter mile of any building.
- b. Hunting is prohibited, except from August 15 through the end of February.
- c. Access to the property is from parking areas only.

160. Sakariason – Las Animas County

- a. Access is restricted as posted on the west side of the property.
- b. Hunting is prohibited, except from September 1 through May 31.

161. Sand Creek – Jackson County

- a. Open for public access from August 15 through the end of February.
- b. Camping is permitted only as posted.

162. Sand Gulch #1 – Fremont County

- a. Open for public access from September 1 through May 31.
- b. Motorized vehicles are prohibited off of the BLM access road.

163. Sand Gulch #2 – Fremont County

- a. Open for public access from September 1 through May 31.

164. Sand Gulch #3 – Fremont County

- a. Open for public access from September 1 through May 31.

165. Sand Gulch #4 – Fremont County

- a. Open for public access from September 1 through May 31.

166. Sandy Bluffs – Yuma County

- a. Public access is prohibited from June 1 through August 31.
- b. Public access is prohibited from 9:00 pm – 4:00 am.
- c. Public access is prohibited east of US 385.

167. San Luis Hills – Conejos County

- a. Open for public access from August 15 through the end of February.

168. San Luis Lakes – Alamosa County

- a. Open for public access from July 15 through the end of February.
- b. Access allowed from the San Luis Lakes State Wildlife Area only. Access is by foot or horseback only.
- c. Bicycles are prohibited.
- d. Game carts are allowed.

169. Scandinavian Gulch – Moffat County

- a. Public access is prohibited from March 1 through August 14.

170. Schultz Canyon – Huerfano County

- a. Public access is prohibited from June 1 through August 31.

171. Sevenmile Ridge – Moffat County

- a. Public access is prohibited from March 1 through August 14.

172. Shaw Creek – Rio Grande County

- a. Open for public access from September 1 through the end of February, and through March 31 for mountain lion hunting only.
- b. Access is by foot and horseback only.

173. Sheephead Basin – Moffat County

- a. Public access is prohibited from March 1 through August 14.

174. Shepherd Springs – Moffat County

- a. Public access is prohibited from March 1 through August 14.

175. Short Creek Baldy – Fremont County

- a. Open for public access from September 1 through May 31.

176. Sikes Ranch – Baca County

- a. Camping is prohibited.
- b. Fires are prohibited.
- c. Off-highway vehicle (OHV) use is prohibited.
- d. Wood cutting or gathering is prohibited.
- e. Public access is allowed one hour before sunrise until one hour after sunset, except that when an animal is harvested the successful hunter is allowed to remain as long as is necessary to remove the animal, and except when authorized by a night hunting permit.
- f. Trapping is allowed by permit only. Permit holders shall have their permit on their person at all times while trapping. Permits may be obtained by calling the Lamar Service Center at 719-336-6600 or the local District Wildlife Manager at 719-980-0025.
- g. Public access is prohibited in the building envelope and designated safety zones, as posted.
- h. Parking is allowed in designated parking lots only.
- i. All motorized travel is restricted to the primary access route (CR O).

177. 63 Ranch – Park County

- a. Open for hunting from August 15 through the end of February.
- b. Open for fishing year-round.

178. South 80 – Moffat County

- a. Public access is prohibited from March 1 through August 14.

179. South Middle Creek – Huerfano County

- a. Public access is prohibited from June 1 through August 31.

180. South Nipple Rim – Moffat County

- a. Open for hunting from August 15 through the end of February.
- b. Discharge of firearms is prohibited within 100' of buildings/corrals as posted.

181. Spencer Draw – Moffat County

- a. Public access is prohibited from March 1 through August 14.

182. State Line – Baca County

- a. Access is by foot only.

183. Steel Canyon – Saguache County

- a. Open for hunting from August 15 through the end of February.

184. Steinhoff Hill – Larimer County

- a. Big game hunting is prohibited, except by means of archery.
- b. Small game hunting is prohibited, except by means of archery or shotguns not firing single slugs.

185. Stokes Gulch – Routt County

- a. Open for public access from the first day of archery deer and elk season through May 31.

186. Stonehouse Gulch – Saguache County

- a. Open for public access from August 15 through the end of February.

187. Stoney Face Mountain – Fremont County

- a. Open for public access from September 1 through May 31.

188. Sweetwater – Kiowa County

- a. Open for fishing from the last day of Waterfowl Season (or as posted) through October 31.
- b. Open for hunting Sept. 1 through the last day of Waterfowl Season (or as posted) to March 30.

189. Table Mountain – Fremont County

- a. Horseback riding is prohibited, except during big game season.
- b. Public access is prohibited from June 1 through August 31.

190. Tallahassee Road – Fremont County

- a. Open for public access from September 1 through May 31.

191. Tarryall Creek – Park County

- a. Public access is allowed on the northeast corner of Tarryall Creek year-round for fishing.
- b. Open for public big and small game hunting access from September 1 through the end of February.

192. Taylor Draw – Jackson County

- a. Open for public access from August 15 through the end of February.

193. Ted's Canyon – Moffat County

- a. Open for public access from August 15 through the end of February.
- b. Hunting is restricted to big game and small game hunting only.

194. Texas Creek #1 – Fremont County

- a. Open for public access from September 1 through May 31.
- b. Access is by foot and horseback only, except on 217 A Road.

195. The Sloughs – Moffat County

- a. Public access is prohibited from March 1 through August 14.

196. Thompson Draw – Moffat County

- a. Public access is prohibited from March 1 through August 14.

197. Three Sisters – Jackson County

- a. Open for public access from August 15 through the end of February.
- b. Access to the property is from parking area at the end of County Road 12E only.

198. Tomichi Dome – Gunnison County

- a. Open for fishing year-round.
- b. Open for public hunting access from August 15 through the end of February.
- c. Camping is permitted only as posted.

199. Trowel – Moffat County

- a. Public access is prohibited from March 1 through August 14.

200. Turkey Gulch – Fremont County

- a. Open for hunting from September 1 through May 31.

201. Turkey Track Ranch – El Paso County

- a. Access to the property is from designated parking area only. No access is allowed from county roads.
- b. Public access prohibited from March 1 – August 14.
- c. Access is by foot only.
- d. Building permanent blinds prohibited.

202. Turner's Creek – Moffat County

- a. Public access is prohibited from March 1 through August 14.

203. Vaughn Draw – Moffat County

- a. Public access is prohibited from March 1 through August 14.

204. Vermillion Creek – Moffat County

- a. Public access is prohibited from March 1 through August 14.

205. Vincente Canyon – Conejos County

- a. Open for hunting from August 15 through May 31
- b. Open for fishing year-round.
- c. Camping is allowed only as posted.

206. Warmer Gulch – Park County

- a. Open for public access from September 1 through May 31.

207. Waugh Mountain – Fremont/Park County

- a. Open for public access from the first day of archery pronghorn season through May 31.

208. Weber Canyon – Montezuma

- a. Open for public access from September 1 through the last day of the spring turkey season.
- b. Public access from March 1 through the last day of the spring turkey season is for mountain lion and turkey hunting only.

209. Werner Arroyo – Saguache County

- a. Open for public access from August 15 through the end of February.

210. West Bear Gulch – Fremont County

- a. Public access is prohibited from June 1 through August 31.

211. West Carter Mountain – Grand County

- a. Motorized vehicles are restricted to Chimney Rock Road unless posted otherwise.
- b. Camping and campfires are allowed within 300 feet of Chimney Rock road (CR 27/FS 103) as posted.

212. Whetstone Mountain – Gunnison County

- a. Open for public access from August 15 through the end of February.
- b. Access is by foot and horseback only.

213. Willow Creek – Moffat County

- a. Open for public access from September 1 through May 31.

214. Windy Ridge – Grand County

- a. Motorized vehicle access is restricted to County Road 184.

- b. Motorized vehicle access through gate in Section 11 is restricted to use on designated track when road is dry.
- c. Parking is restricted in Section 14 as posted.

215. Winter Valley Gulch – Moffat County

- a. Public access is prohibited from March 1 through August 14.

216. Yampa River – Routt County

- a. Open for public access from the first day of archery deer and elk season through May 31.
- b. Access to the property is from parking area provided in SWA only.

217. Youghal – Moffat County

- a. Public access is prohibited from March 1 through August 14.

218. Zapata Falls – Alamosa County

- a. Open for public access to the waterfall year-round on the Bureau of Land Management trail easement.
- b. Overnight parking is prohibited.
- c. Hunting is prohibited within designated safety zones adjacent to the waterfall trail.
- d. Public access is allowed September 1 through the end of February for big and small game hunting.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00409

Opinion of the Attorney General rendered in connection with the rules adopted by the
Colorado Parks and Wildlife (406 Series, Wildlife)

on 10/09/2025

2 CCR 406-9

CHAPTER W-9 - WILDLIFE PROPERTIES

The above-referenced rules were submitted to this office on 10/10/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2025 09:06:43

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Natural Resources

Agency

Colorado Parks and Wildlife (406 Series, Wildlife)

CCR number

2 CCR 406-17

Rule title

2 CCR 406-17 CHAPTER W-17 - DAMAGE CAUSED BY WILDLIFE 1 - eff 12/01/2025

Effective date

12/01/2025

FINAL REGULATIONS - CHAPTER 17 - DAMAGE CAUSED BY WILDLIFE**ARTICLE XVI – Damage Caused By Gray Wolves****#17162 – Overview of Gray Wolf Damage Claims, \$15,000 Limitations and Filing**

A. Overview

1. Section 33-2-105.8, CRS, requires the Commission to oversee the distribution of state funds that are made available to “[p]ay fair compensation to owners of livestock for any losses of livestock caused by gray wolves....” § 33-2-105.8(2)(e)(2), CRS. This Article XVI implements this requirement through the codification of Base Compensation Claims and two Optional Claims, referred to as Ratio Claims and Itemized Claims.
2. Regardless of what claim or claims agricultural producers rely on to seek compensation for damage caused by gray wolves, eligibility for compensation is limited to the fair market value of the animals at issue in the claim, up to \$15,000 per head of livestock, and up to \$15,000 per livestock guard or herding animal.
3. In addition to damages associated with injury or death, livestock producers are eligible to receive reimbursement for expenses paid to a licensed veterinarian for the treatment of livestock, livestock guard animals and livestock herding animals injured by gray wolves, including professional fees and medical supplies, and hourly labor expenses and medical supply expenses incurred while carrying out a treatment plan prepared by a licensed veterinarian. Such expenses are limited to \$15,000 or the fair market value of the animal, whichever is lower.
4. Base Compensation Claims make owners of livestock eligible to receive state funds for the injury or death of such animals caused by gray wolves. Although not required by statute, such claims also make claimants eligible to receive state funds for livestock guard and herding animals injured or killed by gray wolves. Base Compensation Claims require claimants to, among other things, present physical evidence demonstrating that gray wolves were the actual cause of injury or death to each animal identified in the claim, such as evidence regarding the type and location of wounds on a carcass.
5. These rules also codify two additional, optional claims for claimants to seek compensation for damage caused by gray wolves (Optional Claims). Optional Claims are only available where the claimant experienced a prior Confirmed Wolf Depredation to sheep or domestic cattle. Optional Claims do not require claimants to prove gray wolves were the actual cause of injury or death to each and every animal identified in the claim, and one of the optional claims makes claimants eligible to receive compensation for Indirect Losses.
6. A Ratio Claim under #17169 is an Optional Claim. Ratio Claims enable claimants to seek compensation for multiple missing calves, yearlings or sheep relative to each Confirmed Wolf Depredation experienced by the claimant. Different ratios apply depending on whether the claimant practiced Nonlethal Conflict Minimization prior to the loss. Indirect Losses are not compensable under a Ratio Claim.
7. An Itemized Claim under #17170 is the other Optional Claim. Itemized Claims enable claimants to seek compensation for all missing calves, yearlings or sheep that the claimant reasonably believes were taken by gray wolves, but only to the extent the

number of documented missing calves, yearlings or sheep claimed exceeds the average number of such animals the claimant lost due to causes other than gray wolf depredation in the three years preceding the first Confirmed Wolf Depredation experienced by the claimant. Additionally, Itemized Claims enable claimants to seek compensation for Indirect Losses.

8. Claimants may choose to pursue only Base Compensation Claims. Or claimants may pursue a Base Compensation Claim and, in their discretion, may also pursue either a Ratio Claim or an Itemized Claim, but not both of these Optional Claims.
9. Itemized Claims accrue over the course of a calendar year, require claimants to provide additional paperwork in support of such claims, and require additional analysis by the Division. Therefore, these rules establish the deadline for claimants to file Itemized Claim forms on or before the last day of December of the calendar year when the losses at issue were sustained. Doing so allows Itemized Claims to accrue and enables claimants to gather the documents and information necessary to support such claims. Claimants may only file one Itemized Claim annually. However, claimants may file multiple Base Compensation Claims and Ratio Claims throughout the year and must do so within the ninety (90) day deadline codified in § 33-3-107(2), CRS, *i.e.*, within 90 days of the Division's receipt of claimant's last Notice of Loss. Provided, however, the claimant may elect to delay filing a Proof of Loss form for a base compensation claim or a ratio claim up to and including December 31 for the year when the losses were sustained by signing a Notice of Election to File Annual Claim for Gray Wolf Depredation form provided by the Division.

B. Filing

These rules require claimants to file notices, claim forms, and supporting documents with the Division by providing such documents to the "relevant CPW Area Office" in paper or electronic form. The relevant CPW Area Office means the office having administrative responsibility over some or all of the lands where the damage at issue occurred as shown on the Areas, Districts and Office Locations map on the CPW website, available at <https://cpw.widen.net/s/nwzdcgr8sg>. If the lands where the damage at issue occurred span more than one such area, the claimant should file all papers with the CPW Area Office having authority over the lands where the majority of or the most severe damage occurred. Claimants shall only file papers with one area office.

#17171 – Valuation of Gray Wolf Damage Claims; Supporting Documents

- A. Payment of gray wolf damage claims will be based on sales receipts or sales contracts when copies of such documents are filed with the Proof of Loss for Base Compensation Claims, or with the Ratio or Itemized Claim forms for Optional Claims. Expenses such as transportation, yardage, feed costs at sales yards, and sales commissions are not eligible for payment.
- B. Where such receipts or contracts are not submitted to the Division, the following methods shall be used:
 1. Payment of adult range sheep claims for each age class, other than running age ewes, will be based on the prices in the USDA Agricultural Marketing Service reports from the September preceding the date of the loss or damage. Payment for running-age ewes (ewes between the ages of 2 and 5 years old) will be determined by the following formula: The value shall equal the price received for lambs based on contracts or the average weekly sale price from the USDA Agricultural Marketing Service report from the

last week of September plus 50% of the above value. (Example: Fall lambs at \$90 Plus 50% = \$90 + \$45 or \$135, total value of each running-age ewe.)

2. Payment of lamb claims will be based on the average sale price shown in the weekly USDA Agricultural Marketing Service report for the last week of the September preceding the date of the loss or damage.
 3. Payment of calf claims will be based on the average sale price shown in the monthly update published by the USDA Agricultural Marketing Service for the month of the October preceding the date of the loss.
 4. Payment of claims for decreased weights of sheep or domestic cattle shall be measured by the difference between the average weight of such animals in the claim year at the time of sale versus the average weight of such animals at the time of sale in the three years preceding the confirmed wolf depredation.
 5. Payment of claims for decreased conception rates of sheep shall be measured by the difference between an unbred sheep and a bred sheep based on the average sale price shown in the weekly USDA Agricultural Marketing Service report for the last week of the September preceding the date of the loss.
 6. Payment of claims for decreased conception rates of domestic cattle shall be measured by the difference between an unbred cow and a bred cow based on the average sale price shown in the weekly USDA Agricultural Marketing Service report for the last week of the October preceding the date of the loss.
 7. Payment of all other claims will be based on the fair market value at the time of the loss for the type, age and weight of the animal involved.
- C. For good cause shown, a claimant may establish the value of losses of livestock and, where compensable, livestock guard and herding animals, by reliable means other than those shown above. The claimant shall be required to establish by a preponderance of evidence that the valuation methods listed above are inappropriate for the claim submitted and that the method of valuation requested represents the fair market value of claimant's loss.
- D. In addition to damages associated with injury or death, livestock producers are eligible to receive reimbursement for expenses paid to a licensed veterinarian for the treatment of livestock, livestock guard animals and livestock herding animals injured by gray wolves, including professional fees and medical supplies, and hourly labor expenses and medical supply expenses incurred while carrying out a treatment plan prepared by a licensed veterinarian. Claims for hourly labor expenses and medical supply expenses incurred while carrying out a treatment plan prepared by a licensed veterinarian shall be accompanied by veterinarian directions, documented hours spent complying with the directions, and receipts for medical supplies. Hourly labor expenses are limited to \$20 an hour. Claims for veterinarian expenses shall be accompanied by invoices and/or evidence of payment. Reimbursement authorized by this rule shall not exceed \$15,000 or the fair market value of the animal, whichever is lower.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00411

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Colorado Parks and Wildlife (406 Series, Wildlife)**

on 10/09/2025

2 CCR 406-17

CHAPTER W-17 - DAMAGE CAUSED BY WILDLIFE

The above-referenced rules were submitted to this office on 10/10/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2025 09:10:46

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

3 CCR 702-4 Series 4-2 LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General) 1 - eff 11/30/2025

Effective date

11/30/2025

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE ACCIDENT AND HEALTH

Amended Regulation 4-2-78

CONCERNING HEALTH INSURANCE AFFORDABILITY ENTERPRISE ON-EXCHANGE SUBSIDIES

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Enhanced Premium Subsidies
Section 6	Payments to Carriers for Enhanced Premium Subsidies
Section 7	Severability
Section 8	Enforcement
Section 9	Effective Date
Section 10	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-108(7), 10-1-109(1), 10-16-1207(5), and 10-16-109, C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to provide standards for including payments to carriers pursuant to C.R.S. § 10-16-1205(1)(b)(II) in health benefit plans regulated by the Colorado Division of Insurance. The Division is amending regulation 4-2-78 at the recommendation of the Health Insurance Affordability Board and due to federal enhanced premium tax credits expiring after benefit year 2025.

Section 3 Applicability

This regulation applies to all carriers issuing non-grandfathered individual health benefit plans starting in benefit year 2026 and annually thereafter.

Section 4 Definitions

- A. "Benefit year" shall have the same meaning as found at § 10-16-1103(2), C.R.S.
- B. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.
- C. "Eligible enrollee" means, for the purpose of this regulation, an individual enrolled in a Qualified Health Plan, whose household income is no greater than 400% of the Federal Poverty Level.

- D. "Enhanced Premium Subsidy" means, for the purpose of this regulation, a sum of money from the Health Insurance Affordability Enterprise that is applied directly to an Eligible Enrollee's health insurance premium balance, reducing the amount owed by the enrollee towards the monthly premium.
- E. "Exchange" shall have the same meaning as found at § 10-16-102(26), C.R.S.
- F. "Federal Poverty Level" or "FPL" shall have the same meaning as found at § 10-16-1203(4), C.R.S.
- G. "Health benefit plan" shall have the same meaning as found at § 10-16-102(32), C.R.S.
- H. "Premium tax credit" shall have the same meaning as found at § 10-16-1203(10), C.R.S.
- I. "Rate" means, for the purpose of this regulation, the value in the carrier's Rates Table Template available in SERFF corresponding to the enrollee's age, geographic rating area, and tobacco status.

Section 5 Enhanced Premium Subsidies

For the 2026 benefit year, and annually thereafter, the Health Insurance Affordability Enterprise shall provide an enhanced premium subsidy to all eligible enrollees.

A. Eligibility and Determination

The determination of the enhanced premium subsidies for eligible enrollees shall be predicated upon household income in relation to the Federal Poverty Level (FPL), household size, and the premium balance after federal advance premium tax credits (APTC) have been applied, as specified herein.

B. Subsidy Structure for Households Below 400% FPL

1. For the first enrollee in a household, the enhanced premium subsidy shall be the lesser of \$80 per member per month (PMPM) or the premium balance after federal APTC has been applied.
2. For each additional member in the household who is subject to a premium, the enhanced premium subsidy shall be the lesser of \$29 per member per month (PMPM) or the premium balance after federal APTC has been applied. For households with more than three dependents under age 21, no enhanced premium subsidy will be applied for any subsequent dependents with \$0 premium.

C. Subsidy Implementation

1. As determined by the Exchange, eligible enrollees will be identified based on household income during the health insurance enrollment process.
2. The enhanced premium subsidy shall be applied to eligible enrollees' premium balance after the federal APTC has been applied. As determined by the Exchange, the premium

rate displayed for customers will include federal APTC and the enhanced premium subsidy.

3. Carriers will receive reports during the benefit year listing the enrollees receiving the enhanced premium subsidy and the amounts owed by the Health Insurance Affordability Enterprise for each enrollee.

Section 6 Payments to Carriers for Enhanced Premium Subsidies

Payments to carriers for enhanced premium subsidies shall be calculated as follows:

- A. Pursuant to C.R.S. § 10-16-1205(1)(b)(II), the Colorado Health Insurance Affordability Enterprise created in C.R.S. § 10-16-1204(1)(a), through the Division, will make payments to carriers by June 30, 2027, for the 2026 benefit year, to compensate for the cost of the enhanced premium subsidies.
- B. Total enhanced premium subsidy payment amounts owed to each carrier following the end of the 2026 benefit year will be calculated based on enrollment during the benefit year and the subsidy structure in Section 5.
- C. All funds used to pay for the enhanced premium subsidy for the 2026 benefit year will be state funds from the Colorado Health Insurance Affordability Enterprise.
 1. No federal funds received from Colorado's Affordable Care Act Section 1332 State Innovation Waiver will be used for the enhanced premium subsidy. The subsidy structure, payment amounts, and enrollee eligibility are not contingent on Colorado's Affordable Care Act Section 1332 State Innovation Waiver.
 2. The Division will maintain a separate appropriation unit for the enhanced premium subsidy, and all payments to carriers for the subsidy will be made using this appropriation unit.
 3. The appropriation unit for the enhanced premium subsidy is set up in such a way that only state funds from the Colorado Health Insurance Affordability Enterprise may be utilized to make payments.

Section 7 Severability

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of the regulation shall not be affected.

Section 8 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process

Section 9 Effective Date

This amended regulation shall become effective on November 30, 2025.

Section 10 History

This regulation replaces Emergency Regulation 21-E-08, which became effective on May 9, 2021, in its entirety.

This regulation shall be effective on September 1, 2021.

Amended regulation effective November 14, 2022.

Amended regulation effective September 14, 2023.

Amended regulation effective October 30, 2024.

This regulation was replaced by Emergency Regulation 25-E-03, which became effective June 23, 2025, and expired October 21, 2025.

This regulation shall be effective November 30, 2025.



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Office of the Attorney General

Tracking number: 2025-00300

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Insurance

on 09/29/2025

3 CCR 702-4 Series 4-2

LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)

The above-referenced rules were submitted to this office on 10/07/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 16, 2025 10:43:42

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Insurance

CCR number

3 CCR 702-5

Rule title

3 CCR 702-5 PROPERTY AND CASUALTY 1 - eff 11/30/2025

Effective date

11/30/2025

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-5

PROPERTY AND CASUALTY

Regulation 5-1-27

CONCERNING REQUESTS FOR COMMERCIAL OR PERSONAL AUTOMOBILE POLICY INFORMATION FROM A CLAIMANT OR CLAIMANT'S ATTORNEY AND POLICYHOLDER'S REQUESTS FOR A CERTIFIED COPY OF THE HOMEOWNER INSURANCE POLICY

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Rules
Section 6	Severability
Section 7	Enforcement
Section 8	Effective Date
Section 9	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of § 10-1-109(1), 10-3-1117 and 10-4-110.8(10), C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish rules concerning requests for commercial and personal automobile policy information pursuant to § 10-3-1117, C.R.S. and certified copies of homeowner insurance policies pursuant to § 10-4-110.8 (10), C.R.S.

Section 3 Applicability

The provisions of this regulation shall apply to all insurers that issue commercial and/or personal automobile policies and/or homeowner insurance policies in Colorado.

Section 4 Definitions

- A. "Insurer" shall have the same meaning as found at § 10-1-102(13), C.R.S.
- B. "Claimant" for the purposes of this regulation, and specifically related to automobile claims, shall have the same meaning as found at § 10-3-1117(5), C.R.S.
- C. "Commissioner" shall have the same meaning as found at § 10-1-102(5), C.R.S.
- D. "Homeowner insurance policy", for the purposes of this regulation shall be the insurance policy, which includes the declaration page and endorsements, as found at § 10-4-110.8 (10), C.R.S.

- E. "Policy" for the purposes of this regulation, shall mean personal automobile liability insurance policies as found at § 10-4-601(10), C.R.S., and commercial automobile liability insurance policies, and may or may not include a declaration page or the application submitted to obtain the policy.

Section 5 Rules

Pursuant to §§ 10-3-1117 and 10-4-110.8 (10), C.R.S., Colorado insurers must provide certain policy information upon request received by the insurer's registered agent. A third-party claimant or claimant's attorney's request for personal or commercial automobile liability insurance policies and policy limits and policyholder requests for homeowner insurance policies must be sent to the insurer's registered agent. Therefore, it is necessary that insurers maintain current registered agent information pursuant to § 10-3-107, C.R.S. and Colorado Insurance Regulation 1-1-10.

- A. In regard to commercial and personal automobile insurance policy limits requests:
1. In order to ensure compliance with § 10-3-1117, C.R.S., insurers shall establish a process to respond to written requests for commercial automobile and personal automobile policy liability limit information within the thirty (30) calendar day statutory timeline from the date the registered agent receives a written request pursuant to § 10-3-1117, C.R.S.
 2. If the Commissioner is the named registered agent, the insurer shall provide to the Commissioner an electronic mailing address to facilitate the transfer of policy limits requests directly to the insurer.
 3. For purposes of compliance with § 10-3-1117, C.R.S., insurers shall provide a copy of the commercial or personal automobile policy, which may include, but is not required, the declarations page or the application even if attached to the policy.
 4. In accordance with Colorado Insurance Regulation 1-1-7, Section 5.A., insurers shall retain the requests and responses providing the information required under § 10-3-1117, C.R.S. for the current calendar year plus two prior years.
- B. In regard to a policyholder's request for a certified copy of their homeowner insurance policy:
1. In order to ensure compliance with § 10-4-110.8(10), C.R.S., insurers shall make available a certified copy of a homeowner insurance policy within thirty (30) calendar days of receipt by the registered agent of the policyholder's written request. Such written requests for a certified copy of the homeowner insurance policy shall be sent to the insurer's registered agent, as identified in the Division of Insurance records.
 2. If the Commissioner is the named registered agent, the insurer shall provide to the Commissioner an electronic mailing address to facilitate the transfer of homeowner insurance policy requests directly to the insurer.
 3. In accordance with Colorado Regulation 1-1-7, Section 5.A., insurers shall retain the policyholder requests and documentation confirming the certified policy was made available to the policyholder in compliance with § 10-4-110.8(10), C.R.S. for the current calendar year plus two prior years.

Section 6 Severability

If any provision of this regulation or the application of it to any person or circumstances is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 7 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 8 Effective Date

This regulation shall be effective November 30, 2025.

Section 9 History

New regulation effective November 30, 2025.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00412

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Insurance

on 10/09/2025

3 CCR 702-5

PROPERTY AND CASUALTY

The above-referenced rules were submitted to this office on 10/09/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 27, 2025 09:42:55

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Insurance

CCR number

3 CCR 702-9

Rule title

3 CCR 702-9 PRESCRIPTION DRUG AFFORDABILITY BOARD 1 - eff 01/01/2027

Effective date

01/01/2027

DEPARTMENT OF REGULATORY AGENCIES
PRESCRIPTION DRUG AFFORDABILITY BOARD

3 CCR 702-9

Part 4 UPPER PAYMENT LIMITS

4.3 Upper Payment Limit for Enbrel (Etanercept)

A. Authority

The statutory authority for this rule is sections 10-16-1403(1)(c), 10-16-1403(5), 10-16-1407(1)(a), and 10-16-1407(5), 10-16-1407(6), C.R.S.

B. Scope and Purpose

The purpose of this rule is to establish an upper payment limit for the prescription drug, Enbrel (Etanercept), pursuant to section 10-16-1407, C.R.S., and part 4.1 of these rules. The Board performed an affordability review of Enbrel and determined it was unaffordable for Colorado consumers pursuant to section 10-16-1406, C.R.S., and part 3 of these rules.

C. Applicability

See section 10-16-1407(5), C.R.S., and Division of Insurance Regulation 3 CCR 702-9, Part 4.2.C.

D. Definitions

“Prescription drug” shall have the same meaning as found at section 10-16-1401(19), C.R.S.

“Upper payment limit” shall have the same meaning as found at section 10-16-1401(23), C.R.S.

E. Upper Payment Limit

The upper payment limit for Enbrel (Etanercept) is set at \$600.00 per 50 milligram/milliliter unit. This price per unit will apply to all formulations of Enbrel. The price per unit will be reviewed annually.

F. Severability

If any portion of these rules is found to be invalid, the remaining portion of the rules shall remain in force and effect.

G. Effective Date

This regulation shall become effective on January 1, 2027.

H. History

New regulation effective January 1, 2027.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2024-00610

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Insurance

on 10/03/2025

3 CCR 702-9

PRESCRIPTION DRUG AFFORDABILITY BOARD

The above-referenced rules were submitted to this office on 10/15/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 23, 2025 06:44:21

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Professions and Occupations - State Board of Pharmacy

CCR number

3 CCR 719-1

Rule title

3 CCR 719-1 STATE BOARD OF PHARMACY RULES AND REGULATIONS 1 - eff
11/30/2025

Effective date

11/30/2025

DEPARTMENT OF REGULATORY AGENCIES

State Board of Pharmacy

STATE BOARD OF PHARMACY RULES AND REGULATIONS

3 CCR 719-1

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

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3.00.00 DISPENSING.

...

3.00.80 Definition for Return or Exchange of Medicine, Prescriptions, Medical Devices, and Medical Supplies for Dispensing or Donation.

The following definition applies to donors or donation recipients of medicine, medical supplies, or medical devices pursuant to Section 12-280-135, C.R.S.

“Traditional dispensing system” means a drug package system in which individual doses are not packaged in unit dose packages or unit of issue packages.

3.00.81 General Provisions

- a. Rules 3.00.81 through 3.00.83 apply to donors or donation recipients of medicine pursuant to Section 12-280-135.5, C.R.S.

3.00.82 Donation Records of Medicine .

- a. The donation recipient shall retain written or electronic donation records for at least two years that contain the following information:
 - 1) For each accepted or transferred drug, the name, strength, and quantity. Lot number may be recorded, however, inclusion of lot number is not required. ;
 - 2) The name, address and phone number of the donor, individual donor, or transferring entity;

3.00.83 Dispensing of Donated Medicine.

- a. Except as otherwise specified in Section 12-280-135.5, C.R.S., when administering or redispensing donated medicine, a donation recipient shall:
 - 1) Ensure proper labeling in accordance with 3 CCR 719-1 3 3.00.30;
 - 2) Maintain eligible patient-specific written or electronic records in accordance with 3 CCR 719-1-2-00-00, 3.00.00, and 11.00.00.

3.00.84 Record Retention

...

3.00.85 Prescriptions Dispensed but Not Delivered. When a drug has been dispensed pursuant to a prescription or LTCF chart order but has not been delivered to the ultimate consumer, the drug may be returned to stock for subsequent redispensing provided that:

...

3.00.86 Prescriptions dispensed by prescription drug outlets for delivery to consumers in other other outlet settings. When a drug has been dispensed pursuant to prescription order at a prescription drug outlet but has not been delivered to the ultimate consumer at an other outlet, the drug may be returned to stock only at the originating Prescription Drug Outlet, for subsequent redispensing provided that:

...

3.00.87 A prescription drug that has been dispensed by an automated cassette device may be returned to a pharmacy cassette or any automated dispensing device receptacle for redispensing as long as the integrity of the medication has not been altered, bar code scanning technology is used for returning the drug, qualifications for returning the drug are maintained, and the expiration date of the drug has not passed. A pharmacy technician may carry out the process of prepackaging the drug into an automated cassette.

3.01.00 Packaging.

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5.00.00 OUTLETS.

...

5.01.50 Security. In every prescription drug outlet, all compounding/dispensing areas shall comply with this regulation.

- a. When any compounding/dispensing area of a prescription drug outlet is occupied by any employee, a pharmacist must be physically present within the same building of the prescription drug outlet, unless the prescription drug outlet is defined as a Rural Independent Pharmacy in 12-280-118(3)(d) and 12-280-103(46.7) C.R.S. This Rule shall not apply if the prescription drug outlet does not possess prescription drug or controlled substance stocks or patient information within the first 120 calendar days after the prescription drug outlet has been registered by the Board.
- b. In the event a pharmacist is within the building but absent from a compounding/dispensing area, it is the responsibility of the pharmacist to ensure the proper safeguard of all drugs.
- c. If a compounding/dispensing area is continually attended by a pharmacist when other people are in the building, the compounding/dispensing area need not be enclosed. However, if other people are in the building when there is not a pharmacist present, every compounding/dispensing area must be enclosed by a barrier as specified in paragraph e below unless the prescription drug outlet qualifies for the exemption provided under Rule 5.01.50(a).
- d. If more than one prescription drug outlet is located within the same building, a pharmacist shall not operate more than one outlet at the same time. If a pharmacist physically leaves

one outlet for the purpose of entering into another outlet within the same building, any outlet not being physically attended to by a pharmacist shall be enclosed by a barrier as specified in paragraph e below and a non-pharmacist shall not remain inside the enclosed outlet during that time unless the prescription drug outlet qualifies for the exemption provided under Rule 5.01.50(a).

- e. A prescription drug outlet constituting part of a large establishment may be closed while the balance of the establishment is open for business, provided every compounding/dispensing area is enclosed with a secure floor-to-ceiling physical barrier, which shall be a divider or secure total enclosure, in which any openings shall not be large enough to permit removal of items from the compounding/dispensing area. The barrier must be of weight and strength sufficient to prevent it from being readily lifted, removed, penetrated or bent.
- f. Unless the prescription drug outlet is defined as a Rural Independent Pharmacy in 12-280-118(3)(d) and 12-280-103(46.7) CRS, all entrances to every compounding/dispensing area shall be secured from unauthorized entry when the pharmacist leaves the building except as provided in Rule 5,01.50(a). No one other than a pharmacist shall be permitted to enter any compounding/dispensing area containing drugs, devices or patient information except in extreme emergencies, which shall be defined as a threat to property, public disaster or other catastrophe whereby the public is better served by overlooking the security restrictions of drugs and devices. If any compounding/dispensing area containing drugs, devices or patient information is opened in the absence of a pharmacist or left unsecured from unauthorized entry when the pharmacist leaves the building, the pharmacist manager shall notify the Board in writing within ten days of the discovery of the occurrence. This written notice shall state:
 - (1) The name of the person authorizing the opening of the compounding/dispensing area if known, or the name of the pharmacist responsible for securing the compounding/dispensing area from unauthorized entry;
 - (2) The name of the person opening the compounding/dispensing area if known; and
 - (3) A description of the situation requiring opening of the compounding/dispensing area including the date and time of the opening.
- g. While the compounding/dispensing area is closed and the rest of the establishment is open, a person on duty in the establishment shall be able to contact a pharmacist in case of emergency.
- h. The hours of business of the compounding/dispensing area shall be submitted to the Board in writing.
- i. No prescription drug outlet shall avail itself of the privileges of this Rule until the barrier system and other requirements have been acknowledged, subject to final approval by the Board.
- j. This paragraph applies only to the compounding/dispensing areas of a hospital which operates a prescription drug outlet pursuant to a certificate of compliance; or which operates a registered prescription drug outlet on the premises of the hospital for the primary purpose of providing pharmaceutical services to the hospital's in-patients; or permits a registered prescription drug outlet to be operated on the premises of the hospital by another business entity for the primary purpose of providing pharmaceutical service to the hospital's in-patients.

- (1) In an emergency situation and when a pharmacist is not on the premises of the hospital and administration of a drug to, or use of a device by or on, an in-patient is necessary pursuant to a chart order, and such drug or device is only available from a locked compounding/dispensing area, an authorized registered nurse may enter a locked compounding/dispensing area to obtain the drug or device. In the case of a drug, only pre-labeled packages, such as unit dose or unit-of-use packages, or a pre-labeled container, may be removed from the compounding/dispensing area.
- (2) The following information regarding the removal of such drug or device shall be consistently recorded and maintained in a retrievable document: date; time; name, strength and dosage form of drug, and/or name, and size, if applicable, of device; total quantity of drug or device removed; name and location of patient for whose use the drug or device is necessary; name of the practitioner ordering the drug or device; and the initials or signature of the nursing obtaining the drug or device. This document shall be available for inspection by the Board for a period of two years. Additionally, the original, duplicate or electronic or mechanical facsimile of the chart order shall be left with the above document by the nurse at the time of obtaining the drug or device.
- (3) Any unused portion of a drug or device so removed shall be returned to the compounding/dispensing area when a pharmacist is again on the premises. Additional quantities of the drug or device shall be supplied by a pharmacist and properly recorded as required by sections 12-280-120(4) and 12-280-123(1), C.R.S., and Rule 11.05.20.

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8.00.00 ADVERTISING.

8.00.10 Labels. At least one address shall appear on a prescription label and that shall include the address of the prescription drug outlet from which the prescription was dispensed. In the case of a central fill prescription processing contract, the label shall contain at least the name and address of the originating and/or fulfillment pharmacy.

8.00.30 Multiple Names. A prescription drug outlet shall only use, operate or advertise under the name that appears on the current registration issued by the Board.

8.00.40 Truth in Advertising. No pharmacist or prescription drug outlet shall advertise or allow advertisement that is untrue or misleading in any manner regarding prescription drugs.

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11.00.00 RECORDS AND RECORDKEEPING.

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11.04.10 Filing of prescription orders and chart orders.

- a. A hard copy of every prescription order shall be readily retrievable, legible, and available for inspection for a period of two years from the date of any transaction relating to such prescription order unless the prescription drug outlet can comply with all conditions as outlined in Board Rule 11.11.00 in order to not retain the original prescription order for non-controlled substance prescription drugs and Schedule II, III, IV, and V controlled substances. Prescription orders will be deemed to be readily retrievable, legible, and

available if they are filed by date of entry or according to the numerical sequence of the serial numbers assigned pursuant to Rule 2.01.10, and are easily readable without the aid of any special device. In addition to being filed by date of entry or in numerical sequence, three different prescription files shall be maintained: one file shall consist only of Schedule II controlled substance prescription orders; the second file shall consist only of Schedule III, IV and V controlled substance prescription orders; and the third file shall consist of all non-controlled substance prescription drug prescription orders. Filing of prescription orders in any manner other than by date of entry or numerical sequence will result in such prescription orders being deemed not readily retrievable and available.

- b. Prescription drug outlets electronically maintaining prescription orders shall maintain all hard copy controlled substance prescription orders that are not e-prescribed in accordance with section 12-280-134(1)(a), C.R.S., Rules 11.01.11 and 11.02.00(a)(3) and (4), and Title 21 CFR 1304.04 and file the affected hard copy orders by the date of entry.
- c. A hard copy of every LTCF chart order shall be readily retrievable and available for inspection for a period of two years from the date of any transaction relating to such order. The LTCF chart orders will be deemed to be readily retrievable and available if they are filed according to the date of dispensing. LTCF chart orders for Schedule III, IV, and V controlled substances shall be readily identifiable from non-controlled substance prescription drug LTCF chart orders. Schedule II controlled substance LTCF chart orders shall be retained separately from all other LTCF chart orders.
- d. If a prescription drug outlet utilizes both prescription orders and chart orders, assigning serial numbers to both with the same computer system, the orders must be filed sequentially by date of entry.

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15.00.00 WHOLESALEERS.

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15.01.14 Change of name, location, or ownership, or designated representative.

- a. Any change in the name or location of the wholesaler shall be reported to the Board on an application provided by the Board within thirty (30) days of such change.
- b. Any change in ownership shall be reported on an application provided by the Board within thirty (30) days after the change, with a notice of the ownership change reported to the Board within five (5) business days of such change. The new owner(s) shall pay the appropriate fee. A change of ownership shall be deemed to have occurred:
 - (1) In the event the owner is a corporation, upon sale or transfer of twenty percent or more of the shares of the corporation to a single individual or entity;
 - (2) In the event the outlet is owned by a partnership, upon sale or transfer of twenty percent or more of any ownership interest.
 - (3) In the event the outlet is owned by a limited liability company (LLC), upon sale or transfer of twenty percent or more of the membership interests.
 - (4) Upon incorporation of an existing wholesaler.

- c. Any change in the designated representative of a wholesaler shall be reported to the Board on a form supplied by the Board within thirty calendar days of such change. The incoming designated representative must undergo the required background check.

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32.00.00 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER

This rule is promulgated pursuant to sections 12-20-204, 12-30-112, and 12-280-107(1) C.R.S., in consultation with the Commissioner of Insurance and the State Board of Health. The purpose of this rule is to establish requirements for health care providers to provide disclosures to covered persons who are utilizing a health benefit plan about the potential of balance billing when receiving post-stabilization services or covered non-emergency services from an out-of-network provider at an in-network facility. This rule applies to health care providers. Balance billing by a health care provider is only permitted when the criteria established in Colorado law, including but not limited to sections 12-30-112 and 12-30-113, C.R.S., are met.

A. Definitions, for purposes of this rule, are as follows:

1. "Ancillary Services" as defined in section 12-30-112(1)(a), C.R.S.
2. "Balance Bill" and "Balance Billing" as defined in section 10-16-704(19)(c), C.R.S.
3. "Covered Non-emergency Services" means services that are not emergency services as defined in section 10-16-704(19)(e), C.R.S., are services covered by a covered person's health benefit plan, and are not ancillary services as defined in section 12-30-112(1)(a), C.R.S.
4. "Covered Person" as defined by section 10-16-102(15), C.R.S.
5. "Health Benefit Plan" as defined by section 10-16-102(32), C.R.S.
6. "Health Care Provider" means "provider," as defined in section 10-16-102(56), C.R.S.
7. "In-Network Facility" means a facility, either within or outside of Colorado, that, under a contract with a carrier or with its contractor or subcontractor, has agreed to provide health-care services to covered persons with an expectation of receiving payment, other than coinsurance, copayments, or deductibles, directly or indirectly, from the carrier.
8. "Out-of-Network Provider" means a Health Care Provider who is not a "Participating Provider."
9. "Participating Provider" as defined in section 10-16-102(46), C.R.S.
10. "Post-Stabilization Services" means covered services related to an emergency medical condition, as defined in section 10-16-704(19)(d), C.R.S., that are provided once the criteria set forth in section 10-16-704(19)(e)(III) are met.

B. Disclosure requirements.

1. An Out-of-Network Provider may balance bill a Covered Person for (a) Post-Stabilization Services in accordance with section 10-16-704, C.R.S., and (b) Covered Non-Emergency Services provided in an In-Network Facility that are not Ancillary Services, but only if the

- Out-of-Network Provider meets the requirements set forth in section 12-30-112(3.5), C.R.S.
2. If a Covered Person may incur a claim for Post-Stabilization Services or Covered Non-Emergency Services from an Out-of-Network Provider, the Out-of-Network Provider shall complete and provide the notice contained in Appendix F of these rules or a similar disclosure which complies with the requirements set forth in section 12-30-112(3.5), C.R.S.
 3. Such notice must be provided in the 15 most common languages in Colorado, which, for purposes of this regulation, are English, Spanish, Vietnamese, Chinese, Korean, Russian, Amharic, Arabic, German, French, Nepali, Tagalog, Japanese, Cushite, Persian.
- C. If applicable and in addition to their responsibilities under this Rule, Health Care Providers shall also comply with the “No Surprises Act,” 42 U.S.C.A. § 300gg-111, Pub.L 116-260, as amended.
- D. Noncompliance with this Rule may result in the imposition of any of discipline made available by section 12-280-126(1)(c) C.R.S.

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APPENDIX F

BALANCE BILLING NOTICE

PATIENT RIGHTS INFORMATION

Check the appropriate box:

- Your provider is proposing to use an out-of-network care provider in delivering your health care service(s). This facility is in-network with your insurance but there may be care providers involved in your care that are out-of-network.
- Your provider is proposing to deliver post-stabilization care at an out-of-network facility. You have received emergency services at the out-of-network facility and are now stabilized, but you may require additional health care services.

You are not required to consent to receive these services from the out-of-network care provider or continue to receive post-stabilization care at an out-of-network facility. If you choose to proceed with the proposed out-of-network care provider or facility you may be billed for costs detailed in the Good Faith Estimate below. The additional costs you pay may not accrue toward insurance cost sharing or deductibles.

You may choose to use an in-network provider from the list below or you may choose to transfer your care to an in-network facility for post-stabilization services. If you choose to proceed with an in-network provider or transfer to an in-network facility, the cost will not exceed the amount allowed by your insurance plan.

You chose to receive this Notice electronically or in paper form.

This notice must have been provided to you, either in paper or electronically, per your preference within the following timeframes:

1. At least seventy-two hours in advance of the date of services, if the appointment was scheduled at least seventy-two hours in advance;
2. At least three hours before the scheduled appointment, if the appointment was made less than seventy-two hours in advance.

This is not a contract for services. Your provider is required to retain this form for seven years.

This form must be available to you in the 15 languages most common to the geographic region where your provider is located, which include English, Spanish, Vietnamese, Chinese, Korean, Russian, Amharic, Arabic, German, French, Nepali, Tagalog, Japanese, Cushite, and Persian.

BILLING ADVISEMENT

(choose applicable billing scenario)

Out-of-Network Provider at In-Network Facility

Your provider is proposing to use an out-of-network care provider in delivering your service(s). That out-of-network provider is/are:

[PROVIDER NAME]

Description of service(s) to be provided by an in-network facility by an out-of-network provider:

[SERVICE]

You scheduled the service(s) on [DATE] at [TIME]. You are planning to receive the service(s) stated above on [DATE] at [TIME]

Do you need prior authorization from your insurance company for the service(s) provided at this facility?

[Y / N]

Good Faith Estimate for the total cost of the service(s) to you, the patient:

[\$]

Does this facility employ in-network care providers who provide the service(s) detailed above?

[Y / N]

If Yes, the in-network care provider(s) who provide the service(s) are:

[PROVIDER NAME]

NOTE: If there is no in-network provider to provide the service(s) at this in-network facility you cannot be balanced billed for the services provided by the out-of-network provider. **OR**

Post-Stabilization Services

Your provider is proposing to deliver post-stabilization care at an out-of-network facility. That out-of-network facility is and/or the provider(s) is/are:

[FACILITY/PROVIDER NAME]

Description of post-stabilization service(s) to be provided by an out-of-network facility or provider:

[SERVICE]

You scheduled the service(s) on [DATE] at [TIME]. You are planning to receive the service(s) stated above on [DATE] at [TIME].

Good Faith Estimate for the total cost of the service(s) to you, the patient:

[\$]

I [PATIENT NAME] received this form at [TIME] on [DATE].

SIGNATURE OF PATIENT

[TIME] and [DATE]

...

Editor's Notes

History

Rules 2.01.10; 2.01.30; 3.00.50; 3.00.70, 6.00.20; 6.00.30; 6.00.40; 8.00.10; 11.04.20; 14.03.10 eff. 07/30/2007.

Rules 8.00.10; 11.04.10; 20.00.00 eff. 09/30/2007.

Rule 4.00.00 eff. 11/30/2007.

Rules 3.01.20, 10.00.00 eff. 03/01/2008.

Rules 5.01.31; 15.01.11; 15.01.12; 15.09.11; 15.09.14; 22.00.00 eff. 05/30/2008.

Rules 4.02.00 (c), 21.00.00, 23.00.00 eff. 06/30/2008.

Rules 1.00.00, 2.00.00, 3.00.00, 5.00.00, 7.00.00, 11.00.00, 12.00.00, 14.00.00 eff. 11/30/2008.

Rule 15.09.11 eff. 01/31/2009.

Rules 6.00.30, 11.06.00, 22.00.00 eff. 03/02/2009.

Rule 9.00.00 eff. 04/30/2009.

Rules 5.00.55, 5.01.31(a), 6.00.20(f), 14.00.40, 15.01.17, 15.01.18, 15.08.19(f), 15.09.11(d), 15.09.15, 15.09.19, 15.09.20(g-h), 15.09.23, 15.09.24, 15.10.10, 16.00.20(d), 19.01.10(b), 19.01.30(a) eff. 12/30/2009.

Rules 4.00, 18.00 eff. 03/17/2010.

Rules 3.00.80 – 3.00.90; 5.00.55; 15.01.12; 19.00.00 – 19.01.50. Rule 22.00.00 repealed eff. 07/15/2010.

Rules 1.00.21, 5.01.31(e), 5.01.50 eff. 08/30/2010.

Rules 5.00.55, 21.11.10 (a), 21.21.70 (a) eff. 11/14/2010.

Rules 1.00.18, 2.01.50 – 2.01.53, 3.00.50 – 3.00.51, 5.00.50, 5.00.60, 5.01.31.a, 11.04.10, 15.01.11, 15.09.11.e eff. 06/14/2011.

Rules 3.01.24, 4.00.00, 11.04.20, 11.04.30, 21.00.00 - 21.11.20, 23.00.00 eff. 04/14/2012.

Rule 14.00.10 eff. 05/15/2012.

Entire rule eff. 01/01/2013. Rule 17.00.00 repealed eff. 01/01/2013.

Rules 3.00.21 – 3.00.22, 3.00.55, 3.00.90.e.(4), 3.01.20.c, 3.01.30, 3.01.32, 3.01.34, 4.00.10.f, 4.00.20, 5.01.31.a.(1)(C), 15.10.14.a, 23.00.90 eff. 09/14/2013.

Rules 2.01.10, 3.00.25, 3.00.91, 5.00.15, 6.00.30, 10.00.00, 11.03.00, 11.07.10, 14.00.05.k-l, 14.00.80.e.(2), 14.00.80.j, 16.00.00, 18.00.00, 20.00.00, 21.00.20, 21.10.80, 21.11.00.a.(12), 21.11.10.c, 21.20.20, 21.20.30.b(14), 21.21.40.c, 21.21.70.c, 21.22.00.b(1), 23.00.30, 23.00.50, 23.00.65, 23.00.70, eff. 10/15/2014.

Rules 3.00.22, 3.00.81.l-o, 3.00.82-3.00.84, 3.00.85.a(3), 3.00.86, 3.00.88.a(2), 3.00.88.b(10), 4.06.00, 6.00.10-6.00.20, 6.00.40.a, 6.00.50, 6.00.60.a, 6.00.60.b.10, 6.00.70.a, 6.00.90.b, 6.01.10.a, 19.01.40.c, 21.00.10, 21.00.20.b, 21.10.60.b, 21.10.80.b(4), 21.11.10.a(5), 21.11.10.c(9), 21.20.10.d, 21.20.20.b(2)(a), 21.20.25.b, 21.20.70.f, 21.20.90.b-c, 21.21.10.b, 21.21.70.a(6), 21.21.70.c(10), 23.00.40.y-z, 23.00.70.h-j eff. 09/14/2015.

Rules 3.00.21, 3.00.27, 19.01.10(1), 21.00.20, 21.11.20.d, 21.20.16, 21.20.20.b.(2), 21.20.60.b, 21.20.60.e, 21.21.90.d eff. 03/16/2016.

Rules 3.00.20, 3.00.22 e, 3.00.81 g, 3.00.84, 3.01.10 d, 4.00.10, 4.00.25, 4.05.00, 5.00.15 d, 5.01.31, 6.00.20 e, 7.00.10, 8.00.10, 14.00.80 i-k, 19.01.10 b.(2), 20.00.80 a.1, 21.00.20, 21.00.30, 21.20.20 b, 27.00.00, 28.00.00 eff. 11/14/2016. Rule 10.00.51 repealed eff. 11/14/2016.

Rule 17 eff. 03/17/2017. Rule 18 repealed eff. 03/17/2017.

Rules 3.01.10 d, 7.00.30 b.4, 21.00.20, 21.00.30, 23.00.10, 23.00.70 eff. 11/14/2017. Rules 1.00.15, 5.00.55 a.(6) repealed eff. 11/14/2017.

Rules 3.05.00, 5.01.31 m, 5.01.31 r, 5.01.40 a, 5.01.50 a-f, 11.03.05, 11.04.10, 11.06.10 j, 14.02.30 d, 20.00.90 c, 20.01.00 a.2.iv, 21.00.20 d.ii, 21.20.70 g, 25.00.12 d-e, 25.00.14 c-d, 25.00.16 e eff. 09/17/2018.

Rules 1.00.24, 2.01.50, 2.01.52, 2.01.53, 2.01.56, 2.01.80, 3.00.23, 3.00.30, 3.05.10-3.05.30, 3.05.80, 7.00.30 c, 11.03.00 a, 11.07.10 a, 14.00.05 m, 14.00.40 f.1, 14.00.80 e, 15.01.11 a.(8)(i), 15.01.11 a.(9), 15.09.14 a, 19.01.10 b.-c, 23.00.10, 23.00.70, 29.00.00 eff. 11/30/2019.

Rule 30.00.00 emer. rule eff. 05/01/2020; expired 08/28/2020.

Rules 17.00.10, 17.00.30 a.7, 17.00.50 b.2, 17.00.70, 17.00.80, 17.01.00, 17.02.00 a, 17.03.00 b, 17.04.00 eff. 05/15/2020. Rule 6.00.00 repealed eff. 05/15/2020.

Rule 30.00.00 eff. 08/30/2020. Rule 3.04.00 repealed eff. 08/30/2020.

Rules 2.01.20, 3.00.81 a, 3.01.22 b, 5.00.40, 5.00.50 a, 7.00.30 b, 10.00.60, 11.08.00, 11.08.50, 14.00.05 b, 14.00.40 b-c, 14.05.11, 15.05.20, 15.01.11 b-d, 15.01.14 a-b, 15.01.17, 17.00.50 c, 24.00.50, Appendix C eff. 11/14/2020.

Rule 19.00.00 emer rule eff. 11/19/2020.

Rule 1.00.25, Appendix D eff. 12/30/2020.

Rules 5.01.31 j-k, 17.00.10 d, 19.01.10, 19.01.20, 19.01.30 a, 19.01.40 a.(5)-(9), 19.01.50 a.(3) eff. 03/17/2021.

Rule 1.00.25 E-F eff. 05/15/2021.

Rules 1.00.18, 1.00.24, 2.01.10 d-f, 2.01.20, 3.00.21, 3.00.22, 3.03.10 a(2), 3.03.10 a(7), 3.03.10 b(2), 5.00.01, 5.00.10, 5.00.17, 5.00.19, 5.00.40, 5.00.50, 5.00.55 b, 5.00.60, 7.00.30, 9.00.10 e, 14.00.05, 14.00.80 e(1), 15.01.00 a, 15.02.10, 15.09.11, 15.09.12 c, 15.09.14 a, 15.10.10 l, 17.00.10, 21.00.10, 21.00.20, 21.11.10 c, 21.21.70 a, 23.00.10 n, 23.00.30, 23.00.40, 23.00.50, 23.00.90 a.2, 23.00.90 c, 29.00.50, Appendix C eff. 11/30/2021.

Rules 32.00.00, 33.00.00 emer. rules eff. 09/29/2022.

Rules 3.00.22, 4.00.30 e, 4.00.40 e.-f, 5.00.19 a, 7.00.10 a, 14.00.05 l.-o, 14.00.40 f.(1), 14.00.80 e, 16.00.10, 16.00.20 d.(2), 16.00.80, 16.02.00, 16.02.01, 16.02.03, 17.00.70, 17.00.80, 17.01.00 a, 25.00.10, 25.00.12 a, 25.00.18, 25.00.24 a, 31.00.00, 33.00.00, 34.00.00, Appendices A, C, E, F eff. 11/30/2022.

Rules 5.00.01 g, 5.00.21 emer. rules eff. 07/20/2023.

Rules 5.00.01 g, 5.00.21 eff. 09/14/2023.

Rule 33.00.00 emer. rule eff. 10/01/2023.

Rule 33.00.00 eff. 11/14/2023.

Rules 1.00.25, 2.01.20, 2.01.50, 3.00.51, 5.00.01, 5.00.21, 5.00.60, 5.01.31, 5.01.40, 7.00.10, 11.03.00, 11.06.10, 11.06.30-11.06.50, 11.10.00, 11.11.00, 12.00.32, 14.00.20, 14.00.40, 14.00.60, 14.00.80, 14.02.30, 17.00.10, 17.00.70, 17.00.80, 19.01.10, 20.01.20, 21.00.30, 21.10.00-21.10.40, 21.10.60-21.10.90, 21.11.00, 21.11.10, 21.11.20, 21.11.25, 21.20.10-21.20.23, 21.20.30, 21.20.50-21.20.90, 21.21.10, 21.21.20-21.21.80, 21.22.00, 21.22.10, 23.00.70, 26.00.10, 26.00.20, 27.00.10, 27.00.20, 27.00.40, 31.06.00, Appendix A eff. 11/30/2023.

Rules 2.01.58, 3.01.30-3.01.34, 14.00.30, 14.00.50, 21.10.70, 21.10.90, 21.11.00, 21.11.10, 21.20.40, 30.00.00, 32.00.00, 33.00.00 repealed eff. 11/30/2023.

Rules 14.03.00 a.(13), 14.03.10 c.(12), 14.03.10 e, 14.03.30 eff. 03/16/2024.

Rules 2.01.20 a, 3.00.30 c, 3.00.90 a, 3.00.92, 3.01.22 f, 11.04.10, 15.01.11 (9), 15.10.14 h-i, 17.00.10 a, 17.00.10 a.1, 17.00.10 d, 17.00.30 a.5, 17.00.30 a.7.b, 17.00.30 b, 21.00.20 iii, 23.00.30 e, 31.00.05, Appendix A, Appendix E eff. 11/30/2024.

Rule Appendix G eff. 03/17/2025.

Rule Appendix G eff. 05/15/2025.

Annotations Rules 33.00.00 D. and 33.00.00 E. (adopted 09/29/2022) were not extended by Senate Bill 23-102 and therefore expired 05/15/2023.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00405

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Professions and Occupations - State Board of Pharmacy

on 10/02/2025

3 CCR 719-1

STATE BOARD OF PHARMACY RULES AND REGULATIONS

The above-referenced rules were submitted to this office on 10/03/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 21, 2025 15:44:41

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Public Utilities Commission

CCR number

4 CCR 723-7

Rule title

4 CCR 723-7 RULES REGULATING RAILROADS, RAIL FIXED GUIDEWAYS,
TRANSPORTATION BY RAIL, AND RAIL CROSSINGS 1 - eff 11/30/2025

Effective date

11/30/2025

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-7

PART 7

RULES REGULATING RAILROADS, RAIL FIXED GUIDEWAYS, TRANSPORTATION BY RAIL, AND RAIL CROSSINGS

BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis for and purpose of these rules is to describe the manner of regulation over railroads, railroad corporations, rail fixed guideways, rail fixed guideway systems, transit agencies, persons holding a certificate of public convenience and necessity to operate by rail, any other person operating by rail, governmental or quasi-governmental entities that own and/or maintain public highways at rail crossings, railroad peace officers, and to Commission proceedings concerning such entities. These rules address a wide variety of subject areas including, but not limited to, applications, petitions, annual reporting, civil penalties, formal and informal complaints, operating authority, transfers of operating authority, mergers, tariffs, crossings and warning devices, cost allocation for grade separations, crossing construction and maintenance, railroad clearances, system safety program standard for rail fixed guideway systems, and employment of railroad peace officers.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-119, 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101(1), 40-4-101(2), 40-4-106, 40-5-105, 40-6-108(2), 40-6-111(3), 40-9-108(2), 40-18-101, 40-18-102, 40-18-103, 40-18-104, 40-20-302, 40-20-303, 40-20-308, 40-29-110, and 40-32-108, C.R.S.

* * * *

[indicates omission of unaffected rules]

CIVIL PENALTIES

7009. Definitions.

The following definitions apply to rules 7009 through 7011 unless a specific statute or rule provides otherwise. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (a) “Civil penalty” means a monetary penalty imposed by the Commission against a railroad, railroad corporation, rail fixed guideway, owner of the track, or transit agency that is not a political subdivision of the State of Colorado for failure to comply with the Colorado Constitution, a provision of articles 1 to 7 of title 40, C.R.S., or a Commission order or rule,
- (b) “Civil penalty assessment” means the act by the Commission of imposing a civil penalty.

- (c) “Civil penalty assessment notice” means the written document by which the Commission gives initial notice to a railroad, railroad corporation, rail fixed guideway, owner of the track, or transit agency that is not a political subdivision of the State of Colorado of an alleged failure to comply with the Colorado Constitution, a provision of articles 1 to 7 of title 40, C.R.S., or a Commission order or rule and sets forth the proposed civil penalty amount.

7010. Civil Penalties.

- (a) The Commission may impose a civil penalty against a railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track for failure to comply with the Colorado Constitution, a provision of articles 1 to 7 of title 40, C.R.S., a Commission order or rule, except for an order requiring payment of money, as authorized in §§ 40-4-106(1)(b) and 40-7-105, C.R.S. The Commission may impose a civil penalty against a railroad, as defined in § 40-20-302(20), C.R.S., if the railroad or any officer, agent, or employee of the railroad violates § 40-20-303, C.R.S. Before issuing a civil penalty assessment notice, the entity alleged to have failed to comply with the Colorado Constitution, a provision of articles 1 to 7 of title 40, C.R.S., § 40-20-303, C.R.S., or a Commission order or rule, must be provided written notice of the alleged violation(s), and an opportunity to cure the alleged violation(s) within a minimum of 14 calendar days. The Commission, in its discretion, may provide additional time to cure the alleged violation(s).
- (b) Civil penalty assessment notice.
- (I) The Director of the Commission or his or her designee has the authority to issue a civil penalty assessment notice for an alleged failure to comply with or violation(s) of the Colorado Constitution, a provision of articles 1 to 7 of title 40, C.R.S., § 40-20-303, C.R.S., or a Commission order or rule.
- (II) The civil penalty assessment notice must be served in person, by certified mail or by personal service and shall contain:
- (A) the name and address of the entity cited for the violation;
- (B) a citation to the specific constitutional provision, rule, statute or Commission order alleged to have been violated;
- (C) a brief description of each alleged violation, and the date and approximate location (as applicable) of the alleged violation;
- (D) the maximum penalty amount for each alleged violation and the maximum amount of the penalty surcharge imposed pursuant to § 24-34-108(2), C.R.S., if any. The penalty surcharge shall be equal to the percentage set by the Department of Regulatory Agencies on an annual basis;
- (E) a statement allowing for a reduced penalty of 50 percent of the maximum penalty amount and surcharge if paid within ten calendar days of the railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track’s receipt of the civil penalty assessment notice;

- (F) a place for the railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track to execute a signed acknowledgment of receipt of the civil penalty assessment notice;
 - (G) a place for the railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track to execute a signed acknowledgement of liability for the violation;
 - (H) a statement that if the prescribed penalty is not paid within ten calendar days of the railroad, railroad corporation, rail fixed guideway, transit agency or owner of the track's receipt of the civil penalty assessment notice, that the civil penalty assessment notice becomes a notice of complaint to appear before the Commission; and
 - (I) for alleged violations of § 40-20-303, C.R.S., the civil penalty assessment notice shall include a place for the railroad, as defined in § 40-20-302(20), C.R.S., to execute a signed acknowledgement of: (1) receipt of the civil penalty assessment notice, and (2) liability for the violation.
- (III) A civil penalty assessment notice may not be considered defective so as to provide cause for dismissal solely because of a defect in its content. Any defect in the content of a civil penalty assessment notice may be cured by a motion to amend the same filed with the Commission prior to a hearing on the merits. No such amendment may be permitted if the substantial rights of the cited entity are prejudiced.
- (c) Adjudication.
- (I) The railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track cited with alleged violation(s) or the railroad, as defined in § 40-20-302(20), C.R.S., cited with alleged violation(s) of § 40-20-303, C.R.S. may either admit liability for the violation(s) by executing the acknowledgement of liability and paying the penalty prescribed in the civil penalty assessment notice or contest the alleged violation(s) as set forth below. When the cited entity admits liability, it must pay the civil penalty specified for the violation(s) in person at the Commission's office or by depositing payment postage prepaid in the United States mail within ten days after the citation is issued.
 - (II) The railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track cited with alleged violation(s), or the railroad, as defined in § 40-20-302(20), C.R.S., cited with alleged violations of § 40-20-303, C.R.S. may contest the violation(s) identified in the civil penalty assessment notice and request a hearing before the Commission. If the cited entity does not pay the prescribed penalty within ten calendar days after the civil penalty assessment notice is issued, the notice constitutes a complaint to appear before the Commission. The cited entity must contact the Commission on or before the time and date specified in the civil penalty assessment notice to set the complaint for a hearing on the merits. If the cited entity fails to contact the Commission as required, the Commission will set the complaint for a hearing. At the hearing, Commission trial staff shall have the burden of demonstrating the violation(s) by a preponderance of the evidence.

- (d) Civil penalty assessment.
 - (I) The Commission shall assess a civil penalty only after a railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track, or the railroad, as defined in § 40-20-302(20), C.R.S., either admits liability or is adjudicated to have committed the violation.
 - (II) In any written decision entered by the Commission assessing a final civil penalty, the Commission may impose a civil penalty of not more than \$2,000.00 for each offense, pursuant to § 40-7-105(1), C.R.S., unless the civil penalty is assessed for a violation of § 40-20-303, C.R.S., in which case the Commission may impose a civil penalty of not less than \$10,000.00 but not more than \$25,000.00 on the railroad for each offense, pursuant to § 40-20-308(1), C.R.S., or not more than \$100,000.00 for each offense where authorized by § 40-20-308(2)(a) or (b), C.R.S. In determining the civil penalty amount, the Commission shall consider the factors set forth in paragraph 1302(b) of the Commission’s Rules of Practice and Procedure, 4 Code of Colorado Regulations 723-1.
 - (III) In accordance with § 40-7-105(2), C.R.S. and § 40-20-308(1), C.R.S., every violation is considered a separate and distinct offense, and, in the case of a continuing violation, each day’s continuance thereof shall be deemed a separate and distinct offense.
- (e) Nothing in these rules shall affect the Commission’s ability to pursue other remedies in lieu of imposing a civil penalty.

7011. Regulated Railroad, Railroad Corporation, Rail Fixed Guideway, or Transit Agency Rule Violations, Civil Enforcement, and Civil Penalties.

- (a) Violation of the Colorado Constitution, a provision of articles 1 to 7 of title 40, C.R.S., a Commission order, and the following rules may result in the assessment of a civil penalty of up to \$2,000.00 per offense. The total amount of civil penalties assessed against any one railroad, railroad corporation, rail fixed guideway, transit agency, and owner of track may not exceed \$150,000.00 in any consecutive 12-month period.

Citation	Description
Rule 7204(a)(X)(D)	Schematic Diagram
Rule 7211(b)	Track Construction or Removal
Rule 7211(c)	Railroad Projects Involving Crossings
Rule 7211(h)	Crossing Surface Maintenance
Rule 7211(k)	Crossing Obstructions
Rule 7211(l)	Project Coordination, Public Notice and Detours
Rule 7211(m)	Project Management and Support

Rule 7211(n)	Crossing Surface Replacement
Rule 7212(c)	Warning Device Selection, Preemption Timing Selection, and Exit Gate Operation Selection
Rule 7212(d)	Report Preparation and Payment Prohibition
Rule 7212(e)	Schematic Diagram Provision Requirements and Cost Estimate Provision Timeline
Rule 7212(f)	Construction and Maintenance Agreement Timeline
Rule 7212(g)	Railroad Consultant Review Time Limitation
Rule 7212(h)	Existing Crossing Easement Payment Prohibition
Rule 7212(i)	Formal Complaint for Delay and/or Untimeliness
Rule 7213(a)	Minimum Crossing Safety Requirements
Rule 7301(a)	Crossing Warning Device Installation and Maintenance
Rule 7301(d)	Crossing Obstructions
Rule 7302	Accident Notification
Rule 7324(a-f)	Overhead Clearances
Rule 7325(a-j)	Side Clearances
Rule 7326(a-d)	Track Clearances
Rule 7402(a-c)	Class I Railroad Peace Officers Minimum Requirements

- (b) A violation of § 40-20-303, C.R.S. may result in the assessment of a civil penalty of not less than \$10,000.00 but not more than \$25,000.00 per offense, unless the Commission determines that either: (1) the railroad intentionally or knowingly violated § 40-20-303, C.R.S., or (2) the violation was part of a pattern and practice of repeated violations of § 40-20-303, C.R.S., in which case the Commission may impose a fine of up to \$100,000.00 per violation. Each day of a continuing violation of § 40-20-303, C.R.S., constitutes a separate violation.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00079

Opinion of the Attorney General rendered in connection with the rules adopted by the
Public Utilities Commission

on 10/08/2025

4 CCR 723-7

RULES REGULATING RAILROADS, RAIL FIXED GUIDEWAYS, TRANSPORTATION BY RAIL,
AND RAIL CROSSINGS

The above-referenced rules were submitted to this office on 10/09/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 27, 2025 08:32:43

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Professions and Occupations - State Physical Therapy Board

CCR number

4 CCR 732-1

Rule title

4 CCR 732-1 PHYSICAL THERAPY RULES AND REGULATIONS 1 - eff 11/30/2025

Effective date

11/30/2025

DEPARTMENT OF REGULATORY AGENCIES

State Physical Therapy Board

PHYSICAL THERAPY RULES AND REGULATIONS

4 CCR 732-1

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

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1.8 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER

This rule is promulgated pursuant to sections 12-20-204, 12-30-112, and 12-285-106(2)(b), C.R.S., in consultation with the Commissioner of Insurance and the State Board of Health. The purpose of this rule is to establish requirements for health care providers to provide disclosures to covered persons who are utilizing a health benefit plan about the potential of balance billing when receiving post-stabilization services or covered non-emergency services from an out-of-network provider at an in-network facility. This rule applies to health care providers. Balance billing by a health care provider is only permitted when the criteria established in Colorado law, including but not limited to sections 12-30-112 and 12-30-113, C.R.S., are met.

A. Definitions, for purposes of this rule, are as follows:

1. "Ancillary Services" as defined in section 12-30-112(1)(a), C.R.S.
2. "Balance Bill" and "Balance Billing" as defined in section 10-16-704(19)(c), C.R.S.
3. "Covered Non-emergency Services" means services that are not emergency services as defined in section 10-16-704(19)(e), C.R.S., are services covered by a covered person's health benefit plan, and are not ancillary services as defined in section 12-30-112(1)(a), C.R.S.
4. "Covered Person" as defined by section 10-16-102(15), C.R.S.
5. "Health Benefit Plan" as defined by section 10-16-102(32), C.R.S.
6. "Health Care Provider" means "provider," as defined in section 10-16-102(56), C.R.S.
7. "In-Network Facility" means a facility, either within or outside of Colorado, that, under a contract with a carrier or with its contractor or subcontractor, has agreed to provide health-care services to covered persons with an expectation of receiving payment, other than coinsurance, copayments, or deductibles, directly or indirectly, from the carrier.
8. "Out-of-Network Provider" means a Health Care Provider who is not a "Participating Provider."
9. "Participating Provider" as defined in section 10-16-102(46), C.R.S.

10. "Post-Stabilization Services" means covered services related to an emergency medical condition, as defined in section 10-16-704(19)(d), C.R.S., that are provided once the criteria set forth in section 10-16-704(19)(e)(III) are met.
- B. Disclosure requirements.
1. An Out-of-Network Provider may balance bill a Covered Person for (a) Post-Stabilization Services in accordance with section 10-16-704, C.R.S., and (b) Covered Non-Emergency Services provided in an In-Network Facility that are not Ancillary Services, but only if the Out-of-Network Provider meets the requirements set forth in section 12-30-112(3.5), C.R.S.
 2. If a Covered Person may incur a claim for Post-Stabilization Services or Covered Non-Emergency Services from an Out-of-Network Provider, the Out-of-Network Provider shall complete and provide the notice contained in Appendix "B" to these rules or a similar disclosure which complies with the requirements set forth in section 12-30-112(3.5), C.R.S.
 3. Such notice must be provided in the 15 most common languages in Colorado, which, for purposes of this regulation, are English, Spanish, Vietnamese, Chinese, Korean, Russian, Amharic, Arabic, German, French, Nepali, Tagalog, Japanese, Cushite, Persian.
- C. If applicable and in addition to their responsibilities under this Rule, Health Care Providers shall also comply with the "No Surprises Act," 42 U.S.C.A. § 300gg-111, Pub.L 116-260, as amended.
- D. Noncompliance with this Rule may result in the imposition of any of discipline made available by section 12-285-211(1)(l), C.R.S.

...

APPENDIX B

BALANCE BILLING NOTICE

PATIENT RIGHTS INFORMATION

Check the appropriate box:

- Your provider is proposing to use an out-of-network care provider in delivering your health care service(s). This facility is in-network with your insurance but there may be care providers involved in your care that are out-of-network.
- Your provider is proposing to deliver post-stabilization care at an out-of-network facility. You have received emergency services at the out-of-network facility and are now stabilized, but you may require additional health care services.

You are not required to consent to receive these services from the out-of-network care provider or continue to receive post-stabilization care at an out-of-network facility. If you choose to proceed with the proposed out-of-network care provider or facility you may be billed for costs detailed in the Good Faith Estimate below. The additional costs you pay may not accrue toward insurance cost sharing or deductibles.

You may choose to use an in-network provider from the list below or you may choose to transfer your care to an in-network facility for post-stabilization services. If you choose to proceed with an in-network provider or transfer to an in-network facility, the cost will not exceed the amount allowed by your insurance plan.

You chose to receive this Notice electronically or in paper form.

This notice must have been provided to you, either in paper or electronically, per your preference within the following timeframes:

1. At least seventy-two hours in advance of the date of services, if the appointment was scheduled at least seventy-two hours in advance;
2. At least three hours before the scheduled appointment, if the appointment was made less than seventy-two hours in advance.

This is not a contract for services. Your provider is required to retain this form for seven years.

This form must be available to you in the 15 languages most common to the geographic region where your provider is located, which include English, Spanish, Vietnamese, Chinese, Korean, Russian, Amharic, Arabic, German, French, Nepali, Tagalog, Japanese, Cushite, and Persian.

BILLING ADVISEMENT

(choose applicable billing scenario)

Out-of-Network Provider at In-Network Facility

Your provider is proposing to use an out-of-network care provider in delivering your service(s). That out-of-network provider is/are:

[PROVIDER NAME]

Description of service(s) to be provided by an in-network facility by an out-of-network provider:

[SERVICE]

You scheduled the service(s) on [DATE] at [TIME]. You are planning to receive the service(s) stated above on [DATE] at [TIME]

Do you need prior authorization from your insurance company for the service(s) provided at this facility?

[Y / N]

Good Faith Estimate for the total cost of the service(s) to you, the patient:

[\$]

Does this facility employ in-network care providers who provide the service(s) detailed above?

[Y / N]

If Yes, the in-network care provider(s) who provide the service(s) are:

[PROVIDER NAME]

NOTE: If there is no in-network provider to provide the service(s) at this in-network facility you cannot be balanced billed for the services provided by the out-of-network provider. **OR**

Post-Stabilization Services

Your provider is proposing to deliver post-stabilization care at an out-of-network facility. The out-of-network facility is and/or the provider(s) is/are:

[FACILITY/PROVIDER NAME]

Description of post-stabilization service(s) to be provided by an out-of-network facility or provider:

[SERVICE]

You scheduled the service(s) on [DATE] at [TIME]. You are planning to receive the service(s) stated above on [DATE] at [TIME].

Good Faith Estimate for the total cost of the service(s) to you, the patient:

[\$]

I [PATIENT NAME] received this form at [TIME] on [DATE].

SIGNATURE OF PATIENT

[TIME] and [DATE]

Editor's Notes

History

Rules 7, 10, 11 eff. 11/30/2007.

Rule 6 eff. 03/30/2011.

Rules 1-11 emer. rules repealed eff. 03/09/2012.

Rules 1-11 emer. rules eff. 03/09/2012.

Rules 1-11, 303, 304 emer. rules eff. 04/02/2012.

Rules 301, 302, 305, 306 emer. rules eff. 06/01/2012.

Rules 201-211, 301-305 eff. 06/30/2012. Rules 1-11 repealed eff. 06/30/2012.

Rules 101-102, 212, 214 eff. 01/30/2013.

Rule 215 emer. rule eff. 06/02/2014.

Rules 202-203, 205, 215, 303 eff. 09/14/2014.

Rules 207, 213 eff. 11/01/2014.

Rules 102, 103, 201-206, 208, 212, 302-306 eff. 05/15/2015.

Rules 101-107, 201-202, 204-207, 210, 212-213, 215, 301-306 eff. 11/14/2016. Rules 209, 214 repealed eff. 11/14/2016.

Rules 106, 107, 201, 204, 213, 303, 305 eff. 03/02/2017.

Rule 211 emer. rule eff. 01/11/2019.

Rules 204, 205, 206, 211, 213, 303, 304, 305, 307 eff. 04/30/2019.
Rule 1.4 emer. rule eff. 05/01/2020; expired 08/29/2020.
Rule 1.5 emer. rule eff. 05/11/2020; expired 09/08/2020.
Rule 1.4 emer. rule eff. 08/30/2020.
Rule 1.5 emer. rule eff. 09/09/2020.
Rules 1.2 F, 1.3 E, 1.6, Appendix A eff. 12/15/2020.
Rules 1.4, 1.5 emer. rules eff. 12/28/2020.
Rule 1.7 emer. rule eff. 01/11/2021.
Rules 1.4, 1.5 emer. rules eff. 04/27/2021.
Rule 1.7 emer. rule eff. 05/11/2021.
Rules 1.6, Appendix A eff. 06/14/2021.
Rules 1.4, 1.7 emer. rules eff. 07/12/2021.
Entire rule eff. 10/15/2021.
Rules 1.4, 1.7 emer. rules eff. 11/02/2021.
Rules 1.4, 1.7 emer. rules eff. 03/02/2022.
Rules 1.4, 1.7 emer. rules eff. 06/28/2022.
Rules 1.5 F, 1.6 E, 1.7-1.9 eff. 09/30/2022.
Rules 1.8, 1.9 emer. rules eff. 10/13/2022.
Rules 1.11, 1.12 emer. rules eff. 10/26/2022.
Rules 1.11, 1.12 emer. rules eff. 11/11/2022.
Rules 1.7-1.12, Appendix B eff. 12/15/2022.
Rules 1.11, 1.12 emer. rules eff. 01/09/2023; expired 05/09/2023.
Rules 1.8, 1.9 repealed, rule 1.10 renumbered as 1.8 eff. 11/30/2023.
Rules 1.5 A.1.d, 1.5 B.1.a.(1), 1.5 E, 1.5 N, 1.6 D eff. 05/30/2025.

Annotations

Rule 1.6 E.4 (adopted 10/15/2020) was not extended by Senate Bill 21-152 and therefore expired 05/15/2021.

Rules 1.9 B. and 1.9 C. (adopted 10/14/2022) were not extended by Senate Bill 23-102 and therefore expired 05/15/2023.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00408

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Professions and Occupations - State Physical Therapy Board

on 10/09/2025

4 CCR 732-1

PHYSICAL THERAPY RULES AND REGULATIONS

The above-referenced rules were submitted to this office on 10/09/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 27, 2025 09:26:19

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Law

Agency

Attorney General-Consumer Protection Section

CCR number

4 CCR 904-3

Rule title

4 CCR 904-3 COLORADO PRIVACY ACT RULES 1 - eff 12/01/2025

Effective date

12/01/2025

COLORADO DEPARTMENT OF LAW

Consumer Protection Section

COLORADO PRIVACY ACT RULES

4 CCR 904-3

PART 2 DEFINITIONS

Rule 2.02 DEFINED TERMS

“Biometric Data” is defined as set forth in C.R.S. § 6-1-1303(2.4) and means one or more biometric identifiers that are used or intended to be used, singly or in combination with each other or with other personal data, for identification purposes. Biometric Data does not include the following unless the Biometric Data is used for identification purposes: a digital or physical photograph; an audio or voice recording; or any data generated from a digital or physical photograph or an audio or video recording.

“Biometric Identifier” is defined as set forth in C.R.S. § 6-1-1303(2.5), and means data generated by the technological processing, measurement, or analysis of an individual’s biological, physical, or behavioral characteristics, which data can be Processed for the purpose of uniquely identifying an individual. Biometric Identifier includes a fingerprint; a voiceprint; a scan or record of eye retina or iris; a facial map, facial geometry, or facial template; or other unique biological, physical, or behavioral patterns or characteristics.

“Media” means text, audio, an image, or a video.

“Revealing” as referred to in C.R.S. § 6-1-1303(24)(a) includes Sensitive Data Inferences. For example:

1. While web browsing data at a high level may not be considered Sensitive Data, web browsing data which, alone or in combination with other Personal Data, infers an individual’s sexual orientation is considered Sensitive Data under C.R.S. § 6-1- 1303(24)(a).

PART 6 DUTIES OF CONTROLLERS

Rule 6.13 DUTY REGARDING MINOR DATA - KNOWLEDGE STANDARD

- A. The following factors may be considered when determining if a Controller willfully disregards that a Consumer is a Minor as contemplated in C.R.S. § 6-1-1308.5:
1. If the Controller has directly received credible information from a parent or Consumer indicating that the Consumer is a Minor.
 - a. Example: A Controller requires or allows Consumers to provide their date of birth at sign up and the Consumer indicates they are a Minor.
 - b. Example: A Controller requires Consumers to provide their date of birth at sign up, which can be edited once registration is completed. A Consumer uses a fake birthdate to sign up and subsequently revises their birthdate after registration to indicate that they are a Minor.
 - c. Example: A Controller directly receives a credible report from a parent about a Minor using the service.
 - d. Example: A Consumer provides their age in the bio section of the profile on a Consumer's service indicating that they are a Minor.
 - e. Example: A Consumer provides relevant indicia that they are a Minor, such as year of birth, in the profile or account set up of a service.
 2. If the Controller has intentionally directed the website or service to Minors, considering different factors such as marketing or promotional materials that refer to the intended audience as "minors" or "teens", hosting or displaying advertisements that are directed to Minors, or empirical evidence demonstrating that the intended or actual audience is largely composed of Minors.
 - a. Example: A Controller creates and distributes marketing and promotional materials related to the website or service that specifically appeal to Minors.

2. Whether the system design feature has been shown by competent and reliable empirical evidence to cause harm due to increased use of or engagement with an online service, product, or feature;
 3. Whether the system design feature has the substantial effect of subverting or impairing Minor autonomy, decision making or choice, or unfairly, fraudulently, or deceptively manipulating or coercing a Minor.
- B. A system design feature will likely not be found to significantly increase, sustain, or extend a Minor's use of an online service, product, or feature:
1. If the Minor expressly and unambiguously requested specific media or category of media, the Minor subscribed to specific media by the author, creator, or poster, or the Minor has subscribed to a page or group featuring specific media, provided that the media is not recommended, selected, or prioritized for display based, in whole or in part, on other information associated with the Minor or the Minor's device;
 2. If media are recommended, selected, or prioritized only in response to a specific search inquiry by the Minor, or is exclusively next in a pre-existing sequence from the same author, creator, poster, or source;
 3. If the system design feature is one that is necessary to the core functionality of an online service, product, or feature;
 4. If the system design feature is based on Personal Data that is not persistently associated with the Minor or the Minor's device;
 5. If the system design feature does not consider the Minor's previous interactions with media generated or shared by other Consumers;
 6. If the online service, product, or feature contains countervailing measures that could mitigate the harm or other negative effects of the system design feature, such as default time of day or time use limits, or required parental controls;
 7. If the system design feature's primary function is to enhance the safety of the platform for Minors, remove spam, or filter out age-inappropriate content.
- C. The fact that a system design feature is commonly used is not, alone, enough to demonstrate that any particular feature does not significantly increase, sustain, or extend a Minor's use of an online service, product, or feature.

- D. In addition to the factors included in this part 4 CCR 904-3, Rule 6.13, Controllers may consider statutes, administrative rules, and administrative guidance concerning system design features from other jurisdictions when evaluating the likelihood that a system design feature significantly increases, sustains, or extends a Minor's use of an online service, product, or feature as contemplated in C.R.S. § 6-1-1308.5.
- E. The factors included in this part 4 CCR 904-3, Rule 6.14 are not exhaustive, and no one factor is dispositive when determining if a system design feature significantly increases, sustains, or extends a Minor's use of an online service, product, or feature. The Attorney General shall consider a totality of the circumstances when evaluating if a system design feature significantly increases, sustains, or extends a Minor's use of an online service, product, or feature as contemplated in C.R.S. § 6-1-1308.5.
- F. Consistent with C.R.S. § 6-1-1304(g), this Rule does not impose any obligation on a Controller or Processor that adversely affects the rights of any person to freedom of speech or the freedom of the press guaranteed by the First Amendment to the United States Constitution.

PART 7 CONSENT

Rule 7.03 REQUIREMENTS FOR VALID CONSENT

- B. Consent must be obtained through the Consumer's clear, affirmative action. For purposes of obtaining valid Consent:

- 3. If a system design feature that significantly increases, sustains, or extends a Minor's use of an online service, product, or feature is turned off by default or by the Minor, and the Minor turns on or enables the feature, such an act will be considered an affirmative action for the purpose of valid Consent as contemplated by C.R.S. § 6-1-1308.5.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00349

Opinion of the Attorney General rendered in connection with the rules adopted by the
Attorney General-Consumer Protection Section

on 10/08/2025

4 CCR 904-3

COLORADO PRIVACY ACT RULES

The above-referenced rules were submitted to this office on 10/10/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 27, 2025 08:52:45

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission

CCR number

5 CCR 1002-38

Rule title

5 CCR 1002-38 REGULATION NO. 38 - CLASSIFICATIONS AND NUMERIC STANDARDS SOUTH PLATTE RIVER BASIN LARAMIE RIVER BASIN REPUBLICAN RIVER BASIN SMOKY HILL RIVER BASIN 1 - eff 12/31/2025

Effective date

12/31/2025

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 38 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN, REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN

5 CCR 1002-38

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

38.6 TABLES

(6) Discharger-specific Variances

(b) Lower South Platte River Segment 2 (COSPLS02):

Discharger-specific Variance, Town of Crook (COG591015), Adopted 6/9/2025.

Ammonia (acute/chronic): Initial AEL=4 lbs/day, Final AEL=3.4 lbs/day.
Includes a Pollutant Minimization Program. (see 38.110(B))
Expiration date: 12/31/2031.

38.8 – 38.9 RESERVED

38.110 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JUNE 9, 2025 RULEMAKING; FINAL ACTION OCTOBER 14, 2025; EFFECTIVE DATE DECEMBER 31, 2025

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; 25-8-402; and 25-8-207 provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

A. Arsenic Temporary Modifications

In April 2013 (38.85) and subsequent rulemaking hearings (38.90, 38.94, 38.95, 38.97, 38.101, 38.107, and 38.109), the commission has adopted and extended temporary modifications for arsenic of “As(ch)=hybrid” (expiration date of 12/31/2029) on many segments with the 0.02 µg/L Water + Fish numeric arsenic standard. The arsenic temporary modification recognizes existing and predicted compliance issues, instream nonattainment, and the uncertainty regarding the water quality standard necessary to protect current and/or future uses and the extent to which ambient concentrations of arsenic are natural or irreversible (31.7(3)). The division submitted an updated plan to resolve uncertainty and revised permit terms and conditions in June 2024 (38.109(A)).

In 2020 (38.101(D)), the commission adopted the Water Supply use and standards with a delayed effective date of 12/31/2025 on Cache La Poudre River segments 11 and 12a (COSPCP11 and 12a). In the current rulemaking, the commission resegmented Segment 11 into segments 11a and 11b, and removed the Water Supply use and standards from Segment 11b. For segments 11a and 12a, when the Water Supply use and standards become effective on 12/31/2025, the arsenic standard on both segments will change to 0.02 µg/L and the segments will qualify for arsenic temporary modifications. Therefore, the commission adopted arsenic temporary modifications on the following segments:

Cache La Poudre River: 11a (COSPCP11a) and 12a (COSPCP12a)

Where evidence indicated the requirements to qualify for a temporary modification were not met, temporary modifications were deleted. The commission deleted the chronic arsenic temporary modification (expiring 12/31/2029) on one segment. The temporary modification was adopted on this segment in error, as this segment has an arsenic standard of 0.02-10 µg/L. The arsenic temporary modification only applies to segments with an arsenic standard of 0.02 µg/L. The temporary modification for arsenic was deleted from the following segment:

St. Vrain Creek: 6b (COSPSV06b)

B. Discharger-specific Variances (DSVs)

There is one discharger-specific variance (DSV) in Regulation No. 38, which the commission adopted in June 2022 (38.105(B)). Because this DSV for the Town of Crook expires December 31, 2025, it was necessary to revisit this DSV in this rulemaking hearing. Therefore, the commission reviewed the basis, available information, and progress toward achieving the alternative effluent limits (AELs) and implementing the pollutant minimization program (PMP) for this DSV.

Lower South Platte River Segment 2 (COSPLS02): The commission adopted a subsequent DSV for the Town of Crook (COG591015) for acute and chronic ammonia that represents the highest degree of protection of the classified use that is economically feasible for the Town of Crook. This subsequent DSV replaces the remaining term of the Town of Crook 's original DSV (38.105(B); adopted 6/13/2022 and expires 12/31/2025).

The initial AEL for ammonia shall not be more restrictive than 4 lbs/day. The final AEL for ammonia shall not be more restrictive than 3.4 lbs/day prior to the expiration of the DSV on 12/31/2031. The commission ensures that the discharge will not contribute to any lowering of the currently attained ambient water quality by adopting an initial AEL that, at minimum, represents the level currently achieved, as stated by its rule at 31.7(4)(b)(i)(C).

The commission adopted a subsequent PMP with this DSV (WQCD Rebuttal Exhibit J-5), which describes activities the Town of Crook will complete during the term of this variance to reduce ammonia effluent concentrations. The PMP includes efforts to secure funding, collect water quality samples, submit annual reports to the division, conduct public outreach to inform the community about the importance of wastewater treatment and to encourage homeowners to replace private laterals contributing to inflow and infiltration (I&I), and further investigate treatment alternatives. During Rebuttal, language was added to emphasize Crook's commitment and responsibility to protect downstream wells through proactive monitoring of affected and potentially affected wells, and communication with well owners when necessary. Additionally, several key PMP activities are contingent on the Town of Crook obtaining funding through grants and loans. These funding-dependent activities include construction of lagoon improvements, such as sludge removal and relining of lagoon cells #1 and #2. Delays in securing funding could affect project timelines and delay implementation of improvements. These improvements will help provide the necessary conditions to potentially reduce ammonia concentrations in the discharge. These actions will also help establish a path forward to implementing additional ammonia removal technologies in the future, if necessary.

A comprehensive alternatives analysis (WQCD Prehearing Statement Exhibit F-3) and a comprehensive economic analysis (WQCD Prehearing Statement Exhibit F-4) demonstrated that there are currently no economically feasible alternatives that would allow the Town of Crook to meet its ammonia water quality-based effluent limits (WQBELs) and compliance with these WQBELs could cause substantial and widespread adverse social and economic impacts to the community. Due to limited number of ratepayers, the community's low median household income, high costs of wastewater treatment and clean water control measures per household, and high poverty rates, it is not feasible for the Town of Crook to make the capital investments that would be required to meet the ammonia WQBELs at this time. The Town of Crook is actively pursuing funding opportunities to support incremental system improvements, including those outlined in the PMP.

The commission adopted a DSV with an initial AEL to protect the ambient water quality in the receiving stream and a final AEL that are based upon the expected ammonia effluent quality that will be achieved through feasible improvements to the lagoon treatment system and potential improvements collection system, specifically related to private laterals. Because there is uncertainty in the final effluent quality that will be achieved, the Town of Crook will collect additional data to characterize the effectiveness of the improvements, which the commission will review upon reevaluation of the DSV. The commission expects that the Town of Crook will submit annual reports to the division describing the progress made on PMP implementation in November of each year until the end of the DSV. If, at the end of the DSV, it remains infeasible for the Town of Crook to achieve ammonia WQBELs and the Town of Crook substantially complied with all conditions of this variance, a subsequent DSV may be appropriate.

C. Waterbody Segmentation

Some segments were renumbered, combined, or new segments were created to facilitate appropriate organization of water bodies in this regulation. Renumbering and/or creation of new segments was made based on information that showed: a) the original reason for segmentation no longer applied; b) significant differences in uses, water quality and/or physical characteristics warrant a change in standards on only a portion of the existing segment; and/or c) certain segments could be merged into one segment because they had similar water quality and uses. The following changes were made:

Cache la Poudre River segments 11a and 11b (COSPCP11a and COSPCP11b): Segment 11 was split into segments 11a and 11b to facilitate removing the Water Supply use from the portion of the

Cache la Poudre River from the Timnath Reservoir Inlet (40.577031, -105.047436) to Prospect Road. Segment 11a was defined as “Mainstem of the Cache La Poudre River from Shields Street in Ft. Collins to immediately below the Timnath Reservoir Inlet (40.577031, -105.047436).” Segment 11b was defined as “Mainstem of the Cache La Poudre River from immediately below the Timnath Reservoir Inlet (40.577031, -105.047436) to Prospect Road.”

D. Water Supply Use

The commission reviewed certain Water Supply use classifications and standards pursuant to C.R.S. 25-8-207 and found certain use classifications and standards inconsistent with C.R.S. 25-8-207(1) because they were adopted based upon material assumptions that were in error or no longer apply. As such, such use classifications and standards are void ab initio, and the commission simultaneously established appropriate classifications and standards, per C.R.S. 25-8-207(2). More specifically, the commission removed the Water Supply use classification and standards where the evidence demonstrated that a Water Supply use does not currently exist due to flow or other conditions, and that such a use is not reasonably expected in the future due to water rights, source water options, or other conditions. The Water Supply standard for chloride was retained for this segment, given concerns regarding the protection of aquatic life by the existing Water Supply standards. The Water Supply use classification and standards, except for chloride, was removed from the following segment:

Cache la Poudre River: 11b

Cache la Poudre River segments 11 and 12a (COSPCP11 and COSPCP12a): In 2020, the commission adopted the Water Supply use classification and standards on Cache la Poudre River segments 11 and 12a with a five-year delayed effective date of 12/31/2025 (38.101(D)). In this rulemaking hearing, the commission resegmented Segment 11 into segments 11a and 11b, and retained the Water Supply use and standards on Cache la Poudre River Segment 11a (COSPCP11a) based on evidence of a likely future use. Specifically, the Northern Integrated Supply Project intake is planned to be in Segment 11a.

For Cache la Poudre River Segment 11b (COSPCP11b), the commission removed the Water Supply use and standards. Front Range Energy and the City of Fort Collins provided evidence that existing potentially hydrologically-connected alluvial wells for domestic household purposes are not in use on this segment. Additionally, the entities provided evidence that future use of Segment 11b as a Water Supply is unlikely because land adjacent to Segment 11b is in water service area boundaries (so installation of domestic wells withdrawing hydrologically-connected groundwater will not occur) and installation of new water supply diversions is not currently planned. The division did not oppose the removal of the Water Supply use and standards for Segment 11b.

The commission declined to adopt Front Range Energy and the City of Fort Collins' proposal to revise the Water Supply use and standards from Cache la Poudre River Segment 12a because of the uncertainty regarding the potential hydrologic connection of alluvial wells used for drinking water on this segment. There are a number of wells located in the Segment 12a alluvium that are potentially hydrologically connected to Segment 12a and are known to be in use for domestic household and drinking water purposes; approximately 20 additional wells may also be in use, but the usage status could not be confirmed. There is also the potential for new uses in the future, particularly in areas outside of water service area boundaries.

In 2020, the commission adopted the Water Supply use and standards with a delayed effective date of 12/31/2025 to allow Front Range Energy and the City of Fort Collins additional time to gather information regarding the use of existing domestic water supply wells, as well as future uses (38.101(D)).

Since 2020, Front Range Energy and the City of Fort Collins conducted investigations of alluvial wells near Segment 12a and also developed a hydrological model to characterize the potential for a hydrologic connection between the river and alluvial wells used for domestic purposes. Front Range Energy and the City of Fort Collins confirmed that several domestic alluvial wells are currently in use for drinking water.

However, the entities proposed to remove the Water Supply use and standards from Segment 12a based on the model results, which the entities argued showed that the Cache la Poudre River is generally a gaining stream and thus is not expected to impact water quality in the wells. However, the commission recognized the uncertainty in the modeling results and determined that the model was insufficient evidence to demonstrate no reasonable potential exists for a hydrologic connection between Segment 12a and alluvial wells that currently exist or may be installed in the future. The commission also recognized the potential for transport of contaminants between surface water and groundwater. Therefore, the commission retained the Water Supply use to ensure protection of public health for Coloradans relying on domestic wells in the Segment 12a alluvium for drinking water and other household purposes. The commission acknowledges the work of Front Range Energy and the City of Fort Collins put into the hydrological model and water supply investigation. If evidence becomes available to demonstrate that existing wells are no longer in use and that future uses will not occur, the need for the Water Supply use and standards can be reevaluated at that time.

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER QUALITY CONTROL COMMISSION**

5 CCR 1002-38

**REGULATION NO. 38
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN
REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

**APPENDIX 38-1
Stream Classifications and Water Quality Standards Tables**

Effective 12/31/2025

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS St. Vrain Creek Basin

6a. All tributaries to Dry Creek, including wetlands, from the source to the inlet of Boulder Reservoir.						
COSPSV06A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture Aq Life Warm 2 Recreation E	DM	MWAT	acute	chronic	
UP		Temperature °C	WS-II	WS-II	Arsenic	340
		acute	chronic	Arsenic(T)	---	100
Qualifiers:	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:	pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Temporary Modification(s): Iron(chronic) = current condition* Expiration Date of 12/31/2023 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *TempMod: Iron = Adopted 12/12/2016	chlorophyll a (mg/m ²)	---	TVS	Chromium III(T)	---	100
	E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
	Inorganic (mg/L)			Copper	TVS	TVS
	acute	chronic	Iron(T)	---	1000	
	Ammonia	TVS	TVS	Lead	TVS	TVS
	Boron	---	0.75	Manganese	TVS	TVS
	Chloride	---	---	Mercury(T)	---	0.01
	Chlorine	0.019	0.011	Molybdenum(T)	---	150
	Cyanide	0.005	---	Nickel	TVS	TVS
	Nitrate	100	---	Selenium	TVS	TVS
	Nitrite	---	0.5	Silver	TVS	TVS
	Phosphorus	---	---	Uranium	varies*	varies*
	Sulfate	---	---	Zinc	TVS	TVS
	Sulfide	---	0.002			
	6b. All tributaries to St. Vrain Creek, including wetlands from Hygiene Road to the confluence with the South Platte River, except for specific listings in the Boulder Creek subbasin and in Segments 4a, 4b, 4c and 5 and 6a.					
COSPSV06B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture Aq Life Warm 2 Water Supply Recreation E	DM	MWAT	acute	chronic	
UP		Temperature °C	WS-II	WS-II	Arsenic	340
		acute	chronic	Arsenic(T)	---	0.02-10 ^A
Qualifiers:	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
*Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.	chlorophyll a (mg/m ²)	---	TVS	Chromium III	---	TVS
	E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
	Inorganic (mg/L)			Chromium VI	TVS	TVS
	acute	chronic	Copper	TVS	TVS	
	Ammonia	TVS	TVS	Iron	---	WS
	Boron	---	0.75	Iron(T)	---	1000
	Chloride	---	250	Lead	TVS	TVS
	Chlorine	0.019	0.011	Lead(T)	50	---
	Cyanide	0.005	---	Manganese	TVS	TVSWS
	Nitrate	10	---	Mercury(T)	---	0.01
	Nitrite	---	0.5	Molybdenum(T)	---	150
	Phosphorus	---	---	Nickel	TVS	TVS
	Sulfate	---	WS	Nickel(T)	---	100
	Sulfide	---	0.002	Selenium	TVS	TVS
				Silver	TVS	TVS
			Uranium	varies*	varies*	
			Zinc	TVS	TVS	

All metals are dissolved unless otherwise noted.
 T = total recoverable
 t = total
 tr = trout

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

11a. Mainstem of the Cache La Poudre River from Shields Street in Ft. Collins to immediately below the Timnath Reservoir Inlet (40.577031, -105.047436).							
COSPCP11a	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	TVS	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2029					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.					Inorganic (mg/L)		
*Uranium(chronic) = See 38.5(3) for details.						acute	chronic
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	1	2.7	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

11b. Mainstem of the Cache La Poudre River from immediately below the Timnath Reservoir Inlet (40.577031, -105.047436) to Prospect Road.							
COSPCP11b	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III(T)	---	100
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	TVS	Chromium VI	TVS	TVS
Arsenic(acute) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.					Iron(T)	---	1000
*Uranium(chronic) = See 38.5(3) for details.					Inorganic (mg/L)		
						acute	chronic
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	2.7	Silver	TVS	TVS(tr)
		Phosphorus	---	---	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Cache La Poudre River Basin

12a. Mainstem of the Cache La Poudre River from Prospect Road to U.S. Hwy 85 in Greeley.							
COSPCP12A	Classifications	Physical and Biological			Metals (ug/L)		
Designation			DM	MWAT			
Reviewable					acute	chronic	
	Agriculture						
	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	
	Recreation E						
	Water Supply						
Qualifiers:			acute	chronic			
		D.O. (mg/L)	---	5.0	Arsenic(T)	---	
		pH	6.5 - 9.0	---	Cadmium	TVS	
		chlorophyll a (mg/m ²)	---	TVS	Cadmium(T)	5.0	
		E. coli (per 100 mL)	---	126	Chromium III	---	
		Inorganic (mg/L)			Chromium III(T)	50	---
			acute	chronic	Chromium VI	TVS	TVS
Temporary Modification(s):		Ammonia	TVS	TVS	Copper	TVS	TVS
Arsenic(chronic) = hybrid		Boron	---	0.75	Iron	---	WS
Expiration Date of 12/31/2029		Chloride	---	250	Iron(T)	---	1000
*Uranium(acute) = See 38.5(3) for details.		Chlorine	0.019	0.011	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Cyanide	0.005	---	Lead(T)	50	---
		Nitrate	10	---	Manganese	TVS	TVS/WS
		Nitrite	1	2.7	Mercury(T)	---	0.01
		Phosphorus	---	---	Molybdenum(T)	---	150
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower South Platte River Basin

2. All tributaries to the South Platte River, including all wetlands, from the Weld/Morgan County line to the Colorado/Nebraska border.							
COSPLS02	Classifications	Physical and Biological			Metals (ug/L)		
Designation		DM	MWAT		acute	chronic	
UP	Agriculture						
	Aq Life Warm 1	WS-II	WS-II	Temperature °C	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply			D.O. (mg/L)	---	5.0	
Qualifiers:				pH	6.5 - 9.0	---	
Other:				chlorophyll a (mg/m ²)	---	TVS	
Temporary Modification(s):		Inorganic (mg/L)			Arsenic	340	---
Arsenic(chronic) = hybrid							
Expiration Date of 12/31/2029				Beryllium(T)	---	4.0	
Discharger Specific Variance(s):		acute	chronic	Cadmium	TVS	TVS	
Ammonia(ac/ch) = See Section 38.6(6) for details on the variance for the Town of Crook.		TVS	TVS	Cadmium(T)	5.0	---	
Expiration Date of 12/31/2031				Chromium III	---	TVS	
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).				Inorganic (mg/L)			
*Uranium(acute) = See 38.5(3) for details.					50	---	
*Uranium(chronic) = See 38.5(3) for details.				Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS	
		TVS	TVS	Iron	---	WS	
				Iron(T)	---	1000	
				Lead	TVS	TVS	
				Lead(T)	50	---	
				Manganese	TVS	TVS/WS	
				Mercury(T)	---	0.01	
				Molybdenum(T)	---	150	
				Nickel	TVS	TVS	
				Nickel(T)	---	100	
				Selenium	TVS	TVS	
				Silver	TVS	TVS	
				Uranium	varies*	varies*	
				Zinc	TVS	TVS	

3. Jackson Reservoir, Prewitt Reservoir, North Sterling Reservoir, Jumbo (Julesburg), Empire Reservoir, Vancil Reservoir.							
COSPLS03	Classifications	Physical and Biological			Metals (ug/L)		
Designation		DM	MWAT		acute	chronic	
UP	Agriculture						
	Aq Life Warm 1	varies*	varies*	Temperature °C	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply			D.O. (mg/L)	---	5.0	
Qualifiers:				pH	6.5 - 9.0	---	
Other:				chlorophyll a (ug/L)	---	TVS	
*Nitrogen(chronic) = applies only above the facilities listed at 38.5(4).				E. coli (per 100 mL)	---	126	
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4)		Inorganic (mg/L)			Chromium III	---	TVS
*Uranium(acute) = See 38.5(3) for details.					50	---	
*Uranium(chronic) = See 38.5(3) for details.				Inorganic (mg/L)			
*Temperature = See 38.6(4) for temperature standards.					TVS	TVS	
		acute	chronic	Copper	TVS	TVS	
		TVS	TVS	Iron	---	WS	
				Iron(T)	---	1000	
				Lead	TVS	TVS	
				Lead(T)	50	---	
				Manganese	TVS	TVS/WS	
				Mercury(T)	---	0.01	
				Molybdenum(T)	---	150	
				Nickel	TVS	TVS	
				Nickel(T)	---	100	
				Selenium	TVS	TVS	
				Silver	TVS	TVS	
				Uranium	varies*	varies*	
				Zinc	TVS	TVS	

All metals are dissolved unless otherwise noted.
T = total recoverable
t = total
tr = trout

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00045

Opinion of the Attorney General rendered in connection with the rules adopted by the
Water Quality Control Commission

on 10/14/2025

5 CCR 1002-38

**REGULATION NO. 38 - CLASSIFICATIONS AND NUMERIC STANDARDS SOUTH PLATTE RIVER
BASIN LARAMIE RIVER BASIN REPUBLICAN RIVER BASIN SMOKY HILL RIVER BASIN**

The above-referenced rules were submitted to this office on 10/16/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2025 11:11:54

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission

CCR number

5 CCR 1002-61

Rule title

5 CCR 1002-61 REGULATION NO. 61 - COLORADO DISCHARGE PERMIT SYSTEM
REGULATIONS 1 - eff 12/31/2025

Effective date

12/31/2025

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 61 - COLORADO DISCHARGE PERMIT SYSTEM REGULATIONS

5 CCR 1002-61

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

61.0 COLORADO DISCHARGE PERMIT SYSTEM

61.2 DEFINITIONS

NOTE: Several terms used in this regulation that are not defined below are defined in the Colorado Water Quality Control Act, 25-8-103, C.R.S.

- (1) "ACT" means the Colorado Water Quality Control Act as from time to time amended, section 25-8-101 et seq., C.R.S.
- (2) "AGRONOMIC RATE OF APPLICATION" means the rate of application of nutrients to plants that is necessary to satisfy the plants' nutritional requirements while strictly minimizing the amount of nutrients that run off to surface waters or which pass below the root zone of the plants. For purposes of use under Section 61.13 (Housed Commercial Swine Feeding Operations) the agronomic rate of application shall be as specified by the most current published fertilizer suggestions of Colorado State University Cooperative Extension for the plants, or the most closely related plant type, to which the nutrients are to be applied.
- (3) "AGRONOMIC ROOT ZONE" means the soil zone of land application sites that is sampled and analyzed for required constituents for monitoring purposes and for calculating the agronomic rate of application. The depth of the agronomic root zone is as specified by the most current published fertilizer suggestions of Colorado State University Cooperative Extension for the plants, or the most closely related plant type, to which plant nutrients are to be applied.
- (4) "ANIMAL FEEDING OPERATION" (AFO) means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:
 - (a) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
 - (b) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

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- (5) "AQUIFER" means a formation, group of formations, or part of a formation containing sufficient saturated permeable material that could yield a sufficient quantity of water that may be extracted and applied to a beneficial use.
- (6) "BASIC STANDARDS" means the regulation entitled Basic Standards and Methodologies for Surface Waters, adopted by the Commission and published as 5 CCR 1002-31, Regulation No. 31.
- (7) "BEST AVAILABLE TECHNOLOGY" (BAT) means Best Available Technology Economically Achievable (BATEA) pursuant to sections 301(b)(2)(A) and 304(b)(2) of the Federal Clean Water Act (CWA).
- (8) "BEST CONVENTIONAL TECHNOLOGY" (BCT) means Best Conventional Pollutant Control Technology (BCPCT) pursuant to sections 301(b)(2)(E) and 304(b)(4) of the Federal Clean Water Act (CWA).
- (9) "BEST MANAGEMENT PRACTICES" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "state waters". BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (10) "BEST PRACTICAL TECHNOLOGY" means the Best Practical Control Technology currently available pursuant to sections 301(b)(1)(A) and 304(b)(4) of the Federal Clean Water Act (CWA).
- (11) "BIOSOLIDS" means the accumulated treated residual product resulting from a domestic wastewater treatment works. Biosolids does not include grit or screenings from a wastewater treatment works, commercial or industrial sludges (regardless of whether the sludges are combined with domestic sewage), sludge generated during treatment of drinking water, or domestic or industrial septage.
- (12) "BYPASS" means the intentional diversion of waste streams from any portion of a treatment facility.
- (13) "COMMENCE CONSTRUCTION" includes execution of, and commencement of work under contracts for engineering design, plans and specifications for erection, building, alteration, remodeling, improvement or extension of treatment works and commitment to the completion of construction of such treatment works prior to exceeding permit effluent limitations based upon facility design and capacity, or execution of a contract for the construction thereof defined by section 25-8-501(5)(e), C.R.S. as amended.
- (14) "COMPLETE APPLICATION" means application for point source discharge permits which have been determined by the Division to be complete in accordance with section 61.5(1).
- (15) "CO-PERMITTEE" means a permittee to a permit that is only responsible for permit conditions relating to the discharge for which it is operator.

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- (16) “COMPLIANCE WELL” means a well which is placed at a point of compliance. The results of analyses of samples from compliance wells shall be used to establish compliance with permit limitations established for protection of state waters.
- (17) “CONCENTRATED ANIMAL FEEDING OPERATION” (CAFO) means an animal feeding operation that is defined as a Large or Medium CAFO, or that is designated by the Division as a CAFO. Two or more animal feeding operations under common ownership are deemed to be a single AFO for the purposes of whether they qualify as a Large or Medium CAFO, if they are adjacent to each other or if they use a common area or system for land application of manure or process wastewater.
- (18) “CONTAMINATION” means, for purposes of section 61.13 of this regulation, the addition of pollutants to soil or ground water that results in the impairment of water quality classifications or exceedance of water quality standards for any waters of the state, or a reasonable potential for any such impairment or exceedance.
- (19) “CONTINUOUS DISCHARGE” means a “discharge” which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.
- (20) “DESIGN FLOW” means the hydraulic component of the design capacity as defined in Regulation 22. Design flow may be portioned among multiple outfalls.
- (21) “DETECTION WELL” means a monitoring well which is installed between a point of compliance and the point of discharge.
- (22) “DISCHARGE” means the discharge of pollutants as defined in section 25-8-103(3) C.R.S., and also includes land application.
- (23) “DIVISION” means the Water Quality Control Division of the Department of Public Health and Environment.
- (24) “DRAFT PERMIT” means a document prepared under these regulations indicating the Division's decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit and includes the “Division's preliminary analysis.” A notice of intent to terminate a permit, and a notice of intent to deny a permit, are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination is not a draft permit. A preliminary draft and preliminary draft rationale developed in accordance with 61.5(1.5) are not draft permits.
- (25) “DRY LOT FOR DUCKS” means a facility for growing ducks in confinement with a dry litter floor cover and no access to swimming areas.
- (26) “EFFLUENT LIMITATION” means any restriction or prohibition established under this article or Federal law on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into state waters, including, but not limited to, standards of performance for new sources, toxic effluent standards and schedules of compliance.
- (27) “EPA” means the United States Environmental Protection Agency.

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- (28) “EXISTING HOUSED COMMERCIAL SWINE FEEDING OPERATION” means a housed commercial swine feeding operation for which physical construction was commenced prior to March 30, 1999.
- (29) “EXISTING IMPOUNDMENT” means any impoundment whose plans and specifications have been approved by the Division or for which construction has been commenced or completed, prior to July 1, 1993.
- (30) “FECAL COLIFORM” means the bacterial count (Parameter 1) at 40 CFR 136.3 in Table 1A, which also cites the approved methods of analysis.
- (31) “FEDERAL ACT” means the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq., commonly referred to as the “Clean Water Act”, and any of its subsequent amendments.
- (32) “FEEDLOT” means a concentrated animal feeding operation as established in 40 C.F.R. 412.11.
- (33) “FORMS” means permits, applications, letters and reporting forms which shall be those established by the Division, but additional information may be required by the U.S. Environmental Protection Agency.
- (34) “FREEBOARD” means the vertical distance measured from the liquid surface level (elevation) in an impoundment or tank to the top elevation of the impoundment or tank (for example, berm or wall).
- (35) “GENERAL PERMITS” means a permit authorizing a category of discharges under the Clean Water Act designated category of activities within a geographical area, issued under section 61.9(2).
- (36) “GENERAL PERMIT PROGRAM AREA” (hereinafter referred to as GPPA) means any area designated by the State Department of Public Health and Environment, Water Quality Control Division, in which owners and operators of a designated category of activities are subject to the same general permit, other than owners and operators to whom individual permits have been or will be issued.
- (37) “GROUND WATER” means subsurface waters in a zone of saturation which are or can be brought to the surface of the ground or to surface waters through wells, springs, seeps, or other discharge areas.
- (38) “GROUND WATER RECHARGE” means the entry into the saturated zone of water made available at the water table surface, together with the associated flow away from the water table within the saturated zone.
- (39) “GROUND WATER STANDARD” means any standard promulgated in or pursuant to “The Basic Standards for Ground Water, Regulation No. 41 (5 CCR 1002-41)”.
- (40) “HOUSED COMMERCIAL SWINE FEEDING OPERATION” means a housed swine feeding operation that is capable of housing eight hundred thousand pounds or more of live animal weight of swine at any one time or is deemed a commercial operation under local zoning or land use regulations. “Capable of housing” means the combined maximum capacities of the individual

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housing units that are included in the operation. Unless the owner of the operation provides information about the specific operation to the Division which demonstrates that an alternative capacity calculation is appropriate for that operation, operations will be presumed capable of housing 800,000 pounds or more of live animal weight if they have the capacity to house:

- (a) 11,500 weaned swine (70 pounds or less); or
- (b) 3,020 feeder swine (more than 70 pounds, up to finish weight); or
- (c) 2,000 breeding sows and/or boars.

Where more than one of the above-listed size categories of swine are present, operations will be deemed capable of housing 800,000 pounds or more of live animal weight if, by dividing the capacity for the number of each type of swine by the respective limit from (a), (b), and/or (c), above, the sum of the resulting numbers is one or greater.

Two or more housed swine feeding operations shall be considered to comprise a single housed commercial swine feeding operation if they are both:

- (a) under common or affiliated ownership or management, and
- (b)
 - (i) are adjacent to or utilize a common area or system for swine feeding process wastewater or residual solids disposal, or
 - (ii) are integrated in any way, or
 - (iii) are located or discharge within the same watershed or into watersheds that are hydrologically connected, or
 - (iv) are located on or discharge onto land overlying the same ground water aquifer.

For the purposes of this definition, the term “common or affiliated ownership or management” shall mean:

- (a) operations owned by the same entity; or
- (b) operations owned by entities related through majority ownership; or
- (c) operations with structural, organizational, or contractual relationships that evidence actual or effective control of the management of the aspects of a housed commercial swine feeding operation related to swine production or swine feeding process wastewater conveyance, storage, treatment, or land application systems.

“Integrated in any way” shall mean separate operations that are related in a manner that creates a reasonable potential for the operations to result in a measurable negative cumulative impact on water quality or air quality at any one location.

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“Watershed” shall mean a hydrologic unit no larger than an eight-digit unit as displayed on the USGS 1974 Hydrologic Unit Map for the State of Colorado. The phrase “watersheds that are hydrologically connected” shall mean watersheds that are contiguous and tributary to the same four-digit unit. Provided, that two or more housed swine feeding operations shall not be considered to be located in the same watershed or in watersheds that are hydrologically connected if the owner demonstrates that there is no reasonable potential for the operations to result in a measurable negative cumulative impact on water quality at any one location.

- (41) **“HOUSED SWINE FEEDING OPERATION”** means the practice of raising swine in buildings, or other enclosed structures wherein swine of any size are fed for forty-five days or longer in any twelve-month period, and crop or forage growth or production is not sustained in the area of confinement
- (42) **“ILLCIT DISCHARGE”** means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except the following: discharges specifically authorized by a CDPS permit, and discharges resulting from fire fighting activities.
- (43) **“IMPOUNDMENT”** means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is used for the storage, treatment, evaporation or discharge of pollutant-containing waters, sludge or associated sediment.
- (44) **“INCORPORATED PLACE”** means a city, town, township, or village that is incorporated under the laws of the State of Colorado.
- (45) **“INTERCEPTOR SEWER”** a sewer line will be considered as an interceptor sewer if it performs one or more of the following functions as its primary purpose:
- (a) It intercepts wastes from a final point in a collection system and conveys such waste directly to a treatment plant;
 - (b) It serves in place of a treatment plant and transports the collected wastes to an adjoining collection system or interceptor sewer for treatment;
 - (c) It transports the wastes from one or more municipal collection systems to another municipality or to a regional treatment plant; or
 - (d) It intercepts an existing major discharge of raw or inadequately treated wastewater for transport directly to another interceptor or to a treatment plant.

A sewer with a minor number of building or lateral connections may be considered an Interceptor sewer if it performs one or more of the functions listed above.

- (46) **“IRRIGATION RETURN FLOW”** means tailwater, tile drainage, or surfaced groundwater flow from irrigated land.

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- (47) "ISSUE OR ISSUANCE" means the mailing to all parties of any order, permit, determination, or notice other than notice by publication, by certified mail to the last address furnished to the agency by the person subject thereto or personal service on such person, and the date of issuance of such order, permit, determination, or notice shall be the date of such mailing or service or such later date as is stated in the order, permit, determination, or notice.
- (48) "LAND APPLICATION" is any discharge being applied directly to the land for land disposal or land treatment and does not include a discharge to surface waters even if such waters are subsequently diverted and applied to the land.
- (49) "LAND DISPOSAL" is any discharge or pollutant-containing waters being applied to land for which no further treatment is intended.
- (50) "LAND TREATMENT" is any discharge of pollutant-containing waters being applied to the land for the purpose of treatment.
- (51) "LARGE CONCENTRATED ANIMAL FEEDING OPERATION" (Large CAFO) means an AFO that stables or confines as many as or more than the numbers of animals specified in any of the following categories:
- (a) 700 mature dairy cows, whether milked or dry;
 - (b) 1,000 veal calves
 - (c) 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs;
 - (d) 2,500 swine each weighing 55 pounds or more;
 - (e) 10,000 swine each weighing less than 55 pounds;
 - (f) 500 horses;
 - (g) 10,000 sheep or lambs;
 - (h) 55,000 turkeys;
 - (i) 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;
 - (j) 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
 - (k) 82,000 laying hens, if the AFO uses other than a liquid manure handling system;
 - (l) 30,000 ducks (if the AFO uses other than a liquid manure handling system); or
 - (m) 5,000 ducks (if the AFO uses a liquid manure handling system).
- (52) "LARGE MUNICIPAL SEPARATE STORM SEWER SYSTEM" means all municipal separate storm sewers that are either:

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- (a) located in the City and County of Denver; or
 - (b) located in a municipality other than that described in (a) and meets the criteria of either (b)(i) or (b)(ii) below:
 - (i) in an incorporated place, other than that described in (a), and other than the City of Colorado Springs, with a population of 250,000 or more as determined by the 1990 Decennial Census by the Bureau of Census; or
 - (ii) in the unincorporated portions of a county that has areas designated as urbanized areas by the 1990 Decennial Census by the Bureau of Census and where the population of the urbanized areas exceeds 250,000 after the population in the incorporated places within the urbanized areas is excluded, except municipal separate storm sewer systems that are located in the incorporated places within such counties; or
 - (c) owned or operated by a municipality other than those described in paragraphs (a) or (b) and that are designated by the Division as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraphs (a) or (b). In making this determination the Division may consider the following factors:
 - (i) physical interconnections between the municipal separate storm sewers;
 - (ii) the location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in subparagraph (a);
 - (iii) the quantity and nature of pollutants discharged to state waters;
 - (iv) the nature of the receiving waters; and
 - (v) other relevant factors; or
 - (d) The Division may, upon petition, designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a stormwater management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in paragraphs (a), (b) or (c).
- (53) **“LOAD ALLOCATION”** means the portion of a receiving waters assimilative capacity that is attributed to either one of its existing or future nonpoint sources of pollution or to natural background sources.
- (54) **“MAJOR MUNICIPAL SEPARATE STORM SEWER OUTFALL”** (or **“MAJOR OUTFALL”**) means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal

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separate storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

- (55) “MANURE” means feces, litter, and/or urine and materials, such as bedding, sludge, compost, feed waste, dry harvested forage, and any raw material used in or resulting from operation of an animal feeding operation, that have been commingled with feces, litter, and/or urine.
- (56) “MASS BALANCE ANALYSIS” means the determination of mass limitations expressed in pounds of a pollutant.
- (57) “MEDIUM CONCENTRATED ANIMAL FEEDING OPERATION” (Medium CAFO) means an AFO with the type and number of animals that fall within any of the ranges listed in (a) below and which has been defined or designated as a CAFO. An AFO is defined as a Medium CAFO if:
- (a) The type and number of animals that it stables or confines falls within any of the following ranges:
- (I) 200 to 699 mature dairy cows, whether milked or dry;
 - (II) 300 to 999 veal calves;
 - (III) 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs.
 - (IV) 750 to 2,499 swine each weighing 55 pounds or more;
 - (V) 3,000 to 9,999 swine each weighing less than 55 pounds;
 - (VI) 150 to 499 horses;
 - (VII) 3,000 to 9,999 sheep or lambs;
 - (VIII) 16,500 to 54,999 turkeys;
 - (IX) 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;
 - (X) 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
 - (XI) 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;
 - (XII) 10,000 to 29,999 ducks (if the AFO uses other than a liquid manure handling system; or
 - (XIII) 1,500 to 4,999 ducks (if the AFO uses a liquid manure handling system; and

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- (b) Either one of the following conditions are met:
 - (I) Pollutants from the animal feeding operation are discharged into surface water through a man-made drainage system; or
 - (II) Pollutants are discharged directly into surface water which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

- (58) "MEDIUM MUNICIPAL SEPARATE STORM SEWER SYSTEM" means all municipal separate storm sewers that are either:
 - (a) located in the City of Aurora, City of Lakewood, or the City of Colorado Springs; or
 - (b) located in a municipality other than that described in (a) and meets the criteria of either (b)(i) or (b)(ii) below:
 - (i) in an incorporated place, other than that described in (a), with a population of 100,000 or more but less than 250,000, as determined by the 1990 Decennial Census by the Bureau of Census; or
 - (ii) in the unincorporated portions of a county that has areas designated as urbanized areas by the 1990 Decennial Census by the Bureau of Census and where the population of the urbanized areas exceeds 100,000 but less than 250,000, after the population in the incorporated places within the urbanized areas is excluded, except municipal separate storm sewer systems that are located in the incorporated places within such counties; or
 - (c) owned or operated by a municipality other than those described in paragraphs (a) or (b) and that are designated by the Division as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraphs (a) or (b). In making this determination the Division may consider the following factors:
 - (i) physical interconnections between the municipal separate storm sewers;
 - (ii) the location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in subparagraph (a);
 - (iii) the quantity and nature of pollutants discharged to state waters;
 - (iv) the nature of the receiving waters; or
 - (v) other relevant factors; or
 - (d) the Division may, upon petition, designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region

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defined by a stormwater management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in paragraphs (a), (b) or (c).

- (59) "MS4" means a municipal separate storm sewer system.
- (60) "MONITORING ZONE" means the soil zone of land application sites that is sampled and analyzed for required constituents for monitoring purposes. The depth of the monitoring zone is:
- (a) Between four and six feet below the land surface for shallow-rooted crops, unless rooting depth restrictions exist at a shallower depth, as defined in (d) below.
 - (b) Between four and eight feet below the land surface for deep-rooted crops, unless rooting depth restrictions exist at a shallower depth, as defined in (d) below.
 - (c) Between four and eight feet below the land surface for land application sites that have been found to be predominantly composed of soils that are classified as sandy, sandy loam, or loamy sand in texture throughout the entire soil profile, unless rooting depth restrictions exist at a shallower depth, as defined in (d) below,
 - (d) The presence and depth of, or absence of, a root growth restrictive layer in the soil profile will be determined by a site-specific pedological soil analysis performed by a qualified soil scientist (i.e., Natural Resources Conservation Service soil scientist or equivalently trained individual).
- (61) "MULTI-YEAR PHOSPHORUS APPLICATION" means phosphorus applied to a field in excess of the crop needs for that year. In multi-year phosphorus applications, no additional manure, residual solids, process wastewater, or swine feeding process wastewater is applied to the same land in subsequent years until the applied phosphorus has been removed from the field via harvest and crop removal.
- (62) "MUNICIPAL SEPARATE STORM SEWER" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
- (a) owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to state waters;
 - (b) designed or used for collecting or conveying stormwater;
 - (c) which is not a combined sewer; and
 - (d) which is not part of a Publicly Owned Treatment Works (POTW).

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- (63) “MUNICIPALITY” means a city, town, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of CWA(1987).
- (64) “MUNICIPAL STORMWATER OUTFALL” means a “point source”, as defined in this section, at the point where a municipal separate storm sewer discharges to state waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other state waters and are used to convey state waters.
- (65) “NEW DISCHARGER” means any building, structure, facility, or installation from which there is or may be a discharge of pollutants that did not commence at the particular site before August 13, 1979, that is not a new source, and that has never received a final effective permit for discharges at the site.
- (66) “NEW HOUSED COMMERCIAL SWINE FEEDING OPERATION” means a housed commercial swine feeding operation for which physical construction was commenced on or after March 30, 1999.
- (67) “NEW SOURCE” means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the promulgation of standards of performance for the particular source, pursuant to section 306 of the Clean Water Act. The term also applies where a standard of performance has been proposed, provided that the standard is promulgated within 120 days of its proposal. Except as otherwise provided in an applicable new source performance standard, a source is a “new source” if it meets this definition of “new source”, and:
- (a) It is constructed at a site at which no other source is located; or
 - (b) It totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) Its processes are substantially independent of an existing source at the same site. In determining whether these processes are substantially independent, the Division shall consider such factors as the extent to which the new facility is integrated with the existing plant; and the extent to which the new facility is engaged in the same general type of activity as the existing source.
- (68) “NON-LAND-APPLICATION FACILITY” means, for purposes of section 61.13 of this regulation, a housed commercial swine feeding operation that is capable of continuous operation without land application of swine feeding process wastewater or residual solids at any on-site or off-site location or the discharge of swine feeding process wastewater to surface waters.
- (69) “NUMERICAL PROTECTION LEVELS” means ground water quality levels established on a site-specific basis by the Division pursuant to section 61.8(2)(b) of this regulation, which will be binding with respect to the activity in question unless and until site-specific ground water quality standards have been adopted by the Commission.

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- (70) “100-YEAR, 24-HOUR STORM” means a storm of a 24-hour duration which yields a total rainfall of a magnitude which has a probability of recurring once every one hundred years.
- (71) “OVERBURDEN” means any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally-occurring surface materials that are not disturbed by mining operations.
- (72) “PERMIT” means a permit issued pursuant to these regulations and therefore includes Colorado Discharge Elimination System permits, including new permits, renewals, general permits, GPPA permits and temporary permits.
- (73) “PERSON” means an individual, corporation, partnership, association, state or political subdivision thereof, federal agency, state agency, municipality, Commission, or interstate body.
- (74) “POINT OF COMPLIANCE” means a vertical surface that is located at some specified distance hydrologically downgradient of the activity being monitored for compliance; provided that the Commission may establish a point of compliance other than a vertical surface on a site specific basis pursuant to section 41.6 of the “Basic Standards for Ground Water”.
- (75) “POINT SOURCE” means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. “Point Source” does not include irrigation return flow.
- (76) “POLLUTANT” means dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, or any industrial, municipal or agricultural waste.
- (77) “POLLUTION” means man-made or man-induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water.
- (78) “PRACTICAL QUANTITATION LIMIT” (PQL) means the minimum concentration of an analyte (substance) that can be measured with a high degree of confidence that the analyte is present at or above that concentration.
- (79) “PRELIMINARY DRAFT” means a document developed in accordance with section 61.5(1.5) and issued by the Division prior to giving public notice of a complete permit application for an individual permit and the Division’s preliminary analysis of that application. The preliminary draft is not a draft permit.
- (80) “PRETREATMENT REGULATIONS” means the regulations adopted by the Commission and published as 5 CCR 1002-63, Regulation No. 63.
- (81) “PRIVATELY OWNED TREATMENT WORKS” means any device or system which is used to treat wastes of a liquid nature from other facilities and which is not a publicly owned treatment works.

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- (82) "PROCEDURAL REGULATIONS" means regulations entitled "Procedural Rules", adopted by the Commission and published as 5 CCR 1002-21, Regulation No. 21.
- (83) "PROCESS WASTEWATER" means, for the purposes of all but sections 61.13 and 61.17 of this regulation, any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. For the purposes of sections 61.13 and 61.17 of this regulation, process wastewater means water directly or indirectly used in the operation of the housed commercial swine feeding operation or CAFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other CAFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.
- (84) "PRODUCTION AREA" means that part of an animal feeding operation that includes the animal confinement area, the manure and residual solids storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure and residual solids storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments and tanks, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.
- (85) "PROMULGATE" means and includes authority to adopt, and from time to time amend, repeal, modify, publish and put into effect.
- (86) "PROPOSED PERMIT" means a permit prepared after the close of the public comment period which is sent to EPA for review before final issuance. A proposed permit is not a draft permit.
- (87) "PUBLIC DRINKING WATER SYSTEM" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen (15) service connections or serves an average of at least 25 persons daily at least 60 days out of the year. A public drinking water system includes both community and non-community systems.

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- (88) "PUBLICLY OWNED TREATMENT WORKS" ("POTW") means a publicly owned domestic wastewater treatment facility. This includes any publicly owned devices and systems used in the storage, treatment, recycling or reclamation of municipal sewage or treatment of industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances if they are publicly owned or if they convey wastewater to a POTW treatment plant. The term also means the municipality, as defined in section 502(4) of the Clean Water Act, which has jurisdiction over the indirect discharges to and the discharge from such treatment works.
- (89) "RECOMMENCING DISCHARGER" means a source which recommences discharge after terminating operations. Temporary shut down of operations for repair or maintenance does not constitute a termination of operations for purpose of this paragraph.
- (90) "REGIONAL ADMINISTRATOR" means the Region VIII Administrator of the Federal Environmental Protection Agency.
- (91) "REGULATED SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM" means:
- (a) a small MS4 located in an urban area with a population of 50,000 or more people as determined by the latest Decennial Census by the Bureau of the Census. (If the small MS4 is not located entirely within an urban area with a population of 50,000 or more people, only the portion that is within this urban area is regulated); or
 - (b) a small MS4 designated by the Division, including where the designation is pursuant to 61.3(2)(f)(v)(A)(III), or based upon a petition under 61.3(2)(g)(iv).
- (92) "RENEWAL PERMIT APPLICATION" means an application for a point source activity for which a permit has previously been issued by the Division.
- (93) "RESIDUAL SOLIDS" means for purposes of section 61.13 of this regulation, manure, solids separated from swine feeding process wastewater, sludges derived from impoundments or tanks used to store or treat swine feeding process wastewater, solids derived from treatment of swine feeding process wastewater by means of other than impoundments or tanks, and composted solids.
- (94) "RUNOFF COEFFICIENT" means the fraction of total rainfall that will appear at a conveyance as runoff.
- (95) "SCHEDULE OF COMPLIANCE" means a schedule of remedial measures and times including an enforceable sequence of actions or operations leading to compliance with a control regulation or effluent limitation.
- (96) "SECONDARY TREATMENT" means that level of wastewater treatment in domestic wastewater treatment works which obtains the effluent quality needed to achieve the effluent limitations specified in Regulation No. 62, section 2 of "Regulations for Effluent Limitations."
- (97) "SETBACK" means a specified distance from surface waters, or potential conduits to surface waters, where manure, residual solids, process wastewater, and swine feeding process wastewater may not be land applied. Examples of conduits to surface waters include but are not limited to: open tile line intake structures, sinkholes, and agricultural well heads.

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- (98) "SIGNIFICANT MATERIALS" includes, but is not limited to raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA as amended by SARA (1986); any chemical the facility is required to report pursuant to Section 313 of Title III of SARA (1986); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.
- (99) "SITE" means the land or water area where any facility or activity subject to this regulation is physically located or conducted, including adjacent land used in connection with the facility or activity.
- (100) "SMALL CONCENTRATED ANIMAL FEEDING OPERATION" (Small CAFO) means an AFO that is designated by the Division as a CAFO, and is not a Medium CAFO.
- (101) "SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM" (small MS4) means any municipal separate storm sewer that is not defined as a "large" or "medium" municipal separate storm sewer system pursuant to paragraphs 42 and 45 of this section. This term includes publicly-owned systems similar to separate storm sewer systems in municipalities (i.e., non-standard MS4s), including, but not limited to, systems at military bases and large education, hospital or prison complexes, if they are designed for a maximum daily user population (residents and individuals who come there to work or use the MS4's facilities) of at least 1000.
- (102) STANDARD INDUSTRIAL CLASSIFICATION ("SIC") CODE means the statistical classification standard for industrial establishments developed by the Office of Management and Budget and published in the Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget (1987).
- (103) "STATE WATERS" means any and all surface and subsurface waters which are contained in or flow in or through this State, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.
- (104) "STORMWATER" means stormwater runoff, snow melt runoff, and surface runoff and drainage.
- (105) "SURFACE WATER" means, for the purposes of sections 61.13 and 61.17, all waters of the state that are also waters of the U.S.
- (106) "SWINE FEEDING PROCESS WASTEWATER" means any process wastewater directly or indirectly used in the operation of a housed commercial swine feeding operation, including that wastewater resulting from feeding, flushing, or washing operations; spillage or overflow from animal watering systems, direct contact swimming, washing, or spray cooling of swine; or dust control; and any water or precipitation that comes into contact with any residual solids, urine, raw materials, feed, bedding, or any other animal feeding by-product resulting from the production of swine.
- (107) "TANK" means a stationary device, designed to contain an accumulation of pollutant-containing water, which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

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- (108) “THROUGHPUT” means the hydraulic and organic loading being measured prior to treatment at a domestic wastewater treatment works during a specified period of time (usually a 30-day period).
- (109) “TOTAL COLIFORM” means all coliform bacteria.
- (110) “TOTAL MAXIMUM DAILY LOAD” means the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background.
- (111) “TOXIC POLLUTANT” means any pollutant listed as toxic under section 307(A)(1) of the Federal Clean Water Act.
- (112) “25-YEAR, 24-HOUR STORM” means a storm of a 24-hour duration which yields a total rainfall of a magnitude which has a probability of recurring once every twenty-five years.
- (113) “UNCONTROLLED SANITARY LANDFILL” means a landfill or open dump, whether in operation or closed, that does not meet the requirements for run-on or run-off controls established pursuant to subtitle D of the Solid Waste Disposal Act as amended by HSWA (1984).
- (114) “UPSET” means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (115) “VADOSE ZONE” means the zone between the land surface and the water table. It includes the root zone, intermediate zone, and capillary fringe. Saturated bodies, such as perched ground water, may exist in the vadose zone, also called zone of aeration and unsaturated zone.
- (116) “VEGETATED BUFFER” means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.
- (117) “WASTELOAD ALLOCATION” means the portion of the receiving water's assimilative capacity that is allocated to one of its existing or future point sources of pollution. Wasteload allocations constitute a type of water quality-based effluent limitation.
- (118) “WATER QUALITY IMPACTS” means the effect of a discharge upon state waters, including, but not limited to the exceedance of permit limitations and/or stream standards or ground water standards; the occurrence of fish or other aquatic organism kills; excessive growth of organisms that affects the taste and odor of a potable water supply source and/or aesthetic quality of a recreational area; and/or the occurrence of conditions resulting in detrimental public health affects.
- (119) “WATER QUALITY STANDARD” means any standard promulgated pursuant to section 25-8-204 C.R.S.

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- (120) “WET LOT FOR DUCKS” means a confinement facility for raising ducks which is open to the environment, has a small number of sheltered areas, and with open water runs and swimming areas to which ducks have free access.
- (121) “WHOLE EFFLUENT TOXICITY” Whole effluent toxicity (WET) is a biological activity effect by which effluents exhibit antagonism to the aquatic organisms used in biomonitoring tests in the form of acute or chronic toxicity. WET may be caused by a variety of specific compounds or by synergistic interaction among compounds.

61.5 REVIEW, DETERMINATION, NOTICE and PUBLIC PARTICIPATION**61.5(1) REVIEW OF AN APPLICATION**

- (a) These regulations apply to all permit applications and renewals regardless of the date of receipt by the Division.
- (b) Applicants for a permit to discharge are strongly encouraged to schedule a pre-application conference and site inspection with the Division in order for the Division to evaluate the proposed discharges for which an application is required or to determine the applicability of these regulations. The Division's site visit in conjunction with the pre-application conference will be used to identify needed background information required for a complete application.
- (c) The Division shall begin the review of an application within forty-five days after the receipt of the application and shall notify the applicant within ninety days after receipt of the application whether the application is complete. If the Division determines the application is incomplete, the Division may request that the applicant submit additional information. If additional information is requested by the Division and submitted by the applicant, the Division shall have fifteen days after the date additional information is submitted to determine whether the additional information satisfies the request and to advise the applicant if, and in what respects, the additional information does not satisfy the request. A final decision that an application is not complete shall be considered a final agency action upon issuance of such decision to the applicant and shall be subject to judicial review. The Division shall not issue a permit until the application is deemed complete. The one hundred eighty day deadline for the Division to issue the permit shall be extended by the number of days that an applicant takes to submit additional information requested by the Division, plus the fifteen days provided to the Division to evaluate such additional information.
- (d) The Division shall evaluate complete permit applications to determine whether the proposed discharge will comply with all applicable federal and state statutory and regulatory requirements.
- (e) When the Division determines that a site visit(s) is necessary to evaluate the discharge to which an application pertains, the Division shall specify the date of notification by which time the applicant shall make arrangements for the date of the site visit. In the event that satisfactory response is not received, the permit application shall be denied by the Division and the applicant so notified.

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61.5(1.5) NOTICE AND COMMENT FOR PRELIMINARY DRAFTS

- (a) For permit issuance and reissuance (but not for denial, modification, or termination), the Division shall prepare a preliminary analysis and tentative determination of its intent to issue or reissue the permit and advise the applicant of that analysis.
- (b) Where the Division has made a tentative determination to issue or reissue a permit, the Division shall develop a preliminary draft with permit terms and conditions. Preliminary notice of the preliminary draft and preliminary draft rationale shall be transmitted to the applicant and posted on the Division's website prior to the public notice outlined under section 61.5(2)(e). Upon consent by the applicant, the Division may waive the development of the preliminary draft and the preliminary notice.
- (c) The applicant may submit written comments to the Division on the preliminary draft to identify errors in the preliminary draft, such as technical mistakes and typographical errors. Comments regarding interpretation of law, policy, or guidance, and comments advocating changes to permitting policy, may not be submitted at this stage and must wait for public notice and comment under section 61.5(2). Comments must be submitted using a form provided by the Division. The period for applicant comment will be fourteen (14) calendar days from the date of preliminary notice of the preliminary draft.
- (d) Following the close of the preliminary notice applicant comment period under paragraph (c), the Division may make such modifications in the terms and conditions of the preliminary draft as may be appropriate, for development of the draft permit pursuant to section 61.5(2).
- (e) The Division will inform interested person(s), other than the applicant, who submit written comments on the preliminary draft that they must submit comments pursuant to the public comment provisions in section 61.5(2) instead. The Division will also notify such person(s) when the public notice and comment period under section 61.5(2) commences.
- (f) The contents of the preliminary notice required by paragraph (b) of this section shall include at least the following:
 - (i) Name, address, and phone number of the Division;
 - (ii) Name and address of each applicant and, if different, of the facility or activity regulated by the permit;
 - (iii) Brief description of each applicant's activities or operations which result in the discharge described in the permit application or the preliminary draft (e.g., municipal waste treatment plant, steel manufacturing, drainage from mining activities);
 - (iv) Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway indicating whether such discharge is a new or an existing discharge;
 - (v) A brief description of the procedures for the formulation of the final permit;

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- (vi) Address and phone number of State or interstate agency premises at which interested persons may obtain further information, request a copy of the application, the preliminary analyses and the preliminary draft, and inspect and copy permit forms and related documents;
- (vii) A description of the comments procedures provided in section 61.5(1.5); and
- (viii) The water quality and flow data, effluent data, and an identification of the methodology used in developing numeric and narrative effluent limits included in the preliminary draft.
- (ix) A copy, as it exists at the time the preliminary draft is transmitted, of the Division's permit builder tool and other calculation tools, if used to develop the preliminary draft. For tools that are spreadsheets, the spreadsheets shall be either populated with data, formulas and calculations used to develop the preliminary draft. For tools that are not spreadsheets, the Division shall provide the input data file spreadsheet for the tool, as it exists at the time the preliminary draft is transmitted. In either case, the tools shall be in a format that allows calculation from inputs to outputs.

61.5(2) PUBLIC NOTICE AND COMMENT - DRAFT PERMITS

- (a) The Division shall prepare a preliminary analysis and tentative determination to issue or deny the permit and advise the applicant of that analysis if not otherwise completed under section 61.5(1.5).
- (b) If the analysis in section 61.5(1.5)(a) or 61.5(2)(a) is to issue a permit, the Division shall prepare a draft permit with terms and conditions. Public notice of the Division's draft permit shall be given as provided in paragraph (e) of this section. Such draft permit and permit rationale shall be available to the public for inspection and copying and shall include at least the following:
 - (i) Proposed effluent limitations for each discharge point for those pollutants proposed to be limited;
 - (ii) Delineation of the service area based on population and design flow of the treatment and sewer system for domestic permits and delineation of the maximum expected production rate for industrial permits;
 - (iii) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations if the permittee is not presently doing so;
 - (iv) All monitoring requirements under section 61.8(4);
 - (v) All terms and conditions under sections 61.8 through 61.8(10) of these regulations; and all applicable terms and conditions under sections 61.8(11) and 61.8(12) of these regulations; and
 - (vi) For major facilities, any additional information which may be required pursuant to 40 C.F.R. 124.8 or 40 C.F.R. 124.56.

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- (c) If the Division proposes to deny the permit, the Division shall inform the applicant of the reasons for the proposed denial. The decision to deny a permit shall be given by notice as provided in paragraph (e) of this section.

- (d) Interested persons may submit written comments to the Division on the permit application and draft permit, and may request a public meeting pursuant to section 61.5(3). The period for public comment will typically close thirty (30) days from the date of notice of the permit application and the draft permit, unless extended in section 61.5(2)(d)(i) or if a public meeting is held on the permit application and draft permit. If a public meeting is held on the application and draft permit, the period for public comment shall close sixty (60) days from the date of notice for the draft permit.
 - (i) Discretionary public comment periods.
 - (A) Extension of comment period. A comment period longer than thirty (30) days may be necessary to give commenters a reasonable opportunity to comply with the requirements of sections 61.5 and 61.7. Additional time shall be granted to the extent that a commenter who requests additional time demonstrates the need for such time and the extension does not unreasonably delay permit issuance.
 - (B) Responsive comment period. The Division may also establish a responsive period of public comment in which any person may file a written response to the material filed by any other person during the comment period. A responsive comment period may be granted in addition to time granted pursuant to a request for public hearing under section 61.5(2)(d) and/or an extension of the public comment period pursuant to section 61.5(2)(d)(i)(A).
 - (I) A request for a responsive comment period must be made within fifteen (15) calendar days of the close of the public comment period.
 - (II) The Division must respond to a request for a responsive comment period within five (5) days of receipt of the request.
 - (III) The Division will establish a schedule of deadlines for filing responsive comments and rebuttal comments and will inform the person(s) requesting a responsive comment period and all previous commenters of this schedule when it grants the request.
 - (a) The responsive comment period schedule will establish a deadline to file responsive comments. Interested persons will have at least ten (10) days to file responsive comments.
 - (b) The responsive comment period schedule will establish a deadline to file rebuttal comments. Interested persons will have at least ten (10) days to file rebuttal comments immediately following the close of the deadline for responsive comments. Filing of rebuttal comments is optional.

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- (IV) Any allegation that the Division has erred in failing to grant a responsive comment period or in establishing the deadlines for the responsive comment period must be made in writing to the Division no more than forty-five (45) days after the close of the initial public comment period.
 - (C) Reopening of comment period. In some cases, the Division may reopen the public comment period for limited purposes to expedite the decision-making process. Comments filed during the reopened comment period shall be limited to the substantial new questions, issues, data, information, or arguments that caused the reopening. The public notice under section 61.5(2)(e) shall define the scope of the reopening. If the comment period is reopened, it will be for a minimum of thirty (30) days from the date of the notice of reopening. A commenter may request an extension of the reopened comment period, as necessary, pursuant to section 61.5(2)(d)(i)(A).
- (e) Public Notice of every draft permit and, where applicable, of the Division's preliminary antidegradation determination pursuant to the Procedural Rules, Regulation No. 21, section 16, shall be transmitted to the applicant and circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the draft permit. Procedures for the circulation of public notice shall include at least the following:
 - i) Notice shall be circulated in a newspaper which is distributed within the geographic area of the proposed discharge. The Division may also circulate a press release that is accessible to media throughout the state;
 - (ii) The Division shall transmit notice to any other state whose waters may be affected by the issuance of the proposed permit, with the request that the State submit recommendations to the Division concerning the proposed permit within a specified time period. The Division shall either adopt the recommendations or respond in writing and explain why the recommendations are not accepted;
 - (iii) The Division shall transmit notice to any interstate agency which may have an official interest in such permit, with request for comment within a specified time period. The Division shall either adopt the recommendations or respond in writing and explain why the recommendations are not accepted;
 - (iv) The Division shall transmit a notice to all other appropriate government agencies and shall provide such agencies an opportunity to submit their views and recommendations. Such agencies shall include, among others, any agency responsible for the preparation of any approved water management plan under Section 208(b) of the Federal Act and appropriate public health agencies;
 - (v) The Division shall add the name of any person or group upon request to the mailing list to receive copies of notices for all discharge applications within the State or within a certain geographical area, and shall charge for such service;
 - (vi) The Division shall also, during the period from the date of the initial public notice of the application and draft permit to the close of the public comment period, maintain in the office of the county clerk and recorder of the county in which the proposed discharge, or

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a part thereof, is to occur a copy of its draft permit and a copy of the permit application and, where applicable, a copy of the Division's preliminary antidegradation determination with all accompanying data for public inspection.

- (f) The contents of the public notice required by paragraph (e) of this section shall include at least the following:
- (i) Name, address, and phone number of the Division;
 - (ii) Name and address of each applicant and, if different, of the facility or activity regulated by the permit;
 - (iii) Brief description of each applicant's activities or operations which result in the discharge described in the permit application or the draft permit (e.g., municipal waste treatment plant, steel manufacturing, drainage from mining activities);
 - (iv) Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway indicating whether such discharge is a new or an existing discharge;
 - (v) A statement of intent to issue or deny a permit;
 - (vi) A brief description of the procedures for the formulation of the final permit, including the thirty (30) day period during which public and official comments are invited;
 - (vii) Address and phone number of State or interstate agency premises at which interested persons may obtain further information, request a copy of the application, the preliminary analyses and the draft permit, and inspect and copy permit forms and related documents;
 - (viii) Name, address, and telephone number of the Water Quality Control District Engineer of the Division, in whose area the discharge is located;
 - (ix) A description of the comments and hearing request procedures provided in sections 61.5(2) and (3);
 - (x) The water quality and flow data, effluent data, and an identification of the methodology used in developing numeric and narrative effluent limits included in the draft permit; and
 - (xi) A copy, as it exists at the time the draft permit is issued, of the Division's permit builder tool and other calculation tools, if used to develop the draft permit. For tools that are spreadsheets, the spreadsheets shall be populated with data formulas and calculations used to develop the draft permit. For tools that are not spreadsheets, the Division shall provide the input data file for the tool, as it exists at the time the draft permit is issued. In either case, the tool shall be in a format that allows calculation from inputs to outputs.
 - (xii) If a preliminary draft is required by section 61.5(1.5),
 - (A) changes made since the preliminary draft; and

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- (B) comment(s) provided by the applicant that the Division has determined do not identify an error(s).
- (g) If the Division proposes to grant a variance to a permit during the public notice period or prior to issuing the final permit, the Division must re-submit the permit to public notice in draft form with a clear statement of the proposed variance. The time period for public comment cited in subsection (d) of this section shall apply to the variance review.
- (h) If the Division grants a variance after the final permit is issued, the variance must be published as a permit modification and is subject to public notice. The period of time for public comment cited in subsection (d) of this section shall apply to the permit modification review.

61.5(3) PUBLIC MEETINGS ON DRAFT PERMITS

- (a) The Division shall provide an opportunity for the applicant, any affected State, any affected interstate agency, the Regional Administrator, or any interested agency, person, or group of persons to request or petition for a public meeting with respect to the draft permit. Any such request or petition for public meeting shall be filed within thirty (30) days of the public notice provided under section 61.5(2), and shall indicate the interest of the party filing such request and the reasons why a meeting is warranted. The Division shall hold a meeting if there is a significant degree of public interest. Instances of doubt should be resolved in favor of holding a meeting. Any such meeting shall be held no more than sixty (60) days after the public notice provided under section 61.5(2), in the geographical area of the proposed discharge or other appropriate area at the discretion of the Division. If appropriate, related groups of permit applications may be considered in one public meeting.
- (b) Public notice of any meeting shall be circulated at least as widely as was the original public notice of the application. Procedures for circulation of public notice of a public meeting shall conform to the procedures contained in section 61.5(2) of these regulations. As a minimum, such notice shall be provided to at least one newspaper of general circulation within the geographical area of the discharge. Notice shall be given at least thirty (30) days in advance of the meeting.
- (c) The contents of public notice of any meeting shall include the following:
 - (i) Name, address, and phone number of the agency holding the public meeting;
 - (ii) Name and address of each applicant whose application will be considered at the meeting;
 - (iii) Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway;
 - (iv) A brief reference to the public notice issued for each tentative permit determination, including identification number and date of issuance;
 - (v) Information regarding the time and location for the meeting;
 - (vi) The purpose of the meeting;

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- (vii) A concise statement of the issues raised by the persons requesting the meeting;
 - (viii) Address and phone number of premises at which interested persons may obtain further information, and inspect and copy permit forms and related documents; and
 - (ix) A brief description of the nature of the meeting, including the rules and procedures to be followed.
- (d) Whether or not the applicant requests a public meeting, he or she has not waived his or her right to an adjudicatory hearing upon final determination by the Division to issue the permit, with conditions therein, or to deny the permit.
 - (e) Any person shall be permitted to submit oral or written statements and data concerning the proposed permit. The person conducting the meeting shall have discretion to fix reasonable limits upon the time allowed for oral statements, and may require the submission of statements in writing.

61.5(4) PUBLIC ACCESS TO INFORMATION

- (a) In general, permit applications, preliminary drafts, draft permits, correspondence between the Division and the applicant, the Regional Administrator, and the District Engineer of the Corps of Engineers are public information and shall be available to the public for inspection and copying.
- (b) Any information relating to any secret process, method of manufacture or production, or sales or marketing data, which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the Commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this subsection (b) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of the name and address of any permit applicant or permittee, permit applications, permits, or effluent data.
- (c) The Division shall provide facilities for the inspection of information relating to discharge permits and their applications and shall ensure to the best of its ability that State employees act on a request for such inspection promptly without undue requirements or restrictions.
- (d) The Division shall either ensure that a machine or device for copying of papers and documents is available for a reasonable fee or otherwise provide for coordination with copying facilities or services such that the request for copies of non-confidential documents may be honored within a reasonable period of time.

61.74 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE – OCTOBER 15, 2024 RULEMAKING HEARING; EFFECTIVE DATE DECEMBER 15, 2024

The provisions of 25-8-202(1)(d) and (2), 25-8-401, 25-8-501, 25-8-501.1, and 25-8-502, C.R.S., provide the specific statutory authority for the amendments to this regulation adopted by the Water Quality Control

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Commission (Commission). The Commission has also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE**A. Urbanized Area Change**

The definition of Regulated Small MS4 in section 61.2(90(a) and designation criteria for MS4s throughout sections 61.2 and 61.3 refer to “urbanized areas” as based on either the 1990 Census or the latest Decennial Census. This terminology and designation criteria stem from EPA Phase II stormwater rule. On June 7, 2023 EPA signed the final rule clarifying Phase II stormwater regulations regarding Census Bureau eliminating the definition of “urbanized area.” Changes to EPA’s regulations are limited to clarifying that the designation threshold criteria of population criteria of 50,000 people for small MS4s will remain the same. Specifically, the final rule replaces the term “urbanized area” in the Phase II regulations with the phrase “urban areas with a population of at least 50,000.” This has been the Census Bureau’s longstanding definition of the term urbanized areas since 1999. The Commission is replacing the term “urbanized area” in Regulation 61 throughout with “urban areas with a population of at least 50,000” for consistency with EPA and Census Bureau’s terminology.

MS4 designation criteria were established in 1999. At that time and previously the Census Bureau definition of “urbanized area” was “one or more cities of 50,000 or more and all the nearby closely settled suburban territory, or urban fringes.” Therefore, replacing of the term “urbanized area” with “urban area with a population of at least 50,000 people does not change the scope of the designation criteria.

In order to distinguish Phase II designation criteria from the static requirements under Phase I, the division has added, where appropriate, clarifying text that urban areas with a population of 50,000 or more people is to be based on the latest Decennial Census by the Bureau of Census. The static requirements under Phase 1 continue to refer to the 1990 Census.

B. Extend Time Period to Request Responsive and Rebuttal Comment Periods

Historically a request for a responsive comment period must be made within ten (10) calendar days of the close of the public comment period. Stakeholders have commented that it takes time for the division to post the public comments which limits the period for one to review and decide whether to request a responsive and rebuttal comment period. The Commission division is changing Regulation 61.5(2)(d)(i)(B) (I) to extend the time period from ten (10) to fifteen (15) calendar days. It is anticipated that the Division will seek to post received comments within the first five (5) days allowing the public ten (10) days to review and decide whether to request a responsive comment period.

C. Correction from 2020 Rulemaking (61.73)

This action reinstates section 61.8(2)(m) which was inadvertently removed after the 2020 Rulemaking. The 2020 Rulemaking’s statement of basis and purpose in 61.73 does not discuss removing 61.8(2)(m) as this was not an indicated change in the draft final action. It was an editorial error in updating Regulation 61 post the rulemaking hearing as other sections still refer to it (e.g., see 61.8(4)).

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61.75 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE – OCTOBER 14, 2025 RULEMAKING HEARING; EFFECTIVE: December 31, 2025

The provisions of 25-8-202(1)(d) and (2), 25-8-401, 25-8-501, 25-8-501.1, and 25-8-502, C.R.S., provide the specific statutory authority for the amendments to this regulation adopted by the Water Quality Control Commission (Commission). The Commission has also adopted, in compliance with 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

The Commission has added a new section 61.5(1.5) to require the Division to develop a preliminary draft and conduct preliminary notice for new and renewal individual permits.

During the 2025 legislative session, the General Assembly passed Senate Bill 25-305 (SB25-305), Water Quality Permitting Efficiency. This bill contains efficiency and transparency-related items and requirements for the division for permitting actions. The commission has included language in this Regulation No. 61 to fulfill one of the SB25-305 statutory requirements (section 25-8-502(7)(a), C.R.S.), which directs the commission to establish a process for individual permit applicants to review a preliminary draft of their permit by December 31, 2026. The proposed language adds a new step in the individual permitting process, allowing applicants to review the preliminary draft before the draft permit goes to public notice. A preliminary draft will take the same form as a draft permit, including terms and conditions, and a preliminary draft rationale will take the same form as a permit rationale. Essentially, the preliminary draft will have all of the same materials as a draft permit that the division would have issued if it were issued as part of the public notice, including a preliminary version of the fact sheet. A fact sheet is the division's "permit rationale" and that fact sheet may incorporate a water quality assessment if an assessment was conducted for that permit.

Unless waived under 61.5(1.5)(b), the preliminary drafts will be developed and issued to the applicant before publicly issuing a draft permit and conducting public notice as required by 61.5(2). The Commission has also excluded the "preliminary draft" from the definition of a "draft permit" in section 61.2(24) and added a definition of a "preliminary draft" in section 61.2(79) to differentiate between the two documents and their associated requirements. The intent of the preliminary draft is to allow for an efficient and focused review by the permit applicant to identify errors and will allow the Division to correct any such errors before public notice of the draft permit. An applicant's choice to comment (or not) during preliminary notice does not preclude its ability to participate in public notice under sections 61.5(2) or 61.7. Preliminary notice does not limit the scope of issues of law or fact that may be raised during the public comment period and that may be subsequently included in a request for adjudicatory hearing under section 61.7(c).

To meet the intent of a focused and efficient process, the Commission interprets the word "errors" in section 25-8-502(7) to mean errors that are objective in nature, such as technical mistakes or typographic errors. Examples of these types of errors that have been identified previously in draft permits that the new preliminary notice process could capture include, but are not limited to: misidentifying a stream segment; relying on incorrect or out-of-date listing status or standards; incorrect permit cross-references; incorrect regulatory citations; incorrect or out-of-date facility information; errors in calculations, data, or formulas; typo in the monitoring frequency; and date inconsistency between the compliance schedule and effluent limit parts of the permit. This process is not intended to serve as an avenue for identification of subjective concerns in the preliminary draft, including but not limited to perceived flaws of law, legal interpretation, or policy, about which the Division or other stakeholders may reasonably disagree. This process is also not

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intended to serve as an avenue for applicants to advocate for the establishment of new permitting policy or changes to existing implementation of permitting practices. Those types of subjective comments can instead be raised during public notice and comment under section 61.5(2), at which point other stakeholders will have the opportunity to voice any disagreement with the applicant's comments. When there is potential disagreement as to whether a preliminary notice comment is objective or subjective, the Division should treat the comment as subjective in the interests of public participation and transparency, and address it instead during the public notice process. The preliminary draft and documents associated with the preliminary notice are public information in accordance with section 61.5(4), and the new section 61.5(1.5) clarifies that the Division will document the changes made in the preliminary draft as a result of any comments received and make that information public. Interested parties will, therefore, be made aware of any changes and will still be afforded the ability to effectively engage in the permitting process by providing comments during the public notice, as well as the ability to request additional public engagement opportunities identified in section 61.5(2) such as requesting public meetings and responsive comment periods.

The Commission has also limited the period of time for this preliminary notice to fourteen (14) calendar days, consistent with the language adopted by the General Assembly in SB25-305. The General Assembly has determined this is an appropriate time period given the focused scope of the review and the ability for additional review and comments to be provided during the public notice required by section 61.5(2). The Commission expects that the Division will communicate with applicants prior to scheduling this preliminary notice period to attempt to identify if reasonable revisions in the start date of the preliminary notice period can be made to try to accommodate scheduling conflicts, such as planned vacations of key applicant staff, without significantly delaying public notice.

To assist applicants in completing a timely review, the Commission has included in the required content of the preliminary notice in section 61.5(1.5)(f)(viii) and (ix) a report on the water quality and flow data, effluent data, and the methodology used in developing numeric and narrative effluent limits included in the preliminary draft, as well as a copy, as it exists at the time the preliminary draft is transmitted, of the permit builder tool and other calculation tools used by the Division to develop the preliminary draft. When applicable, the Division may provide calculation tools, such as EPA-developed mathematical models such as the Ammonia Toxicity Model (AMMTOX) or DFLOW models, by making them publicly available on the Division's website and providing the data spreadsheet the Division used. The Commission expects the Division to provide dynamic calculation tools, including an "unlocked" version of the permit builder tool that allow the applicant and other stakeholders to run calculations using these tools. The Commission also expects the Division to provide viewing access to the formulas and calculations embedded in the permit builder tool if the permit builder tool is used. The Commission has also determined that these additional requirements are appropriate for the public notice required by 61.5(2) and has also added analogous requirements to section 61.5(2)(f)(x) and (xi).

The Commission has not included a requirement for preliminary drafts in the required processes for other permit actions identified separately in section 61.8(8), including the modification of permits. The scope of permit modifications is typically much less than permit issuance or reissuance, and the overall timeline for the Division to complete the action is typically significantly shorter. Preliminary draft requirements for modifications could delay the timely completion of permit modifications. The Commission has not applied the preliminary draft requirements for modifications at this time. The Commission has also not included a requirement for preliminary drafts at this time in the required processes for either general permits or authorization to discharge under general permits identified separately in section 61.9(2). Authorizations under general permits are issued in accordance with the general permits and are not included in the

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requirements in 61.5(2) for the development of draft permits or public notice. Additionally, the Commission understands that current Division practice allows dischargers who are authorized to discharge under a general permit to request a modification of the terms and conditions of their authorization, and that through this process, errors could be corrected.

The Division will prepare a preliminary analysis and tentative determination to issue or reissue a permit under section 61.5(1.5), so section 61.5(2) was changed to avoid confusion and redundancy by clarifying that the Division will also prepare this preliminary analysis and tentative determination for actions not subject to section 61.5(1.5), including but not limited to issuances where preliminary notice is waived in accordance with section 61.5(1.5)(b) and permit modifications (except for minor modifications which do not require public notice).

Editor's Notes**History**

Sections 61.17, 61.60 eff. 12/30/2007.

Sections 61.1, 61.2, 61.4, 61.8, 61.10, 61.13, 61.14, 61.15, 61.16, 60.61 eff. 04/30/2008.

Sections 61.5; 61.8; 61.9; 61.15; 61.62 eff. 03/30/2009.

Sections 61.13(5), 61.63 eff. 09/30/2009.

Sections 61.13(4)(h), 61.64 eff. 08/30/2010.

Sections 61.13(1)-(4), 61.17, 61.65 eff. 09/30/2011.

Sections 61.13(4)(d), 61.17(6)(b), 61.17(8)(b), 61.66 eff. 01/30/2012.

Sections 61.13(3)(f), 61.67 eff. 01/30/2015.

Sections 61.14(1)(b)(x), 61.68 eff. 06/30/2015.

Sections 61.1(2), 61.8(1)(e), 61.8(2)(b)(i)(F)(l), 61.8(2)(c)(iii), 61.8(3)(u), 61.15, 61.69, 61.70 eff. 12/31/2016.

Sections 61.15, 61.71 eff. 04/30/2017.

Sections 61.1(2), 61.2(1), 61.3(2)(f), 61.3(2)(h)(i)(A), 61.3(2)(iv)(D), 61.4(1)(h-i), 61.4(1)(k)(ix-x), 61.4(2)(h)(vii), 61.4(4)(d-g), 61.4(6)(d), 61.5(2)(d-e), 61.5(4)(c-d), 61.7, 61.8(2)(c)(iii), 61.8(2)(l)(v)(B), 61.8(4)(d), 61.8(4)(h-o), 61.8(8)(f), 61.8(8)(j), 61.9(1)(e), 61.14(1)(a), 61.72 eff. 12/30/2018.

Rules 61.2(20), 61.2(107), 61.2(111)-(120), 61.4(1)(c), 61.4(1)(j)(ix)(C), 61.5(2)(b)(ii), 61.8(2)(f)(i)(A)-(C), 61.8(2)(l)(vi)(D), 61.8(7)(a), 61.14(1)(b), 61.73 eff. 06/14/2020.

Rules 61.2(90), 61.3(2)(f)(v), 61.4(3)(d)(v), 61.5(2)(d)(i)(B)(l), 61.8(2)(m), 61.73 eff. 12/15/2024.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00274

Opinion of the Attorney General rendered in connection with the rules adopted by the
1000 - Department of Public Health and Environment

on 10/14/2025

5 CCR 1002-61

REGULATION NO. 61 - COLORADO DISCHARGE PERMIT SYSTEM REGULATIONS

The above-referenced rules were submitted to this office on 10/16/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2025 11:13:29

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission

CCR number

5 CCR 1002-102

Rule title

5 CCR 1002-102 REGULATION NO. 102 - WATER QUALITY CONTROL DIVISION
CASH FEES 1 - eff 12/31/2025

Effective date

12/31/2025

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 102 - WATER QUALITY CONTROL DIVISION CASH FEES

5 CCR 1002-102

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

102.1 AUTHORITY

These regulations are promulgated pursuant to the Colorado Water Quality Control Act, section 25-8-205, C.R.S., and section 25-8-210, C.R.S.

102.2 PURPOSE

The purpose of this regulation is to set fees associated with the drinking water cash fund and the clean water cash fund. The drinking water cash fees cover a portion of the division's direct and indirect costs associated with implementing the federal "Safe Drinking Water Act," 42 U.S.C., sec 300f et seq. and Section 25-1-114.1, Part 2 of Article 1.5, C.R.S. The clean water cash fees cover a portion of the division's direct and indirect costs associated with implementing the "Clean Water Act," 33 U.S.C. sec 1251 et seq. and the "Water Quality Control Act" (C.R.S. Title 25, Art. 8).

102.3 DEFINITIONS

- (1) "Colorado Water Quality Control Act" or "Act" means the Colorado Water Quality Control Act as from time to time amended, section 25-8-101, C.R.S., 1973, et seq.
- (2) "Commission" means the water quality control commission created by section 25-8-201, C.R.S.
- (3) "Division" means the Colorado Department of Public Health and Environment, Water Quality Control Division.

102.4 DRINKING WATER CASH FEES

(1) INTRODUCTION

The cash fees generated from this section shall be used to implement the division's drinking water program. These fees cover a portion of the division's direct and indirect costs associated with administering the federal "Safe Drinking Water Act," 42 U.S.C. sec. 300f et seq. as delegated by the U.S. Environmental Protection Agency, section 25-1-114.1, C.R.S., and C.R.S. Title 25, Art. 1.5, Pt. 2. All fees shall be credited to the drinking water cash fund per section 25-1.5-209(2)(a), C.R.S.

(2) DRINKING WATER ANNUAL CASH FEE SCHEDULE

The following 102.4(2) Table A contains the drinking water cash fee schedule. The division may assess an annual fee upon public water systems, and all such fees shall be in accordance with 102.4(2) Table A. When the division determines that a groundwater source is under the direct influence of surface water, the system is reclassified as a surface water system per Colorado Primary Drinking Water Regulations Section 11.8(1)(b)(iv).

102.4(2) Table A Drinking Water Cash Annual Fee Schedule		
Facility Categories and Subcategories for Drinking Water Fees		Annual Fees
(a) Category 01 Community surface water systems		
FGD01A	Population from 25 - 250	\$96
FGD01B	Population from 251 - 500	\$128
FGD01C	Population from 501 - 1,000	\$396
FGD01D	Population from 1,001 - 3,300	\$594
FGD01E	Population from 3,301 - 10,000	\$1,105
FGD01F	Population from 10,001 - 30,000	\$2,362
FGD01G	Population from 30,001 - 100,000	\$6,308
FGD01H	Population from 100,001 - 200,000	\$11,837
FGD01I	Population from 200,001 - 500,000	\$19,728
FGD01J	Population greater than 500,000	\$27,619
(b) Category 02 Community groundwater systems		
FGD02A	Population from 25 - 250	\$96
FGD02B	Population from 251 - 500	\$128
FGD02C	Population from 501 - 1,000	\$281
FGD02D	Population from 1,001 - 3,300	\$396
FGD02E	Population from 3,301 - 10,000	\$868
FGD02F	Population from 10,001 - 30,000	\$1,973
FGD02G	Population greater than 30,001	\$5,682
(c) Category 03 Community-purchased surface water or groundwater systems		
FGD03A	Population from 25 - 250	\$96
FGD03B	Population from 251 - 500	\$128
FGD03C	Population from 501 - 1,000	\$198
FGD03D	Population from 1,001 - 3,300	\$319
FGD03E	Population from 3,301 - 10,000	\$626
FGD03F	Population from 10,001 - 30,000	\$1,105
FGD03G	Population greater than 30,001	\$3,154
(d) Category 04 Nontransient, noncommunity surface water systems		
FGD04A	Population from 25 - 250	\$96
FGD04B	Population from 251 - 500	\$128
FGD04C	Population from 501 - 1,000	\$358
FGD04D	Population from 1,001 - 3,300	\$511
FGD04E	Population from 3,301 - 10,000	\$792
FGD04F	Population from 10,001 - 30,000	\$2,132
FGD04G	Population greater than 30,001	\$5,682
(e) Category 05 Nontransient, noncommunity groundwater systems		

102.4(2) Table A Drinking Water Cash Annual Fee Schedule		
FGD05A	Population from 25 - 250	\$96
FGD05B	Population from 251 - 500	\$128
FGD05C	Population from 501 - 1,000	\$198
FGD05D	Population from 1,001 - 3,300	\$313
FGD05E	Population from 3,301 - 10,000	\$632
FGD05F	Population from 10,001 - 30,000	\$1,737
FGD05G	Population greater than 30,001	\$4,661
(f) Category 06 Nontransient, noncommunity-purchased surface water or groundwater systems		
FGD06A	Population from 25 - 250	\$96
FGD06B	Population from 251 - 500	\$128
FGD06C	Population from 501 - 1,000	\$160
FGD06D	Population from 1,001 - 3,300	\$236
FGD06E	Population from 3,301 - 10,000	\$415
FGD06F	Population from 10,001 - 30,000	\$1,028
FGD06G	Population greater than 30,001	\$2,528
(g) Category 07 Transient, noncommunity surface water systems		
FGD07A	Population from 25 - 250	\$96
FGD07B	Population from 251 - 500	\$128
FGD07C	Population from 501 - 1,000	\$313
FGD07D	Population from 1,001 - 3,300	\$396
FGD07E	Population from 3,301 - 10,000	\$709
FGD07F	Population from 10,001 - 30,000	\$792
FGD07G	Population greater than 30,001	\$5,057
(h) Category 08 Transient, noncommunity groundwater systems		
FGD08A	Population from 25 - 250	\$96
FGD08B	Population from 251 - 500	\$128
FGD08C	Population from 501 - 1,000	\$160
FGD08D	Population from 1,001 - 3,300	\$236
FGD08E	Population from 3,301 - 10,000	\$632
FGD08F	Population from 10,001 - 30,000	\$683
FGD08G	Population greater than 30,001	\$3,792
(i) Category 09 Transient, noncommunity-purchased surface water or groundwater systems		
FGD09A	Population from 25 - 250	\$96
FGD09B	Population from 251 - 500	\$128
FGD09C	Population from 501 - 1,000	\$140
FGD09D	Population from 1,001 - 3,300	\$160
FGD09E	Population from 3,301 - 10,000	\$396

102.4(2) Table A Drinking Water Cash Annual Fee Schedule		
FGD09F	Population from 10,001 - 30,000	\$555
FGD09G	Population greater than 30,001	\$1,903

102.5 CLEAN WATER CASH FEES

(1) INTRODUCTION

The cash fees generated from this section shall be used to implement the division's clean water program. These fees cover a portion of the division's direct and indirect costs associated with administering the federal "Clean Water Act," 33 U.S.C. sec. 1251 et seq. as delegated by the U.S. Environmental Protection Agency, "Water Quality Control Act" (C.R.S. Title 25, Art. 8), and "On-Site Wastewater Treatment Systems Act" (C.R.S. Title 25, Art. 10). C.R.S. All fees shall be credited to the clean water cash fund per section 25-8-210(4), C.R.S. This section includes clean water cash annual fee schedules and clean water cash fees for regulatory requirements.

(2) CLEAN WATER ANNUAL CASH FEE SCHEDULES

This section includes the clean water annual cash fee schedules for the following fee payor types: biosolids, commerce and industry, construction, municipal separate storm sewer systems, pesticides, and public and private utilities.

(a) Biosolids Annual Cash Fees

- (i) Biosolids generators that generate thirty-one and one-quarter of dry tons or greater of biosolids used for beneficial purposes, in accordance with Regulation 64, are billed annually. This is based on the actual amount of biosolids (dry weight basis) generated and used for beneficial purposes in the previous reporting period covered in the annual report.
- (ii) The annual cash fee schedule for biosolids fee payors shall be in accordance with the following 102.5(2) Table A.

102.5(2) Table A Biosolids Cash Fee Schedule		
Invoice acronym: Water Biosolids (WB)		
Fee Subcategory	Description	Annual Fee
Category 1: Biosolids		
0101	Fee per dry ton of biosolids which is beneficially used.	\$2.40 per dry ton

(b) Commerce and Industry Annual Cash Fees

- (i) The commerce and industry fee payor type includes activities associated with mining, hydrocarbon refining, sugar processing, industrial stormwater, utilities not included in the private and public utilities sector, manufacturing activities, commercial activities, and all other industrial activities.

- (ii) The annual cash fee schedule for commerce and industry fee payors shall be in accordance with the following 102.5(2) Table B.

102.5(2) Table B Commerce and Industry Annual Cash Fee Schedule		
Invoice acronym: Water Industry (WI)		
Fee Subcategory	Description	Annual Fee
Category 2 Sand and gravel and placer mining individual permit		
0201	Pit dewatering or wash-water discharge	\$1,183
0202	Stormwater discharge only	\$902
Category 3 Coal mining individual permit		
0301	Sedimentation ponds, surface runoff only	\$2,033
0302	Mine water, preparation plant discharge	\$2,737
0303	Stormwater discharge (additional, when present)	\$902
Category 4 Hard rock mining individual permit		
0401	Mine dewatering from 0 up to 49,999 gallons per day	\$4,460
0402	Mine dewatering from 50,000 up to 999,999 gallons per day	\$6,803
0403	Mine dewatering, 1,000,000 gallons per day or more	\$6,803
0404	Mine dewatering and milling with discharge	\$20,491
0405	Milling with discharge from 0 up to 49,999 gallons per day	\$6,949
0406	Milling with discharge from 50,000 gallons per day or more	\$13,855
0407	Stormwater discharge (additional, when present)	\$902
Category 5 General Permits		
0501	Sand and gravel with process discharge and stormwater	\$560
0502	Sand and gravel without process discharge - stormwater only	\$156
0503	Coal mining	\$1,618
0504	Industrial - single municipal industrial - stormwater only	\$384
0505	Active mineral mines less than ten acres - stormwater only	\$259
0506	Active mineral mines - ten acres or more - stormwater only	\$778
0507	Inactive mineral mines - stormwater only	\$156
0508	Minimal discharge of industrial or commercial waste waters - general permit	\$812
Category 6 Power plants		
0601	Cooling water only, no discharge	\$2,364
0602	Process water from 0 up to 49,999 gallons per day	\$4,460
0603	Process water from 50,000 up to 999,999 gallons per day	\$6,803
0604	Process water from 1,000,000 up to 4,999,999 gallons per day	\$20,491
0605	Process water from 5,000,000 gallons per day or more	\$20,491
Category 7 Sugar Processing		
0701	Process water from 1,000,000 up to 4,999,999 gallons per day	\$20,491
0702	Process water, 5,000,000 gallons per day or more	\$20,491
Category 8 Petroleum refining		
0801	Process water from 1,000,000 up to 4,999,999 gallons per day	\$20,491
Category 9 Fish Hatcheries		
0901	Fish hatcheries	\$1,700

102.5(2) Table B Commerce and Industry Annual Cash Fee Schedule		
Category 10 Manufacturing and other industries:		
1001	Cooling water only	\$2,364
1002	Process water from 0 up to 49,999 gallons per day	\$4,460
1003	Process water from 50,000 up to 999,999 gallons per day	\$6,803
1004	Process water from 1,000,000 up to 4,999,999 gallons per day	\$20,491
1005	Process water from 5,000,000 up to 19,999,999 gallons per day	\$25,178
1006	Process water from 20,000,000 gallons per day or more	\$40,983
1007	Amusement and recreation services	\$3,070
Category 11 Individual industrial stormwater permits:		
1101	Individual industrial - less than ten acres	\$612
1102	Individual industrial - ten acres or more	\$778
1103	Individual industrial - stormwater only - international airports	\$12,900

(c) Construction Stormwater Annual Cash Fees

- (i) The construction stormwater fee payor type includes annual fee schedules for regulated activities associated with construction activities.
- (ii) The annual cash fee schedule for construction stormwater fee payors shall be in accordance with the following 102.5(2) Table C.
- (iii) The division shall use the construction cash fee revenue collected pursuant to this section to continue to fund the administration and oversight of the construction sector, including services provided under the alternative compliance assurance model. The division shall not use the revenue to fund additional enforcement staff unless such funding is included in a commission fee-setting rule. An alternative compliance assurance model includes:
 - (A) Increasing inspections of the construction sector to meet compliance objectives identified by the federal Environmental Protection Agency;
 - (B) Implementing a compliance strategy that relies on increased assistance and follow-up to obtain an overall increase in compliance instead of increased reliance on enforcement;
 - (C) Targeting additional compliance assistance towards permittees to seek increased compliance, including: streamlined site visits that provide initial assistance consultations and increased assistance resources such as guidance documents, presentations, and online resources; review and response to the inspected entity's written response to the inspection; follow-up inspections and additional inspections for owners and operators with systemic violations; and increased overall inspection frequency;
 - (D) Maintaining and increasing current service levels of administration and oversight for the division's stormwater management system administrator program; and

- (E) Targeting enforcement towards operators that show chronic violations, significant violations, or recalcitrant response actions.

102.5(2) Table C Construction Annual Cash Fee Schedule		
Invoice acronym: Water Construction (WC)		
Fee Subcategory	Description	Annual Fee
Category 12: Construction General Permits		
1201	Low complexity	\$820
1202	High complexity	\$2,000
1203	Construction - stormwater only; less than 1 acre of disturbed area	\$165
1204	Construction - stormwater only; from 1 acre to less than 30 acres	\$350
1205	Construction - stormwater only; 30 acres or more of disturbed area	\$540
Category 13: Construction Individual Permits		
1301	Individual permit for construction discharges	\$4,400

(d) Municipal Separate Storm Sewer Systems Annual Cash Fees

- (i) The municipal separate storm sewer systems fee payor type includes annual fee schedules for regulated activities associated with the operation of municipal separate storm sewer systems.
- (ii) The annual cash fee schedule for municipal separate storm sewer system fee payors shall be in accordance with the following 102.5(2) Table D.

102.5(2) Table D Municipal Separate Storm Sewer Systems Cash Fee Schedule		
Invoice acronym: Water Municipal Separate Storm Sewer (WM)		
Fee Subcategory	Description	Annual Fee
Category 14: Municipal Separate Storm Sewer Systems General Permits		
1401	Stormwater municipal up to 10,000 in population	\$527
1402	Stormwater municipal from 10,000 up to 49,999 in population	\$1,200
1403	Stormwater municipal from 50,000 up to 100,000 in population	\$2,994
1404	Stormwater municipal from 100,000 or more in population	\$6,002
Category 15: Municipal Separate Storm Sewer Systems Individual Permits		
1501	Municipalities from 10,000 up to 49,999 in population	\$2,086
1502	Municipalities from 50,000 up to 99,999 in population	\$5,208
1503	Municipalities from 100,000 up to 249,999 in population	\$9,226
1504	Municipalities from 250,000 and more in population	\$15,680
1505	Statewide permit for Municipal Separate Storm Sewer Systems owned or operated by DOT in municipal	\$6,462

102.5(2) Table D Municipal Separate Storm Sewer Systems Cash Fee Schedule		
	areas that require a Municipal Separate Storm Sewer Systems permit	

(e) Pesticides Annual Cash Fees

- (i) The pesticides fee payor type includes annual fees for regulated activities associated with pesticide applications that are regulated under the Clean Water Act through a general permit. Decision-makers with pesticide application on or over state waters that are subject to annual reporting requirements outlined in the pesticide general permit shall pay an annual fee.
- (ii) The annual cash fee schedule for pesticide fee payors shall be in accordance with the following 102.5(2) Table E.

102.5(2) Table E Pesticides Cash Fee Schedule		
Invoice acronym: Water Pesticides (WP)		
Fee Subcategory	Description	Annual Fee
Category 16: Pesticides		
1601	Pesticide application	\$281

(f) Public and Private Utilities Annual Cash Fees

- (i) The public and private utilities fee payor type includes annual fee schedules for regulated activities associated with the operation of domestic wastewater treatment works, water treatment facilities, reclaimed water systems, and industrial operations that discharge to a domestic wastewater treatment works.
- (ii) The annual cash fee schedule for public and private utilities fee payors shall be in accordance with the following 102.5(2) Table F.

102.5(2) Table F Public and Private Utilities Cash Fee Schedule		
Invoice acronym: Water Utilities (WU)		
Fee Subcategory	Description	Annual Fee
Category 17: Water treatment plants individual permits		
1701	Routine discharge	\$1,140
Category 18: Water treatment plants general permits		
1801	Water treatment plants--intermittent discharge	\$661
1802	Water treatment plants--routine discharge	\$994
Category 19: Domestic wastewater – lagoons		
1901	Sewage from 0 up to 49,999 gallons per day	\$731
1902	Sewage from 50,000 up to 99,999 gallons per day	\$1,175
1903	Sewage from 100,000 up to 499,999 gallons per day	\$1,711
1904	Sewage from 500,000 up to 999,999 gallons per day	\$2,948
1905	Sewage from 1,000,000 up to 1,999,999 gallons per day	\$4,408

102.5(2) Table F Public and Private Utilities Cash Fee Schedule		
1906	Sewage from 2,000,000 gallons per day or more	\$8,984
Category 20: Domestic wastewater - mechanical plants		
2001	Sewage from 0 up to 19,999 gallons per day	\$855
2002	Sewage from 20,000 up to 49,999 gallons per day	\$1,363
2003	Sewage from 50,000 up to 99,999 gallons per day	\$2,003
2004	Sewage from 100,000 up to 499,999 gallons per day	\$3,116
2005	Sewage from 500,000 up to 999,999 gallons per day	\$5,173
2006	Sewage from 1,00,000 up to 2,499,999 gallons per day	\$8,470
2007	Sewage from 2,500,000 up to 9,999,999 gallons per day	\$15,869
2008	Sewage from 10,000,000 up to 49,999,999 gallons per day	\$27,510
2009	Sewage from 50,000,000 up to 99,999,999 gallons per day	\$31,738
2010	Sewage from 100,000,000 gallons per day or more	\$34,909
Category 21: Domestic facilities - general permit		
2101	Sewage from 0 up to 49,999 gallons per day	\$633
2102	Sewage from 50,000 up to 199,999 gallons per day	\$1,113
2103	Sewage from 200,000 up to 599,999 gallons per day	\$1,627
2104	Sewage from 600,000 up to 999,999 gallons per day	\$2,587
Category 22: Industrial dischargers discharging to publicly owned treatment works with pretreatment programs, subject to categorical effluent standards, not including categorical industries subject to zero-discharge standards:		
2201	Very low flow, up to 100 gallons per day	\$406
2202	From 100 up to 9,999 gallons per day	\$972
2203	From 10,000 up to 50,000 gallons per day	\$1,456
2204	From 50,000 gallons per day or more	\$1,943
Category 23: All other significant industrial dischargers discharging to publicly owned treatment works with pretreatment, including categorical industries subject to zero-discharge standards:		
2301	Up to 10,000 gallons per day	\$244
2302	From 10,000 up to 50,000 gallons per day	\$486
2303	From 50,000 gallons per day or more	\$646
Category 24: Industrial dischargers discharging to publicly owned treatment works without pretreatment programs, subject to categorical effluent standards, not including categorical industries subject to zero-discharge standards:		
2401	Up to 10,000 gallons per day	\$1,133
2402	From 10,000 up to 50,000 gallons per day	\$1,781
2403	50,000 gallons per day or more	\$2,428
Category 25: All other significant industrial dischargers discharging to publicly owned treatment works without pretreatment programs, including categorical industries subject to zero-discharge standards:		
2501	Up to 10,000 gallons per day	\$486
2502	From 10,000 to 50,000 gallons per day	\$728
2503	> 50,000 GPD	\$972
2504	From 50,000 gallons per day or more	\$972
Category 26: Pretreatment for domestic wastewater – lagoons		

102.5(2) Table F Public and Private Utilities Cash Fee Schedule		
2601	Sewage from 0 up to 49,999 gallons per day	\$105
2602	Sewage from 50,000 up to 99,999 gallons per day	\$105
2603	Sewage from 100,000 up to 499,999 gallons per day	\$105
2604	Sewage from 500,000 up to 999,999 gallons per day	\$105
2605	Sewage from 1,000,000 up to 2,499,999 gallons per day	\$113
2606	Sewage from 2,500,000 gallons per day or more	\$131
Category 27: Pretreatment for domestic wastewater - mechanical plants		
2701	Sewage from 0 up to 19,999 gallons per day	\$105
2702	Sewage from 20,000 up to 49,999 gallons per day	\$105
2703	Sewage from 50,000 up to 99,999 gallons per day	\$105
2704	Sewage from 100,000 up to 499,999 gallons per day	\$105
2705	Sewage from 500,000 up to 999,999 gallons per day	\$105
2706	Sewage from 1,000,000 up to 2,499,999 gallons per day	\$113
2707	Sewage from 2,500,000 up to 9,999,999 gallons per day	\$131
2708	Sewage from 10,000,000 up to 49,999,999 gallons per day	\$146
2709	Sewage from 50,000,000 up to 99,999,999 gallons per day	\$163
2710	Sewage from 100,000,000 gallons per day or more	\$178
Category 28: Wastewater reuse authorizations		
2801	Reuse up to 99,999 gallons per day	\$626
2802	Reuse from 100,000 up to 499,000 gallons per day	\$1,169
2803	Reuse from 500,000 up to 999,999 gallons per day	\$1,947
2804	Reuse from 1,000,000 up to 2,499,999 gallons per day	\$3,199
2805	Reuse from 2,500,000 up to 9,999,999 gallons per day	\$5,980
2806	Reuse from 10,000,000 gallons per day or more	\$8,762

(3) CLEAN WATER NON-ANNUAL CASH FEES

This section includes the clean water cash fee schedules for the following regulatory requirements: permit application, permit modification, preliminary effluent limits, on-site wastewater treatment system, site application and design review, and water quality certifications.

(a) Permit Application Fee

The division may assess a nonrefundable permit application fee for new permits and new general permit certifications equal to fifty percent of the annual permit fee in Section 102.5(2).

(b) Permit Modification Fee

The division may assess a fee for an amendment or modification to permits and general permit certifications. For minor modifications, the fee must be in an amount equal to twenty-five percent of the annual permit fee in Section 102.5(2) for the permit or general permit certification being amended, not to exceed \$2,810. For major modifications, the fee must be in an amount equal to fifty-five percent of the annual permit fee in Section 102.5(2) for the permit or general permit certification being amended, not to exceed \$5,950.

(c) Preliminary Effluent Limits

- (i) The division may assess a fee for the determination of preliminary effluent limitations for domestic wastewater treatment works as set forth in the fee schedule in 102.5(3) Table A. All such fees shall be paid in advance of any work done.
- (ii) At the request of an entity that is not a domestic wastewater treatment works, and upon payment of the appropriate fee as set forth in the schedules in Table 102.5(3) Table A, the division may determine preliminary effluent limits for a proposed discharge as described by the requester.
- (iii) Fees set forth in the schedules established in Table 102.5(3) Table A are increased by an amount equal to seventy-five percent of the applicable fee for each set of preliminary effluent limitations requested by domestic wastewater treatment works for discharges to a second or additional receiving water bodies.
- (iv) The division may, where an entity requests modification of existing division-approved preliminary effluent limitations, complete the modification for a fee equal to twenty-five percent of the applicable fee as set forth in the schedules in 102.5(3) Table A.

102.5(3) Table A Preliminary Effluent Limitations Cash Fee Schedule		
Invoice acronym: Water Limits (WL)		
Fee Subcategory	Description	Fee
Category 29: Preliminary Effluent Limitations for Individual Permits		
2901	Less than 100,000 gallons per day	\$2,921
2902	From 100,000 up to 999,999 gallons per day	\$5,841
2903	From 1,000,000 up to 9,999,999 gallons per day	\$8,762
2904	From 10,000,000 gallons per day or more	\$11,683
Category 30: Preliminary Effluent Limitations for General Permits		
3001	From 0 up to 1,000,000 gallons per day	\$1,460
Category 31: Preliminary Effluent Limitations for Discharges to Groundwater		
3101	Minor facilities: less than 1,000,000 gallons per day	\$731
3102	Major facilities: 1,000,000 gallons per day or more	\$1,169
Category 32: Review of Preliminary Effluent Limitations for Individual Permits Professionally Prepared by Others		
3201	Minor facilities: less than 1,000,000 gallons per day	\$2,191
3202	Major facilities: 1,000,000 gallons per day or more	\$4,381

(d) On-site Wastewater Treatment Systems Fee

For on-site wastewater treatment system permits issued at the county level, the division may assess a fee of \$23 for each permit authorized for a new, repaired, or upgraded on-site wastewater treatment system. Of that fee, the county in which the on-site wastewater treatment system is or will be located shall retain \$3 to cover the county's administrative costs and shall transmit \$20 to the Colorado Department of Public Health and Environment for use in funding the

state's on-site wastewater treatment program. That sum shall be transmitted to the clean water cash fund pursuant to section 25-8-210(4), C.R.S.

(e) Wastewater Site Application and Design Reviews

The division may assess a fee for wastewater site application and design review as set forth in the fee schedule in 102.5(3) Table B. All such fees shall be paid in advance of any work done.

102.5(3) Table B Wastewater Site Applications and Design Reviews		
Fee Subcategory	Description	Fee
Category 33 Wastewater site applications (WS):		
Invoice acronym: Water site applications (WS)		
3301	New wastewater treatment plants, less than 100,000 gallons per day	\$10,762
3302	Expansion of wastewater treatment plants, less than 100,000 gallons per day	\$8,610
3303	New wastewater treatment plants from 100,000 to 999,999 gallons per day	\$21,525
3304	Expansion of wastewater treatment plants from 100,000 to 999,999 gallons per day	\$17,220
3305	New wastewater treatment plants from 1,000,000 to 9,999,999 gallons per day	\$32,287
3306	Expansion of wastewater treatment plants from 1,000,000 to 9,999,999 gallons per day	\$25,830
3307	New wastewater treatment plants, 10,000,000 gallons per day or more	\$43,050
3308	Expansion of wastewater treatment plants, 10,000,000 gallons per day or more	\$34,441
3309	New lift stations, less than 100,000 gallons per day	\$2,692
3310	Expansion of lift stations, less than 100,000 gallons per day	\$2,153
3311	New lift stations from 100,000 to 999,999 gallons per day	\$5,381
3312	Expansion of lift stations from 100,000 to 999,999 gallons per day	\$4,305
3313	New lift stations from 1,000,000 to 9,999,999 gallons per day	\$8,072
3314	Expansion of Lift stations from 1,000,000 to 9,999,999 gallons per day	\$6,457
3315	New lift stations, 10,000,000 gallons per day or more	\$10,762
3316	Expansion of lift stations, 10,000,000 gallons per day or more	\$8,610
3317	Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection, less than 100,000 gallons per day	\$627
3318	Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection from 100,000 to 999,999 gallons per day	\$1,256
3319	Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection from 1,000,000 to 9,999,999 gallons per day	\$1,883
3320	Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection, 10,000,000 gallons per day or more	\$2,511

102.5(3) Table B Wastewater Site Applications and Design Reviews		
3321	Other amendments to site application, less than 100,000 gallons per day	\$897
3322	Other amendments to site applications from 100,000 to 999,999 gallons per day	\$1,794
3323	Other amendments to site applications from 1,000,000 to 9,999,999 gallons per day	\$2,692
3324	Other amendments to site applications, 10,000,000 gallons per day or more	\$3,586
3325	On-site wastewater treatment systems	\$6,259
3326	Extension	\$904
3327	Interceptor site applications	\$1,808
3328	Interceptor certifications	\$417
3329	Outfall sewers	\$1,808
Category 34 Wastewater Design Review		
Invoice acronym: Water design review (WD)		
3401	New wastewater treatment plants, less than 100,000 gallons per day	\$6,815
3402	Expansion of wastewater treatment plants, less than 100,000 gallons per day	\$5,424
3403	New wastewater treatment plants from 100,000 to 999,999 gallons per day	\$13,769
3404	Expansion of wastewater treatment plants from 100,000 to 999,999 gallons per day	\$10,987
3405	New wastewater treatment plants from 1,000,000 to 9,999,999 gallons per day	\$20,584
3406	Expansion of wastewater treatment plants from 1,000,000 to 9,999,999 gallons per day	\$16,411
3407	New wastewater treatment plants, 10,000,000 gallons per day or more	\$27,399
3408	Expansion of wastewater treatment plants, 10,000,000 gallons per day or more	\$21,975
3409	New lift stations, less than 100,000 gallons per day	\$1,669
3410	Expansion of lift stations, less than 100,000 gallons per day	\$1,391
3411	New lift stations from 100,000 to 999,999 gallons per day	\$3,477
3412	Expansion of lift stations from 100,000 to 999,999 gallons per day	\$2,782
3413	New lift stations from 1,000,000 to 9,999,999 gallons per day	\$5,146
3414	Expansion of lift stations from 1,000,000 to 9,999,999 gallons per day	\$4,172
3415	New lift stations 10,000,000 gallons per day or more	\$6,815
3416	Expansion of lift stations 10,000,000 gallons per day or more	\$5,424
3417	Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection, less than 100,000 gallons per day	\$695
3418	Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection from 100,000 to 999,999 gallons per day	\$1,391
3419	Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to	\$2,086

102.5(3) Table B Wastewater Site Applications and Design Reviews		
	ultraviolet light disinfection from 1,000,000 to 9,999,999 gallons per day	
3420	Amendments to site applications concerning a change from gas chlorination to liquid chlorination or from any form of chlorination to ultraviolet light disinfection, 10,000,000 gallons per day or more	\$2,782
3421	Other amendments to site application, less than 100,000 gallons per day	\$974
3422	Other amendments to site applications, from 100,000 to 999,999 gallons per day	\$1,947
3423	Other amendments to site applications, from 1,000,000 to 9,999,999 gallons per day	\$2,921
3424	Other amendments to site applications, 10,000,000 gallons per day or more	\$3,894
3425	On-site wastewater treatment systems	\$4,172
3426	Interceptor site applications	\$1,947
3427	Outfall sewers	\$1,947

(f) Water Quality Certifications

For the activities listed in this subsection 102.5(3)(f) associated with reviewing requests for certifications under section 401 of the federal act (33 U.S.C. sec. 1251 et seq.) and section 25-8-302(1)(f), C.R.S., the division may assess a fee for the review. All such fees must be in accordance with the following tier schedules in this subsection. The division will determine whether the project to be certified is a tier 1, tier 2, or tier 3 project at the time of the pre-filing meeting request. For tier 1 and 2 projects, fees are due at the time of the certification request to the division. For tier 3 projects, the division will meet with the applicants before certifications are submitted to develop a draft billing agreement.

- (i) The fee for a tier 1 project is \$1,122, which must be submitted with the certification application. Tier 1 projects are projects that involve minimal costs for division review and minimal potential water quality impacts. Tier 1 includes certifications of channel stabilization projects and single drainage improvement projects. Tier 1 projects are projects that the division expects, at the time the certification application is submitted, to have some or all of the following characteristics:
 - (A) The potential for no more than minimal impacts to water quality;
 - (B) A low level of public participation;
 - (C) No more than standard coordination with federal, state, or local agencies;
 - (D) Limited technical assistance.
- (ii) The fee for a tier 2 project is \$3,876, which must be submitted with the certification application. Tier 2 projects are projects that involve moderate costs for division review and minimal potential water quality impacts. Tier 2 includes certifications of projects that affect multiple drainages. Tier 2 projects are projects that the division expects, at the time the certification application is submitted, to have some or all of the following characteristics:

- (A) The potential for no more than minimal impacts to water quality;
 - (B) A basic to high level of public participation, with potential for participation in public meetings or hearings held by outside parties;
 - (C) More than the standard level of coordination with multiple federal, state, or local agencies, including one or more meetings or pre-application site visits;
 - (D) A moderate and ongoing level of technical assistance;
 - (E) Compensatory mitigation review;
 - (F) Review of a full evaluation and findings report, if needed; or
 - (G) If the certification is appealed, addressing an appeal of the division's water quality certification to the commission pursuant to sections 25-8-202(1)(k), 25-8-302(1)(f), and 25-8-401, C.R.S.
- (iv) The fee for a tier 3 project is calculated on an hourly rate based on the actual costs of division staff and contractor time. Tier 3 projects are projects that involve multiple or large watershed areas, a very high degree of complexity, a potential for greater water quality impacts, or a high level of public participation. Tier 3 includes transmountain water supply projects, certifications of federal energy regulatory commission relicensing projects, or projects involving more long-term water quality impacts. Typical characteristics of tier 3 projects may include all or some of the following:
- (A) The potential for greater water quality impacts, including when the water body is identified as not attaining water quality standards or multiple stream or lake segments, as established pursuant to section 25-8-203, C.R.S., are affected;
 - (B) A high level of public participation, including extensive public comments and the potential for one or more public meetings or hearings conducted by the division or outside parties;
 - (C) Substantially more coordination than is standard with multiple federal, state, or local agencies, including one or more meetings;
 - (D) A high level of iterative technical assistance or substantive project revisions;
 - (E) Complex compensatory mitigation review;
 - (F) A site visit to understand impacts and advise on potential alternatives;
 - (G) Coordination with the governor's office in conjunction with other state agencies, tribal nations, and the federal government;
 - (H) To the extent pertinent, review of additional documents, such as federal "National Environmental Policy Act" resource reports, environmental assessments, and environmental impact statements;
 - (I) If needed, to the extent not addressed in the documents addressed in subparagraph (H) of this subsection (iv) and consistent with the requirements of,

and rules promulgated pursuant to, the Colorado Water Quality Control Act, review and use of a full evaluation and findings report; or

- (J) If the certification is appealed, addressing an appeal of the division water quality certification to the commission pursuant to sections 25-8-202(1)(k), 25-8-302(1)(f), and 25-8-401, C.R.S.
- (v) For tier 3 projects, the division may also assess fees for services provided by the division before the applicant formally submits a water quality certification application. Such fees must reflect the actual cost of division staff and contractor time.
- (vi) For tier 3 projects, the division may also assess fees for services provided by the division to monitor projects that are certified with conditions. Such fees must reflect the actual cost of division staff and contractor time. All tier 3 projects with conditions, or projects with conditions that were classified as tier 4 under section 25-8-502(1.2)(a)(IV), C.R.S., prior to that provision's repeal, may be assessed fees under this subsection (vi) regardless of the date the certification was issued.

(h) Phase-in of Fees

Pursuant to section 25-8-210(1)(c)(I), C.R.S., the division may begin assessing the fee amounts as set forth in this section 102.5(3) on January 1, 2026, or, if the effective date on this regulation is after January 1, 2026, then on the effective date of this regulation.

102.6 INFLATIONARY FEE ADJUSTMENTS

The commission may, by rule, annually adjust the fee amounts in sections 102.4 and 102.5 based on the percentage change in the United States Department of Labor's Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood for all items and all urban consumers or its successor index. The inflationary increase shall not exceed four percent per year without additional engagement. On or before January 1, 2027, and on or before January 1 of each year thereafter, the division shall hold at least one meeting with stakeholders to discuss any inflationary adjustment proposals of up to four percent per year and plans for more stakeholder engagement if additional fee adjustments are needed.

102.7 DIVISION COMMITMENT TO PERFORMANCE IMPROVEMENT AND REPORTING

(1) TIMEFRAMES FOR PERMITTING ACTIONS

The division shall propose rules to the commission that establish a timeframe for each permit action pursuant to section 25-8-502(7)(a) and as these terms are defined in the Colorado Discharge Permit Regulations, 5 CCR 1002-61, or Regulation 61. This will include establishing timeframes for issuing new and renewal certifications under general permits. Pursuant to section 25-8-502(7)(a), by June 30, 2028, the commission shall adopt rules for such timeframes based on the division's proposal. In addition to section 25-8-502(7)(a) requirements, the proposal will consider existing 180-day requirements for modifications and issuing new permits. Additionally, the proposal shall include rules regarding sanctions, such as a fee refund by the division, if timeframes are not met.

By October 31, 2026, the division shall also inform the Commission at an informational hearing of the Division's draft proposed detailed methodology and rationale for establishing permitting timeframes for all categories of permits; and provide a list of viable, effective options, informed by stakeholder input, for sanctions if timeframes are not met.

(2) BACKLOG-REDUCTION SCHEDULE

By December 31, 2026, the division will evaluate and develop a backlog-reduction schedule to include in each subsequent annual report that is submitted to the Commission pursuant to section 25-8-305, C.R.S. The division will use the following format for the backlog-reduction schedule:

(a) General Permits

- (i) By October 1, 2027: X% permits backlogged
- (ii) By October 1, 2028: X% permits backlogged
- (iii) By October 1, 2029: X% permits backlogged
- (iv) By October 1, 2030: X% permits backlogged

(b) General Permit Certifications

- (i) By October 1, 2027: X% permits backlogged
- (ii) By October 1, 2028: X% permits backlogged
- (iii) By October 1, 2029: X% permits backlogged
- (iv) By October 1, 2030: X% permits backlogged

(c) Individual Permits

- (i) By October 1, 2027: X% permits backlogged
- (ii) By October 1, 2028: X% permits backlogged
- (iii) By October 1, 2029: X% permits backlogged
- (iv) By October 1, 2030: X% permits backlogged

By October 31, 2026, the division shall inform the Commission at an informational hearing of the division's draft detailed methodology and rationale for identifying a backlog reduction schedule.

(3) REPORT OUT ON PROGRESS TOWARDS IMPROVEMENTS ON PERMITS PROCESSING

Twice per year, the division shall make available information for the public on its progress towards permits efficiencies, communications, transparency, and accountability. One of these report-outs will include reporting-out to the Water Quality Control Commission through an informational hearing.

(a) Updates to include in report out:

- (i) Data or other information utilized for the annual report that can be reported out through an automated process and, as appropriate, notice of significant information that is anticipated to be included in the final report;
- (ii) Status of the development of performance metrics and work plan review with stakeholders;

- (iii) Any identified process improvements for permitting;
- (iv) The status of improving the permit application and other document systems to modernize the state's permit system to increase efficiency;
- (v) The status of the permit dashboard to provide transparency;
- (vi) The status of, and progress made, using coaches for small, rural systems;
- (vii) Updates on efforts from the Colorado Water Quality Forum's Water Quality Roadmap workgroup, including improvements to current regulatory tools to address situations where compliance with permit requirements present feasibility and implementation challenges;
- (viii) Progress on the implementation of the notice for preliminary draft process outlined in Reg. 61;
- (ix) Progress made on the use of independent, qualified contractors starting May 1, 2026 pursuant to section 25-8-503.7(1) C.R.S.;
- (x) Progress on conducting site visits;
- (xi) Progress on developing timeframes per section 102.7(1);
- (xii) Progress on backlog-reduction schedule per section 102.7(2);
- (xiii) Any feedback collected through stakeholder engagement processes if appropriate.
- (xiv) Provide updates on how the division is considering current debt service on existing local government water infrastructure when developing schedules of compliance for new effluent limits in local government permits, pursuant to 25-8-503(10)(a).

102.8 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE: MAY 13, 2024 RULEMAKING HEARING; FINAL ACTION MAY 13, 2024 EFFECTIVE JULY 15, 2024

The provisions of Colorado Revised Statutes section 25-8-210 provides the specific statutory authority for setting fees by regulation. In compliance with Colorado Revised Statutes Section 24-4-103(4), the Commission has adopted the following Statement of Basis and Purpose.

BASIS AND PURPOSE

Section 25-8-210, C.R.S., directs the Commission that "on or before October 31, 2025, the Commission shall establish the following fees by rule:

- (1) Drinking water fees assessed on public water systems pursuant to section 25-1.5-209 (1), as that section existed prior to its repeal on July 1, 2026.
- (2) Commerce and industry sector permitting fees assessed pursuant to section 25-8-502 (1.1)(b), as that section existed prior to its repeal on July 1, 2026."

The Commission and Division have fulfilled the requirements of Section 25-8-210(1)(c)(II), C.R.S., as all permit holders and public water systems have been notified of the fee setting by rule stakeholder process.

In addition, the Division's stakeholder process for this effort is well documented on its website. In addition, the fee increases for this rulemaking will not be phased in over time.

The Commission has determined that the fees for the drinking water cash fund and the clean water cash fund's commerce and industry fee payor type should be established in the rule as soon as practicable. Both funds generate significantly less than the revenue required to sustain the staffing and support necessary to provide the required services. These services are necessary to administer the Safe Drinking Water Act and Clean Water Act in Colorado. The legislature establishes the spending authority for these funds. The spending authority reflects the cost to operate the Division and increases through time to account for inflation in the cost of drinking water and clean water staff support and maintenance of the Division's general and administrative services for staff and the public. The Commission found that fee increases are necessary as a component of the funding needed to maintain existing Division services for the drinking water program and commerce and industry fee payors. In addition, the Commission understands that the projected revenue for other Division cash funds is sufficient for state fiscal year 24-25 and that those funds do not require an increase during this rulemaking.

The drinking water fee increase resulted in fee increases ranging from \$10 to \$2,812 per year, or a 13 percent increase. The commerce and industry fee increase resulted in fee increases ranging from \$16 to \$4,136 per year, or a 13 percent increase. The Commission understands that this is the first step that these fee increases are not the total amount needed for the Division to maintain existing services and that the Division is exploring options to fill the gap so that the Division can maintain existing services as well as to address environmental justice needs. In addition, the Commission and Division understand that fee payors would like to have advance notice of fee increases for budget planning purposes and will strive to provide timely information that helps fee payors with budget planning.

The Commission recognizes that the Division has conducted outreach to obtain stakeholder input regarding the total funding for the Division, including federal money, money from the General Fund, and all cash fees, and that those efforts are ongoing per Section 25-8-210(2)(a). In addition, the Commission anticipates that the May 2025 fee-setting rulemaking will revisit decisions made as part of this rulemaking and will be more expansive to cover all of the Division's cash fees and meet the requirements outlined in Section 25-8-210, C.R.S.

102.9 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE: OCTOBER 14, 2025 RULEMAKING HEARING; FINAL ACTION OCTOBER 14, 2025 EFFECTIVE: DECEMBER 31, 2026

The provisions of Colorado Revised Statutes section 25-8-210 provide the specific statutory authority for setting fees by regulation. In compliance with Colorado Revised Statutes Section 24-4-103(4), the Commission has adopted the following Statement of Basis and Purpose.

BASIS AND PURPOSE

(a) Colorado Revised Statutes provisions

Section 25-8-210, C.R.S., directs the Commission that "on or before October 31, 2025, the Commission shall establish the following fees by rule:

- (i) Drinking water fees assessed on public water systems pursuant to section 25-1.5-209(1), as that section existed prior to its repeal on July 1, 2026.

- (ii) Commerce and industry sector permitting fees assessed pursuant to section 25-8-502(1.1)(b), as that section existed prior to its repeal on July 1, 2026.”
- (iii) Construction sector permitting fees assessed pursuant to section 25-8-502(1.1)(c), as that section existed prior to its repeal on July 1, 2026;
- (iv) Pesticide sector permitting fees assessed pursuant to Section 25-8-502(1.1)(d), as that section existed prior to its repeal on July 1, 2026;
- (v) Public and private utilities sector permitting fees pursuant to section 25-8-502(1.1)(e), as that section existed prior to its repeal on July 1, 2026;
- (vi) Municipal separate storm sewers system sector permitting fees pursuant to section 25-8-502(1.1)(f), as that section existed prior to its repeal on July 1, 2026;
- (vii) Review fees assessed pursuant to section 25-8-502(1.2) for requests for certification under section 401 of the federal act, as that section existed prior to its repeal on July 1, 2026;
- (viii) Preliminary effluent limitation determination fees assessed pursuant to section 25-8-502(1.3)(b), as that section existed prior to its repeal on July 1, 2026;
- (ix) Wastewater site application and design review fees assessed pursuant to section 25-8-502(1.3)(c), as that section existed prior to its repeal on July 1, 2026;
- (x) On-site wastewater treatment system fees assessed pursuant to section 25-10-107(3), including rules establishing the percentage of the on-site wastewater treatment system fees collected that a county may retain to cover the county's administrative costs, as that section existed prior to its repeal on July 1, 2026; and
- (xi) Biosolids management program fees assessed pursuant to section 30-20-110.5(1), as that section existed prior to its repeal on July 1, 2026.

(b) Senate Bill 23-274: Water Quality Control Fee-setting By Rule

Establishing the fees by rule is a result of Senate Bill 23-274, which directs the Water Quality Control Commission to set these fees by rule by Oct. 31, 2025. The fees listed above will be repealed from statute July 1, 2026. Additionally, Senate Bill 23-274 creates the clean water cash fund and the fees collected under section 102.5 will be credited to that new cash fund. The Commission acknowledges that the division develops an annual report pursuant to 25-8-305, C.R.S., but that one section, 25-8-305(3), C.R.S., directing the division to track direct and indirect costs will be repealed. Even though this section will be repealed as of July 1, 2026, the division will continue tracking revenue and direct and indirect costs for those fees now in sections 102.5(2) and 102.5(3) of this regulation: commerce and industry, construction, pesticide, public and private utilities, municipal separate storm sewer, water quality certifications, preliminary effluent limitation, and wastewater site applications and design reviews. Drinking water fees collected under section 102.4 will continue to be credited to the existing drinking water cash fund.

The Commission and division have fulfilled the requirements of sections 25-8-210(1)(c)(II) and 25-8-210(2)(a), C.R.S., as all permit holders and public water systems have been notified of the fee setting by rule stakeholder process, and this effort is well documented on the division's website. Additionally, the division conducted outreach to county representatives, representatives of local governments, conservation groups, environmental justice groups, and community members, including members of disproportionately impacted communities. The division obtained stakeholder input regarding the total

funding for the division, including federal money, money from the General Fund, and all cash fees. The division also identified the revenue needed for the evaluation of the feasibility of treatment methods, variances, improving permit issuance processes, renewing permits, permit modifications, reducing permit backlog, and cost-benefit analysis preparation. Lastly, the division also conducted outreach on the fee structure and caps on the amount of fee increases.

(c) Fee structure adjustments

The Commission maintained the same structure for drinking water fees and made slight adjustments to the clean water fee structure. The Commission also revised the category numbering from what was previously used to reflect the fee structure adjustments and to align department accounting codes with the regulation to help streamline accounting processes. The Commission eliminated 35 fee categories that have not been used and are not anticipated to be used in the future (see Table 1 at the end of section 102.9). Additionally, the Commission added two fees to the commerce and industry sector, and the coal mining and hardrock subsectors, specifically subcategories 0303 and 0407 in section 102.5(2)(b). These added subcategories reflect the existing practice of charging an additional fee for stormwater discharges added to an individual permit that otherwise addresses wastewater or process water discharges. Additionally, the Commission aligned the fee for commerce and industry subcategory 0401 in section 102.5(2)(b) to be the same as commerce and industry subcategories 0602 and 1002 in section 102.5(2)(b), which has the same gallon per day rate of 0 to 49,999 gallons per day. Additionally, the Commission aligned the fee for commerce and industry subcategory 0402 in section 102.5(2)(b) to be the same as the commerce and industry subcategories 0603 and 1003 in section 102.5(2)(b), which has the same gallon per day rate of 50,000 to 999,999 gallons per day.

The Commission changed the fee structure for 401 water quality certifications. The regulatory language adopted by the Commission considers only three tiers for 401 water quality certifications and combines tier 3 and tier 4, both in statute previously, into one tier, tier 3. These two tiers functioned the same regarding how fees are calculated, and therefore the regulation simplifies the tier structure. The Commission also added the following statement: "All tier 3 projects with conditions, or projects with conditions that were classified as tier 4 under section 25-8-502(1.2)(a)(IV), C.R.S., prior to that provision's repeal, may be assessed fees under this subsection (vi) regardless of the date the certification was issued," to clarify that all existing certifications may be assessed fees for the monitoring of conditions.

(d) Fee adjustments

The drinking water annual fee changes resulted in increases ranging from \$11 to \$3,177 per year, or a 13 percent increase. The commerce and industry annual fee changes resulted in increases ranging from \$19 to \$5,033 per year, or a 14 percent increase. The municipal separate storm sewer annual fee changes resulted in increases ranging from \$65 to \$1,926 per year, or a 14 percent increase. The public and private utilities annual fee changes resulted in increases ranging from \$13 to \$4,287 per year, or a 14 percent increase. The preliminary effluent fee changes resulted in increases ranging from \$179 to \$1,435 for service. The wastewater site application and design review fee changes resulted in increases ranging from \$51 to \$5,287.

The Commission acknowledges that the division evaluated with stakeholders the possibility of applying discounts to systems and facilities that serve disproportionately impacted communities while still generating sufficient revenue. The division developed a pilot model for drinking water systems as an example of how discounts could be offset by increased fees for systems that don't serve disproportionately impacted communities. However, the division has insufficient data and geographic information to quantify how much of each system's population is disproportionately impacted. This creates a risk that the division could assess increased fees on systems that would otherwise qualify for a discount if the division had sufficient data. The Commission acknowledges the division would require additional resources in order to collect and analyze sufficient data, and the increase in fees proposed in this rulemaking do not support those additional resource needs. While the division could accept attestation documentation for any system able to submit additional data to demonstrate they meet disproportionately

impacted criteria, this would take additional time to manage. The costs to administer these discounts may outweigh the desired impact. For example, for a system that serves 5000 and meets the disproportionately impacted criteria, a savings of \$125 in annual fees would result in only \$0.025 reduction in cost per community member. Instead, the Commission acknowledges that the division may better serve fee-payers by continuing to focus on dedicating time to feasibility efforts, process improvements, and other areas to enhance transparency, efficiency, communications, and accountability.

In addition, the Commission and division understand that fee payors would like to have advance notice of fee increases for budget planning purposes and will strive to provide timely information that helps fee payors with budget planning. While the Commission has the authority to assess fees beginning January 1, 2026, it would create confusion for many fee-payers if the division issued a second billing after January 1 for fiscal year 2025-2026. Instead, the division will assess annual fees in sections 102.4 and 102.5(2) beginning in the fiscal year 2026-2027 billing cycle to streamline communications with fee-payers. As such, the fee increase impact on fee-payers is delayed about half a year. As provided for in section 102.5(3)(h), the division will begin assessing all the fees in section 102.5(3) beginning January 1, 2026, or, if the effective date on this regulation is after January 1, 2026, then on the effective date of this regulation, pursuant to section 25-8-210(1)(c)(I), C.R.S.

(e) Funding availability and service delivery

The fees included in this regulation were set based on consideration of all of the division's funding sources, which includes General Fund and federal funds. The fees, in combination with current state and federal sources, are sufficient to cover the division's current indirect and direct expenses associated with administering and implementing the federal Clean Water Act, 33 U.S.C. sec. 1251 et seq.; the federal "Safe Drinking Water Act," 42 U.S.C. sec. 300f et seq.; section 25-1-114.1; part 2 of article 1.5 of title 25; article 8 of title 25; and the "On-site Wastewater Treatment Systems Act," article 10 of title 25.

The Commission understands that these fee increases do not cover the total revenue the division believes is needed to provide additional or enhanced services for the following clean water program activities: to evaluate the feasibility of treatment methods, support the development of variances, improve permit issuance processes, reduce permit backlogs, and prepare cost-benefit and regulatory analyses. Through the stakeholder engagement process, the division identified it would require an additional 32.4 FTE and \$4.9M ongoing to support these activities. The division also identified it would require an additional 21 FTE and \$3.4M ongoing to support the drinking water program implementing new federal rules. These resources are in addition to the 22 FTE that the General Assembly granted to help address permit backlogs and drinking water inspection backlogs for FY23-24 and FY24-25 only using general funds. The Commission acknowledges the division received input from stakeholders on these estimates and that stakeholders expressed concerns that the division should conduct activities that focus on efficiencies and accountability which may reduce the total resource needs the division identified. Recognizing the general fund support for the 22 FTE ended after FY24-25, the Commission acknowledges that the Colorado Department of Public Health and Environment submitted a budget request for the division for the state fiscal year 2025-2026 and beyond to secure resources to continue the division's work in addressing permit backlogs and drinking water inspection backlogs. Due to state budget constraints, the department requested only to maintain the 22 FTE, but given the General Fund budget deficit, the 22 FTE would instead be funded with a mixture of cash funds, including the 13% increase for drinking water fees and 14% increase for clean water fees proposed in this rulemaking.

(f) Division permit performance improvements and reporting

The Commission acknowledges the division has made progress in reducing the permit backlog, reducing the permit backlog for all permits from 75% to 50% between FY23-24 and FY24-25 due to the FY23-24 General Assembly's investment, but when comparing the backlog between general permits and individual permits, more work needs to be done. As of November 1, 2024, the backlog for general permits that count towards EPA's goal is 41% while individual permits are 81% backlog. The division focused on reducing

the general permit backlog because general permits are a good training opportunity for new staff and the use of general permits to address backlog is an efficiency best practice.

The division uses the same definition as EPA for backlog. EPA considers existing permits (both individual and general) backlogged if the permit is in need of reissuance but the permitting authority does not reissue the permit by or before 180 days after the expiration date. When EPA sets the 75% permit current goal, they do not consider master general permits — only the facilities covered under master general permits called certifications. Additionally, as of October 2023, EPA excludes construction stormwater certifications in the 75% permit current target. Backlog is calculated by dividing the number of permits backlogged within a certain category by the total number of permits in that category. For example, to generate the 41% general permit backlog as of November 1, 2024, the division divided 1,059 general permit certifications considered backlogged out of the total general permit certification universe of 2,596. This universe however did not include master general permits or stormwater construction certifications.

During the 2025 legislative session, the General Assembly approved maintaining the division's current resource levels by passing Senate Bill 25-305, Water Quality Permitting Efficiency. With this funding level, the division anticipates it will be able to continue to make progress in reducing general and individual permit backlog and is exploring options to increase efficiencies, communications, accountability, and transparency for permits. Senate Bill 25-305 also has efficiency and transparency-related items and requirements for the division that are integrated into section 102.7 such as a requirement to propose timeframes for permitting actions.

The division contracted with a third-party consultant to evaluate the individual domestic wastewater permit processes. The Commission understands that individual domestic wastewater permitting includes similar process steps plus a few additional steps as compared to other individual permits and that this evaluation will inform how to streamline other individual permit processes. The division will continue to engage with stakeholders and evaluate if additional changes to regulations, such as Regulation 61, would be appropriate to facilitate the implementation of the recommendations from this process.

The division also drafted an additional step in the permitting process to notify the permittee of a preliminary draft prior to posting for public notice — herein referred to as “preliminary notice.” This draft language is included in Regulation 61 which the commission reviewed during the same October 14, 2025, hearing as Regulation 102. The commission understands stakeholders want additional communications during the permit drafting process and that the division is committed to evaluating and implementing additional ways to engage and effectively communicate with permittees during the process. The Commission acknowledges the division meets with stakeholders through a permit performance improvement and reporting stakeholder effort that is focused on discussing actionable items for improved communications and other goals set in section 102.7.

The commission also acknowledges the division has committed to stakeholders to evaluate and develop a timeframe model to put into future regulation which sets timeframes for the division to either grant or deny applications for permitting actions and dictates consequences if the division does not meet such timeframes. This requirement in this regulation is in alignment with Senate Bill 25-305. Based on stakeholder input, the regulation expands the permitting actions covered in the bill to include the issuance of general permit certifications and also to consider the 180-day requirement for modifications and new permits. Additionally, the division must propose sanction provisions if the established timeframes are not met. In developing the model, the commission acknowledges the division will need time to develop a model based on division resources, the number of permittees, any adjustments to current permit processes, and information gathered through division activities such as the permit performance and reporting stakeholder effort and other process improvement activities. Additionally, there may be states that have models to consider that can help inform Colorado's model. The division has already started this process as of June 1, 2025, and per section 102.7, the commission will adopt a timeframe regulation no later than June 30, 2028.

Additionally, the division has developed improved performance metrics via stakeholder input to enhance transparency, communications, and accountability regarding the division's permit production. These performance metrics will be integrated into the division's annual reports to the commission. The division will engage with permittee stakeholders on an annual basis to review the goals associated with the performance metrics as well as a permit work plan to show what permits the division plans to work on, at a minimum, for the upcoming year. Section 102.7 includes one performance metric the division must develop by December 31, 2026 (a backlog-reduction schedule), which will be informed by process improvement activities, efforts to evaluate and improve communications with permittees, and timeframes also outlined in Section 102.7. The commission acknowledges the division has started a permit performance improvement and reporting stakeholder effort to focus on these items. This effort will evaluate communications between division and permittees and will inform the permit process for both individual and general permits. In developing timeframes, a backlog-reduction schedule, and evaluating communications, the division will work to engage both general permittees and individual permittees to inform how to accomplish all activities. Additionally, the division will engage with permittees on progress made on any feasible process improvement recommendations that are a result of the third-party evaluation and how those process improvement activities may contribute to performance metric outcomes.

The division will be required to report out twice per year on progress made on improving communications, efficiencies, transparency, and accountability, as well as other activities that are described in section 102.7. This includes updates on Senate Bill 25-305 requirements including progress made on the use of independent, qualified contractors starting May 1, 2026 (section 25-8-503.7(1), C.R.S.), and on evaluating current debt service obligations (section 25-8-503(10)(a), C.R.S.). The reporting-out requirements in section 102.7 will be reevaluated when the fee regulation is revised.

(g) Inflationary increases

The Commission acknowledges that historically the division's revenue has not kept up with inflation. The cost of division staff and operations continues to increase, but fees have not increased to reflect those inflationary increases. Before the May 2023 rulemaking, which included a 13% increase for drinking water and commerce and industry fees, the last time the clean water fees were increased was in 2017 through House Bill 17-1285. That fee increase was only to maintain existing services and resources, not additional resources to help address the backlog. Drinking water fees were first introduced in statute in 2003, but those fees sunsetted in 2005. The fees then dropped down 38% of the 2003 fee service levels in 2007 fees for drinking water. The Commission intends to annually review this regulation and consider an adjustment based on the percentage change in the consumer price index noted in section 102.6. The division will engage with stakeholders prior to the rulemaking. To implement the inflationary adjustments in accordance with section 102.6, the Commission intends that the inflationary fee adjustments will be calculated using a process consistent with that used to calculate inflationary adjustments to the maximum water quality civil penalty in regulation 5 CCR 1002-101. Regulation 5 CCR 1002-101 uses the percentage change in the United States Department of Labor's Bureau of Labor Statistics Consumer Price Index for Denver-Aurora. For example, the July 2023 Consumer Price Index was 323.298. The July 2024 Consumer Price Index was 329.418. This represented a 1.89% change, so the Commission would have proposed a 1.89% increase to the fees. The Commission is setting a cap of four percent for inflationary increases unless there is additional stakeholder engagement because the index for the past ten years has been less than four percent except for in the years 2022 and 2023.

Table 1: Fee structure change: Eliminated unused fee-categories

Below is a list of fee-categories that were eliminated from the fee-structure because there are, and have been, a lack of fee-payers.

SECTOR	Sub-sector	Permit Type	Description	Number of fee-payors
Commerce and industry	Sand and gravel and placer mining	Individual	Pit dewatering only	0
Commerce and industry	Sand and gravel and placer mining	Individual	Mercury use with discharge impact	0
Commerce and industry	Hardrock mining	Individual	Mine dewatering and milling no discharge	0
Commerce and industry	Hardrock mining	Individual	No discharge	0
Commerce and industry	Oil shale	Individual	Sediment pond, surface runoff only	0
Commerce and industry	Oil shale	Individual	Mine water from 0 up to 9,999 GPD	0
Commerce and industry	Oil shale	Individual	Mine water from 50,000 up to 999,999 GPD	0
Commerce and industry	Oil shale	Individual	Mine water 1,000,000 GPD or more	0
Commerce and industry	Oil shale	Individual	Mine water and process water discharge	0
Commerce and industry	Oil shale	Individual	No discharge	0
Commerce and industry	Sand and gravel and placer mining	General	Placer mining	0
Commerce and industry	Sand and gravel and placer mining	General	Department of transportation - sand and grave storm-water permit	0
Commerce and industry	Coal mining	General	Coal degasification--process water from 0 up to 49,999	0
Commerce and industry	Coal mining	General	Coal degasification--process water from 50,000 up to 99999 GPD	0
Commerce and industry	Coal mining	General	Coal degasification--process water 100,000 GPD or more	0

SECTOR	Sub-sector	Permit Type	Description	Number of fee-payors
Commerce and industry	Sugar processing	Individual	Cooling water only--no discharge	0
Commerce and industry	Sugar processing	Individual	Process water from 0 up to 49,999 GPD	0
Commerce and industry	Sugar processing	Individual	Process water from 50,000 up to 999,999 GPD	0
Commerce and industry	Petroleum refining	Individual	Cooling water only--no discharge	0
Commerce and industry	Petroleum refining	Individual	Process water from 0 up to 49,999 GPD	0
Commerce and industry	Petroleum refining	Individual	Process water from 50,000 up to 999,999 GPS	0
Commerce and industry	Petroleum refining	Individual	Process water 5,000,000 GPD or more	0
Commerce and industry	Manufacturing and other industry	Individual	No discharge	0
Construction	Construction	General	DOT is the permittee, statewide permit for storm water construction discharges	0
Construction	Construction	General	Minimal discharge of industrial or commercial wastewater	0
MS4	MS4	Individual	Municipalities of 10,000 or more but < 50,000 in population	0
MS4	MS4	Individual	Municipalities of 50,000 or more but < 100,000 in population	0
Public and private utilities	Water treatment plants	Individual	Intermittent discharge	0
Public and private utilities	Water treatment	General	Discharges associated with treated water distribution systems	0

SECTOR	Sub-sector	Permit Type	Description	Number of fee-payors
Public and private utilities	Water treatment	General	Discharges associated with treated water distribution systems	0
Public and private utilities	Water treatment	General	Discharges associated with treated water distribution systems	0
Public and private utilities	W/O pretreatment, all other dischargers discharging to POTWs, including categorical w zero discharge sts	Individual	< 10,000 GPD	0
Public and private utilities	W/O pretreatment, all other dischargers discharging to POTWs, including categorical w zero discharge sts	Individual	10,000-50,000 GPD	0
Public and private utilities	W/O pretreatment, all other dischargers discharging to POTWs, including categorical w zero discharge sts	Individual	> 50,000 GPD	0
Public and private utilities	Pretreatment w significant dischargers to POTW, include categorical with zero discharge stds	Individual	Pit dewatering only	0

Editor's Notes

History

New rule eff. 12/31/2025.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00275

Opinion of the Attorney General rendered in connection with the rules adopted by the
Water Quality Control Commission

on 10/14/2025

5 CCR 1002-102

REGULATION NO. 102 - WATER QUALITY CONTROL DIVISION CASH FEES

The above-referenced rules were submitted to this office on 10/20/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2025 11:14:49

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-3

Rule title

10 CCR 2505-3 FINANCIAL MANAGEMENT OF THE CHILDREN'S BASIC HEALTH PLAN 1 - eff 11/30/2025

Effective date

11/30/2025

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Presumptive Eligibility by Qualified Hospitals, Sections 50 & 170
Rule Number: CHP 25-07-01-D
Division / Contact / Phone: Eligibility Policy / Daisy Martinez / daisy.martinez@state.co.us

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: CHP 25-07-01-D, Revision to the Medical Assistance Act Rule concerning Presumptive Eligibility by Qualified Hospitals, Sections 50 & 170
3. This action is an adoption of:
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 50 & 170, Colorado Department of Health Care Policy and Financing, Child Health Plan *Plus* (10 CCR 2505-3).
5. Does this action involve any temporary or emergency rule(s)?
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing).

PUBLICATION INSTRUCTIONS*

Replace the current text at 50 with the proposed text beginning at 50.17 through the end of 50.19. Replace the current text at 170 with the proposed text beginning at 170.1 through the end of 170.6. This rule is effective November 30, 2025.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Presumptive Eligibility by Qualified Hospitals, Sections 50 & 170

Rule Number: CHP 25-07-01-D

Division / Contact / Phone: Eligibility Policy / Daisy Martinez / daisy.martinez@state.co.us

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The proposed rule change will amend 10 CCR 2505-3 Section 50 & 170 to update requirements to identify and allow qualified hospital presumptive eligibility sites to complete an initial screening of patients to determine presumptive eligibility for children under 19 and pregnant women. These requirements are to expand coverage according to 42 C.F.R. §435.1110 and 1902(a)(47)(B) of the Social Security Act (the Act).

The updates to amend the requirements for presumptive eligibility will define qualified hospital presumptive eligibility sites as those eligible to make presumptive eligibility determinations. Qualified Hospitals are hospitals who have voluntarily elected to serve as Presumptive Eligibility sites. Qualified Hospitals Presumptive Eligibility sites agree to make determinations in accordance with State policies and assist individuals with completing Medical Assistance applications and understanding documentation requirements. In addition, correction to the presumptive eligibility site recertification period will be made from every 2 years to every year. The inclusion of references to citizenship exceptions for pregnant women and children under 19 will be added to the eligibility criteria.

Initial Review

09/12/25

Final Adoption

10/10/25

Proposed Effective Date

11/30/25

Emergency Adoption

DOCUMENT #

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Updates to add language regarding Medical Assistance applicants' choice to appeal to a county department's failure to act on an application or denial. Additional language will be added to provide clarification regarding presumptive eligibility to include applicants cannot already be in receipt of another medical assistance program and the length of presumptive eligibility which is once every 12 months except for pregnant applicants who may receive presumptive eligibility for pregnant women once every pregnancy. Lastly, the Department will update the Colorado Benefits Management System (CBMS) to reflect and align these changes with these proposed rule updates.

2. An emergency rule-making is imperatively necessary

- to comply with state or federal law or federal regulation and/or
- for the preservation of public health, safety and welfare.

Explain:

N/A

3. Federal authority for the Rule, if any:

Initial Review	09/12/25	Final Adoption	10/10/25
Proposed Effective Date	11/30/25	Emergency Adoption	

DOCUMENT #

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42 C.F.R. §457.355

4. State Authority for the Rule:

Sections 25.5-1-301 through 303, C.R.S. and Section 25.5-5-204, C.R.S.

Initial Review

09/12/25

Final Adoption

10/10/25

Proposed Effective Date

11/30/25

Emergency Adoption

DOCUMENT #

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning
Presumptive Eligibility by Qualified Hospitals, Sections 50 &
170

Rule Number: CHP 25-07-01-D

Division / Contact / Phone: Eligibility Policy / Daisy Martinez /
daisy.martinez@state.co.us

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Eligible children under 19 and pregnant women are currently only able to apply for presumptive eligibility at presumptive eligibility sites. Allowing qualified hospital presumptive eligibility sites to make presumptive eligibility determinations will provide more locations to apply for presumptive eligibility. These proposed rule changes have no projected negative impacts on any class of persons.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

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The proposed rule change is to provide presumptive eligibility to eligible applicants providing a streamlined, expedited path to coverage for individuals.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The probable cost to the Department or any other agency for the implementation and enforcement of the proposed rule is zero. There is no anticipated effect on state revenues. The inclusion of hospitals as new presumptive eligibility (PE) sites is unlikely to have any measurable impact on the cost of providing PE to CHP+ members, given that this population has had access to PE for several years and that fact is not changing as a result of this rule.

The ability for this population to access PE at a new site (hospitals) is unlikely to increase caseload or utilization in any measurable way, because this population has had access to PE since 2012. Any changes in enrollment driven by PE availability in the CHP+ population have likely already been realized and are factored into the CHP+ caseload forecast as anticipated fluctuations.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

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The cost to the CHP+ program of implementing the proposed rule is zero. The ability for this population to access PE at a new site (hospitals) is unlikely to increase caseload or utilization in any measurable way, because this population has had access to PE since 2012. Any changes in enrollment driven by PE availability have likely already been realized and are factored into the CHP+ caseload forecast as anticipated fluctuations. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or intrusive methods for achieving the purpose of the proposed rule.

5. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for achieving the purpose for the proposed rule.

50 DEFINITIONS

- 50.1 ~~“Applicant” shall mean a person applying or re-applying for benefits on behalf of a child and/or themselves.~~
- 50.2 “CBMS” shall mean Colorado Benefits Management System is the computer system that determines an applicant’s eligibility for public assistance in the state of Colorado.
- 50.3 “Child” means a person who is less than nineteen years of age.
- 50.4 “Cost sharing” shall mean payments, such as copayments that are due on behalf of the enrollee.
- 50.5 “Department” shall mean the Colorado Department of Health Care Policy and Financing which is responsible for administering the Colorado Medical Assistance Program and Children’s Basic Health Plan as well as other State-funded health care programs.
- 50.6 “Dependent child” shall mean a child who lives with a parent, legal guardian, caretaker relative or foster parent and is under the age of 18, or, is age 18 and a full-time student, and expected to graduate by age 19
- 50.7 “Effective Date” shall mean the first day of eligibility which is the date the application is received and date-stamped by the Eligibility site or the date the application was received and date-stamped by an Application Assistance site or Presumptive Eligibility site. In the absence of a date-stamp, the application date is the date that the application was signed by the client.
- 50.8 “Eligibility Site” shall mean a location outside of the Department that has been deemed by the Department as eligible to accept applications and determine eligibility for applicants.
- 50.9 “Enrollee” shall mean an eligible person who is enrolled in the Children’s Basic Health Plan.
- 50.10 “Essential Community Provider” means a healthcare provider that:
- A. Has historically served medically needy or medically indigent patients and demonstrates a commitment to serve low-income and medically indigent populations who make up a significant portion of its patient population, or in the case of a sole community provider, serves medically indigent patients within its medical capability; and
 - B. Waives charges or charges for services on a sliding scale based on income and does not restrict access or services because of a client's financial limitations.
- 50.11 “Evidence of Coverage” or “EOC” shall mean any certificate, agreement, or contract issued to an enrollee from time-to-time by a Managed Care Organization (MCO) setting out the coverage to which the enrollee is or was entitled under the Children’s Basic Health Plan.
- 50.12 “Grievance Committee” shall mean a conference with the Department or its Designee in which a contested decision regarding an applicant or enrollee is reexamined.
- 50.13 “Household” shall be determined by relationships to the tax filer as declared on the Single Streamlined Application and as required in 10 CCR 2505-10-8.100.4.E.
- 50.14 “Income” shall be any compensation from participation in a business, including wages, salary, tips, commissions and bonuses. The Modified Adjusted Gross Income is a methodology used to determine eligibility as required in 10 CCR 2505-10-8.100.4.C.
- 50.15 “Managed Care Organization” or “MCO” shall mean:
- A. A carrier which meets the definition in §10-16-102 (8), C.R.S. with which the Department contracts to provide health care or dental services covered by the Children’s Basic Health Plan; or,

- B. Essential community providers and other health care and dental service providers with whom the Department contracted to provide health care services under the Children's Basic Health Plan using a managed care model.
- 50.16 "Presumptive Eligibility" shall mean children and pregnant women who have applied and appear to be eligible for the Children's Basic Health Plan shall be presumed eligible and may receive immediate temporary medical coverage.
- 50.17 "Qualified Hospital Presumptive Eligibility Site" is a hospital that has voluntarily elected to serve as a Presumptive Eligibility site. Qualified Hospital Presumptive Eligibility Sites agree to make determinations in accordance with State policies and assist individuals with completing Medical Assistance applications and understanding documentation requirements.
- 50.18 "Unearned Income" shall be the gross amount received in cash or kind that is not earned from employment or self-employment.
- 50.19 "Woman" shall mean a female who is 19 years in age or older.

170 PRESUMPTIVE ELIGIBILITY

- 170.1 A pregnant woman or a child under the age of 19 may apply for presumptive eligibility for immediate temporary medical services through designated presumptive eligibility sites or a qualified hospital presumptive eligibility site that provides presumptive eligibility determinations.
 - A. To qualify for presumptive eligibility, a child under the age of 19 shall have a declared household income that shall be greater than 142% but not exceed 260% of Federal Poverty Level; or
 - B. To qualify for presumptive eligibility, a pregnant woman shall have an attested pregnancy, declare that her household's income shall be greater than 195% but not exceed 260% of the Federal Poverty Level; and
 - C. The applicant must be a United States citizen or a lawfully residing immigrant as defined in Section 110 or meet the exceptions outlined in 110.1.C.3.a.
- 170.2 Presumptive eligibility sites and qualified hospital presumptive eligibility sites must be certified by the Department of Health Care Policy and Financing to make presumptive eligibility determinations. Presumptive eligibility sites and qualified hospital presumptive eligibility sites must be re-certified by the Department of Health Care Policy and Financing every year to remain approved as presumptive eligibility sites.
 - A. The presumptive eligibility site or qualified hospital presumptive eligibility site shall forward the medical assistance application to the County Department of Human Services within five business days of the received date.
- 170.3 The presumptive eligibility period begins on the date the applicant(s) is determined eligible and ends with the day an eligibility determination for Medical Assistance is made for the applicant(s).
- 170.4 The County Department of Human Services or Medical Assistance site must make an eligibility determination within 45 days from the date of the medical assistance application.
 - A. Medical Assistance applicants may appeal if a County Department of Human Services is unable to act within 45 days of the medical assistance application date or the denial of a medical assistance application. Appeal procedures are outlined in Section 600.
 - B. A presumptively eligible member may not appeal the end of a presumptive eligibility period.
- 170.5 Applicants who already receive another medical assistance program cannot receive presumptive eligibility.
- 170.6 An applicant may only receive presumptive eligibility once every 12 months with the exception of pregnant women who may receive presumptive eligibility once every pregnancy.



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Office of the Attorney General

Tracking number: 2025-00403

Opinion of the Attorney General rendered in connection with the rules adopted by the
Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

on 10/10/2025

10 CCR 2505-3

FINANCIAL MANAGEMENT OF THE CHILDREN'S BASIC HEALTH PLAN

The above-referenced rules were submitted to this office on 10/13/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2025 10:32:02

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 1 - eff 11/30/2025

Effective date

11/30/2025

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning SB25-084 Medicaid Access to Parenteral Nutrition Implementation, Sections 8.800.A and 8.800.13.

Rule Number: MSB 25-06-04-A

Division / Contact / Phone: Pharmacy / Korri Conilogue /

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: Revision to the Medical Assistance Act Rule concerning SB25-084 Medicaid Access to Parenteral Nutrition Implementation, Sections 8.800.A and 8.800.13.
3. This action is an adoption of: Senate Bill 25-084 and House Bill 24-1045
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.800.A and 8.800.13, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of Yes hearing).

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.800.A with the proposed text beginning at 8.800.A.1 through the end of 8.800.A.45. Replace the current text at 8.800.13 with the proposed text beginning at 8.800.13.B through the end of 8.800.13.B. Replace the current text at 8.800.13.H with the proposed text beginning at 8.800.13.H through the end of 8.800.13.H. Replace the current text at 8.800.13.N with the proposed text beginning at 8.800.13.N through the end of 8.00.13.P.1. This rule is effective November 30, 2025.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning SB25-084
Medicaid Access to Parenteral Nutrition Implementation, Sections
8.800.A and 8.800.13.

Rule Number: MSB 25-06-04-A

Division / Contact / Phone: Pharmacy / Korri Conilogue /

STATEMENT OF BASIS AND PURPOSE

- 1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

To encourage an adequate level of market participation among infusion pharmacies, Senate Bill 25-084 directs the Department to create an enhanced dispensing fee for parenteral nutrition products. Parenteral nutrition is a method of feeding people that bypasses the gastrointestinal tract, delivering essential nutrients for individuals who cannot digest foods through their stomachs and/or intestines, via an intravenous (IV) line. This rule change establishes the enhanced dispensing fee of \$70.76 and defines Parenteral Nutrition.

HB24-1045 directs the Department to cover medications for individuals nearing release from designated correctional facilities. To support this implementation, the proposed rule clarifies that correctional facilities are not considered Government Pharmacies, entities which are currently ineligible to receive a dispensing fee. This clarification allows eligible correctional facilities to be reimbursed a dispensing fee based on their total annual prescription volume. The rule also defines Correctional Facility.

- 2. An emergency rule-making is imperatively necessary

- to comply with state or federal law or federal regulation and/or
- for the preservation of public health, safety and welfare.

Explain: N/A

- 3. Federal authority for the Rule, if any:

Social Security Act, Section 1115(a) (42 U.S.C. § 1315(a)) (2025)

- 4. State Authority for the Rule:

Section 25.5-5-519; Section 25.5-4-505.5; Sections 25.5-1-301 through 25.5-1-303, C.R.S.

Initial Review

09/12/25

Final Adoption

10/10/25

Proposed Effective Date

11/30/25

Emergency Adoption

DOCUMENT

DO NOT PUBLISH THIS PAGE

Initial Review **09/12/25** Final Adoption
Proposed Effective Date **11/30/25** Emergency Adoption

10/10/25

DOCUMENT

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning SB25-084 Medicaid Access to Parenteral Nutrition Implementation, Sections 8.800.A and 8.800.13.

Rule Number: MSB 25-06-04-A

Division / Contact / Phone: Pharmacy / Korri Conilogue /

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The proposed rule will increase reimbursement for infusion pharmacies dispensing parenteral nutrition. Increased reimbursement to encourage adequate market participation supports access for members who require parenteral nutrition. The Department will pay the enhanced dispensing fee.

The proposed rule clarifies that correctional facilities are not considered Government Pharmacies, entities which are currently ineligible to receive a dispensing fee. This clarification allows eligible correctional facilities to be reimbursed with a dispensing fee based on their total annual prescription volume. The Department will bear the costs, but through the availability of matching federal dollars, the state will have net savings.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Infusion pharmacies will receive higher reimbursement for the dispensing of parenteral nutrition. Members requiring parenteral nutrition will benefit from adequate market participation of infusion pharmacies.

Through a Section 1115 Waiver and House Bill 24-1045, the state has the opportunity to draw down federal dollars to re-invest in programs to support incarcerated members. Paying for dispensing fees for correctional facilities which do not meet the definition of a government pharmacy supports the larger 1115 Waiver initiatives.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The annual aggregate increase in expenditures for both parts of this proposed change (including state funds and federal funds) is \$32,693

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(state share \$8,579; federal share \$24,114) in FFY 2025 and \$295,267 (state share \$116,562; federal share \$178,705) in FFY 2026.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

There are very few infusion pharmacies offering parenteral nutrition for Health First Colorado members. Without increasing the reimbursement for this critical product, it is possible these pharmacies will not continue to serve Health First Colorado members requiring parenteral nutrition, which would create access issues. Inaction would also mean noncompliance with state statute.

The clarification to allow correctional facilities to receive a dispensing fee will allow the Department to draw down additional federal funding to support the health of incarcerated members.. Inaction would mean less funding to re-invest to support the health of incarcerated members.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or less intrusive methods for achieving the purposes of the proposed rule.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

No alternative methods were seriously considered because no other methods would achieve the goals of this proposed change.

8.800 PHARMACEUTICALS

8.800.A DEFINITIONS

1. 340B Pharmacy means any pharmacy that participates in the Federal Public Health Service Act section 340B Drug Pricing Program as described in 42 U.S.C. § 256b (2023).
2. Average Acquisition Cost (AAC) means the average acquisition cost for like drugs grouped by Generic Sequence Number (GSN). For GSNs with both generic and brand drugs, the Department shall determine two separate AAC rates for the GSN. One AAC rate shall be based on the average acquisition cost for all generic drugs while the other shall be based on the average acquisition cost for all brand drugs.
3. Clotting Factor Maximum Allowable Cost (CFMAC) means the rate for a clotting factor drug for which no Average Acquisition Cost (AAC) rate is established. The CFMAC rate is determined based on available acquisition cost data and publicly available data unique to each clotting factor drug.
4. Conflict of Interest means having conflicting professional or personal obligations or personal or financial interests that would make it difficult, or appear to make it difficult to fulfill duties in an unbiased manner.
5. Correctional Facility means any facility under the supervision of the Colorado Department of Corrections or Colorado county jail in which persons are or may be lawfully held in custody as a result of conviction of a crime.
6. Department means the Colorado Department of Health Care Policy and Financing.
7. Dispensing Fee means the reimbursement amount for costs associated with filling a prescription. Costs include salary costs, pharmacy department costs, facility costs, and other costs.
8. Dispensing Prescriber means a health care professional who, as licensed by Colorado state law, prepares, dispenses, and instructs members to self-administer medication.
9. Drug Class means drugs that are grouped together due to a common mechanism of action, or to treat a particular disease, symptom, or indication.
10. Emergency Situation means any condition that is life threatening or requires immediate medical intervention as determined in good faith by the pharmacist.
11. E-prescription means the transmission of a prescription through an electronic application.
12. Fiscal agent means a contractor that supports and operates the pharmacy benefit management system on behalf of the Medical Assistance Program.
13. Federal Upper Limit (FUL) means the upper limit for multiple source drugs as set by the Centers for Medicare and Medicaid Services pursuant to 42 C.F.R. § 447.512-515 (2023), which is hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. This statute is available for public inspection at the Department of Health Care Policy and Financing, 303 E. 17th Avenue, Denver, CO 80203. Pursuant to C.R.S. § 24-4-103(12.5)(a)(V)(b), the agency shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United

States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule.

14. Generic Sequence Number (GSN) means a standard number to group together drugs that have the same ingredients, route of administration, drug strength, and dosage form.
15. Good Cause for purposes of terminating the appointment of any P&T Committee member means failing to disclose a Conflict of Interest; participating in wrongdoing or misconduct in the case of serving as a member of a committee or other advisory body for the Department; failing to perform required duties; or missing two scheduled meetings per calendar year.
16. Government Pharmacy means any pharmacy whose primary function is to provide drugs and services to members of a facility whose operating funds are appropriated directly from the State of Colorado or the federal government excluding pharmacies funded through Indian Health Services and Correctional Facilities.
17. Institutional Pharmacy means any pharmacy whose primary function is to provide drugs and services to hospitalized patients and others receiving health care provided by the facility with which the pharmacy is associated.
18. Mail Order Pharmacy means any pharmacy that delivers drugs primarily by mail.
19. Maintenance Medication means any drug, as determined by the Department, which is used to treat a chronic illness or symptoms of a chronic illness.
20. Maximum Allowable Cost (MAC) means the rate for a covered drug for which no Average Acquisition Cost (AAC) nor National Average Drug Acquisition Cost (NADAC) rates apply. This rate is calculated using an adjustment of the national pricing benchmark Wholesale Acquisition Cost (WAC).
21. Medical Assistance Program is a program of Medical Assistance as defined in § 25.5-1-103(5), C.R.S. (2023).
22. Medical Assistance Program Allowable Charge means the allowed ingredient cost plus a dispensing fee or the provider's Usual and Customary Charge, whichever is less, minus the member's copayment as determined according to Section 8.754.
23. Medical Director means the physician or physicians who are employed by the Department to provide medical direction.
24. Medicare Part D means the prescription drug benefit provided to Part D-eligible individuals pursuant to the Medicare Prescription Drug, Improvement and Modernization Act of 2003, as codified at 42 U.S.C. § 1395w-101, et seq.
25. Medicare Part D Drugs means drugs defined at 42 U.S.C. § 1395w-102(e) (2023) and 42 C.F.R. § 423.100 (2023), which are hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. This statute is available for public inspection at the Department of Health Care Policy and Financing, 303 E. 17th Avenue, Denver, CO 80203. Pursuant to C.R.S. § 24-4-103(12.5)(a)(V)(b), the agency shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule.

26. National Average Drug Acquisition Cost (NADAC) is a Centers for Medicare and Medicaid Services published rate which represents the national average of the drug acquisition costs submitted by retail community pharmacies.
27. Non-preferred Drug means a drug that is designated as non-preferred by the Medical Director pursuant to Section 8.800.16.A and which requires prior authorization to be payable by the Medical Assistance Program.
28. Old Age Pension Health Care Program and Old Age Pension Health Care Supplemental Program (OAP State Only) means the program established pursuant to C.R.S. § 25.5-2-101 to provide necessary medical care for clients that qualify for Old Age Pension but do not qualify for the Medical Assistance Program pursuant to Title XIX of the Social Security Act and Colorado statutes.
29. Over-the-Counter (OTC) means a drug that is appropriate for use without the supervision of a health care professional such as a physician, and which can be purchased by a consumer without a prescription.
30. Parenteral Nutrition means a form of nutritional support that provides a patient with needed nutrients, including, at a minimum, carbohydrates, amino acids, and lipids, through an intravenous infusion.
31. Part D eligible individual has the same meaning as defined in Section 8.1000.1.
32. Pharmacy and Therapeutics Committee (P&T Committee) means an advisory board that shall perform reviews and make recommendations which facilitate the development and maintenance of the Preferred Drug List as described in Section 8.800.17.
33. Preferred Drug means a drug that is designated preferred by the Medical Director pursuant to Section 8.800.16.A, that is payable by the Medical Assistance Program without first obtaining a prior authorization unless otherwise required to protect the health and safety of specific members.
34. Preferred Drug List (PDL) means a list which identifies the Preferred Drugs and Non-preferred Drugs within a drug class that is applicable only to fee-for-service and primary care physician Medical Assistance Program members.
35. Prescriber means a healthcare professional licensed pursuant to Colorado state law who may prescribe and authorize the use of medicine or treatment to a member. Prescribers must be enrolled in the Medical Assistance Program to receive reimbursement.
36. Provider Bulletin means a document published and distributed by the Department program and policy staff to communicate information to providers related to the Medical Assistance Program.
37. Retail Pharmacy means any pharmacy that is not a 340B Pharmacy, Government Pharmacy, Institutional Pharmacy, Mail Order Pharmacy, or Rural Pharmacy.
38. Rural Pharmacy means any pharmacy that is the only pharmacy within a twenty-mile radius.
39. Serious Mental Illness means the following psychiatric illnesses: bipolar disorders (hypomanic, manic, depressive, and mixed), depression in childhood and adolescence, major depressive disorders (single episode or recurrent), obsessive-compulsive disorders (single or recurrent), paranoid and other psychotic disorders, schizoaffective disorders (bipolar or depressive), and schizophrenia.

40. Serious or Complex Medical Condition is defined as one of the following medical conditions: Serious Mental Illness, cancer, epilepsy, multiple sclerosis, or HIV/AIDS, or a condition requiring medical treatment to avoid death, hospitalization, or a worsening or advancing of disease progression resulting in significant harm or disability.
41. Step Therapy means a protocol that requires a member to use a prescription drug or sequence of prescription drugs, other than the drug that the member's Prescriber recommends for the member's treatment, before the Department provides coverage for the recommended prescription drug.
42. Submitted Ingredient Cost means a pharmacy's calculated ingredient cost. For drugs purchased through the Federal Public Health Service's 340B Drug Pricing Program, the Submitted Ingredient Cost means the 340B purchase price.
43. Total Prescription Volume means all new and refill prescriptions dispensed for all payer types. Payer types include but are not limited to Medicaid, Medicare, commercial, third-party, and uninsured.
44. Usual and Customary Charge means the reimbursement amount the provider charges the general public to pay for a drug.
45. Wholesale Acquisition Cost (WAC) means with respect to a drug or biological, the manufacturer's list price for the drug or biological to wholesalers or direct purchasers in the United States, not including prompt pay or other discounts, rebates, or reductions in price, for the most recent month for which the information is available, as reported in wholesale price guides or other publications of drug or biological pricing data.

8.800.13 REIMBURSEMENT CALCULATION

- 8.800.13.A. Covered drugs for all members except for OAP State Only clients shall be reimbursed the lesser of:
1. The Usual and Customary Charge minus the member's copayment, as determined according to Section 8.754; or
 2. The allowed ingredient cost plus a Dispensing Fee minus the member's copayment, as determined according to Section 8.754.
 3. Covered drugs for the OAP State Only Program shall be reimbursed according to Section 8.941.9.
- 8.800.13.B. The allowed ingredient cost for Retail Pharmacies, Rural Pharmacies, 340B Pharmacies, Institutional Pharmacies, Government Pharmacies, Correctional Facilities, and Mail Order Pharmacies shall be the lesser of AAC, NADAC or Submitted Ingredient Cost. If AAC and NADAC are not available, the allowed ingredient cost shall be the lesser of MAC or Submitted Ingredient Cost.
1. The Department shall grant an exception to the allowed ingredient cost for clotting factor which shall be the lesser of AAC or Submitted Ingredient Cost. If AAC is not available, the allowed ingredient cost shall be the lesser of Clotting Factor Maximum Allowable Cost (CFMAC) or Submitted Ingredient Cost.

8.800.13.C. MAC rates shall be calculated as follows:

1. The generic drug MAC rate shall be WAC minus 10 percent.
2. The brand name drug MAC rate shall be WAC minus 3 percent.

8.800.13.D. AAC rates shall be rebased monthly using invoices and/or purchase records provided to the Department through a representative group of pharmacies. If the Department cannot establish a process to obtain invoices and/or purchase records on a monthly basis, the Department shall survey one-fourth (1/4) of all Medicaid enrolled pharmacies every quarter to rebase AAC rates.

1. Notwithstanding Section 8.800.13.D, AAC rates for clotting factor drugs shall be rebased at least biannually.

8.800.13.E. A pharmacy wanting to inquire about a listed AAC rate shall complete the Average Acquisition Cost Inquiry Worksheet posted on the Department's website. The pharmacy shall email the completed worksheet with a copy of the receipt invoice to the Department or designated vendor as indicated on the Average Acquisition Cost Inquiry Worksheet. The Department shall have five (5) days to provide an inquiry response to the pharmacy. If the AAC rate requires revision, the Department shall then have 5 additional days to update the AAC rate.

8.800.13.F. To address weekly fluctuations in drug prices, the Department shall apply a percent adjustment to existing AAC rates for drugs experiencing significant changes in price. The percent adjustment shall be determined using weekly changes in price based on national pricing benchmarks. Every week, the Department shall post an updated AAC price list, with the adjusted AAC rates, on the Department's website (www.colorado.gov/hcpf). A percent adjustment shall only be applied to an AAC rate until the Department can rebase the rate through the process discussed in Section 8.800.13.D.

8.800.13.G. Any pharmacy, except a Mail Order Pharmacy, that is the only pharmacy within a twenty-mile radius may submit a letter to the Department requesting the designation as a Rural Pharmacy.

8.800.13.H. Dispensing Fees shall be determined based upon reported dispensing costs provided through a Cost of Dispensing (COD) survey. The Dispensing Fees for Retail Pharmacies, 340B Pharmacies, Institutional Pharmacies, Correctional Facilities, and Mail Order Pharmacies shall be tiered based upon annual Total Prescription Volume. The Dispensing Fees shall be tiered at:

1. Less than 60,000 total prescriptions filled per year = \$13.40
2. Between 60,000 and 90,000 total prescriptions filled per year = \$11.49
3. Between 90,000 and 110,000 total prescriptions filled per year = \$10.25
4. Greater than 110,000 total prescriptions filled per year = \$9.31

8.800.13.I. The designation of a pharmacy's Dispensing Fee shall be updated annually. Every October, the Department shall contact a pharmacy requesting the completion of an attestation letter stating the pharmacy's Total Prescription Volume for the period September 1 to August 31. A pharmacy shall have until October 31 to provide the completed attestation letter to the Department. Using the attestation letter, the Department shall update a pharmacy's Dispensing Fee effective January 1. A pharmacy failing to provide the Department an attestation letter on or before October 31, regardless of their previous Dispensing Fee, shall be reimbursed the \$9.31 Dispensing Fee.

8.800.13.J. The Department shall determine the Dispensing Fee for a pharmacy enrolling as a Medicaid provider based on the pharmacy's Total Prescription Volume. During the enrollment process, a pharmacy shall provide the Department an attestation letter stating their Total Prescription Volume for the previous twelve (12) months. Using the attestation letter, the Department shall determine the pharmacy's Dispensing Fee effective upon approval of enrollment. A pharmacy failing to provide the Department an attestation letter during the enrollment process shall be reimbursed the \$9.31 Dispensing Fee. The Dispensing Fee shall be used until it can be updated the following year in accordance with Section 8.800.13.I.

1. If a pharmacy has been open for less than 12 months, the Department shall annualize the Total Prescription Volume to determine the pharmacy's Dispensing Fee.
2. If a pharmacy is new and possesses no Total Prescription Volume history to annualize, then the pharmacy shall provide a good faith estimate of their expected Total Prescription Volume.

8.800.13.K. In November of each year, the Department shall compare a pharmacy's Total Prescription Volume and Medicaid percent provided with the attestation letter to their Medicaid claims data. If the Department identifies any inconsistencies, the Department shall request a pharmacy to provide documentation that substantiates their Total Prescription Volume for the period September 1 to August 31 within thirty (30) days. If the Department determines that the pharmacy incorrectly reported their Total Prescription Volume, the pharmacy shall be reimbursed at the correct tier based on their actual Total Prescription Volume. If a pharmacy does not provide the documentation to the Department within the 30 days, the pharmacy shall be reimbursed the \$9.31 Dispensing Fee.

8.800.13.L. The tiered Dispensing Fee shall not apply to Government Pharmacies which shall instead be reimbursed a \$0.00 Dispensing Fee.

8.800.13.M. The tiered Dispensing Fee shall not apply to Rural Pharmacies which shall instead be reimbursed a \$14.14 Dispensing Fee.

8.800.13.N. Dispensing Prescribers who dispense medications that are reimbursed as a pharmacy benefit pursuant to Section 8.800 shall be reimbursed a \$1.89 Dispensing Fee.

8.800.13.O. Reimbursement for clotting factor drugs that are reimbursed at AAC or Submitted Ingredient Cost shall include an enhanced professional dispensing fee, in addition to the usual professional dispensing fee as defined in Section 8.800.13.H.

1. The enhanced professional dispensing fee for clotting factor drugs shall be \$0.03 per drug unit.

8.800.13.P. Effective January 1, 2026, reimbursement for Parenteral Nutrition that is reimbursed at the allowed ingredient cost as described in 8.800.13.B must include an enhanced professional dispensing fee, in addition to the usual professional dispensing fee as defined in Section 8.800.13.H

1. The enhanced professional dispensing fee for parenteral nutrition is \$70.76 per claim.

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Title of Rule: Revision to the Medical Assistance Rule concerning the Program of All-Inclusive Care for the Elderly (PACE), Section 8.497

Rule Number: MSB 25-04-22-A

Division / Contact / Phone: Benefits & Services Division / Winter Roberts /

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 25-04-22-A, Revision to the Program of All-Inclusive Care for the Elderly (PACE) Rule 10 CCR 2505-10 8.49
3. This action is an adoption of:
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) OP Pages, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)?
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing).

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.497 with the proposed text beginning at 8.497.1.B through the end of 8.497.13.E. This rule is effective November 30, 2025.

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Title of Rule: Revision to the Medical Assistance Rule concerning the Program of All-Inclusive Care for the Elderly (PACE), Section 8.497

Rule Number: MSB 25-04-22-A

Division / Contact / Phone: Benefits & Services Division / Winter Roberts /

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The purpose of the revision is to: 1) Incorporate changes made to the Federal PACE Rule that were applicable January 1, 2025 and 2) Strengthen PACE application requirements to ensure quality applicants and responsible growth of the PACE program.

2. An emergency rule-making is imperatively necessary

- to comply with state or federal law or federal regulation and/or
- for the preservation of public health, safety and welfare.

Explain:

Initial Review **09/12/25**
Proposed Effective Date **11/30/25**

Final Adoption **10/10/25**
Emergency Adoption

DOCUMENT #

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N/A

3. Federal authority for the Rule, if any:

42 U.S.C. § 1395eee(f)

42 U.S.C. § 1396u-4(f).

42 C.F.R. Part 460

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S.
Section 25.5-5-412, C.R.S

Initial Review **09/12/25**
Proposed Effective Date **11/30/25**

Final Adoption **10/10/25**
Emergency Adoption

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REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The rule revisions affect PACE organizations, providing clarity on State requirements for new providers, service expansions, and aligning state requirements with federal requirements.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

By aligning State regulations with Federal regulations PACE providers will experience a decrease in administrative burden as there will no longer be differentiated requirements between Federal and State requirements, for example Federal and State requirements previously had different timelines for re-evaluation of participants following a hospitalization, by

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aligning these requirements PACE providers will no longer have to meet varying standards of follow-up visits.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

This change is not anticipated to have any budget impact to the Department or to any other agency because the rule change is technical in nature and is not changing services or benefits.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Aligning these rules with federal standards will decrease confusion and enable PACE providers or prospective providers to better comply with both. The changes to enrollment and expansion criteria will help ensure that providers are financially stable and capable of maintaining adequate staffing levels to provide care to Medicaid members who participate in PACE. The current lack of specific standards related to provider enrollment for PACE creates a risk of financial instability for possible programs. Because this program requires members to receive their health

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coverage through a PACE provider, financial instability can result in lower-quality care. There is no benefit of inaction.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

The Department considered moratoriums on new provider enrollment or a Request for Proposal process. The current path still allows for new enrollment with heightened review of potential providers, which the Department views as the better option.

8.497 PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

8.497.1 STATUTORY AUTHORITY AND APPLICABILITY

8.497.1.A. The statutory authority for these rules is set forth in § 25.5-5-412, C.R.S.

8.497.1.B. A PACE organization, as defined herein, must comply with all applicable federal, state, and local statutes, regulations, and laws including but not limited to the following:

1. Code of Federal Regulations (CFR), Title 42 – Public Health, Chapter IV – Centers for Medicare & Medicaid Services, Department of Health and Human Services, Subchapter E Programs of All-Inclusive Care for the Elderly (PACE), Part 460 – Programs of All-Inclusive Care for the Elderly (PACE). This will be referred to in this regulation as 42 CFR 460. 42 CFR Part 460 (2024) is hereby incorporated by reference. The incorporation of 42 CFR Part 460 (2024) excludes later amendments to, or editions of the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at 303 E. 17th Ave., Denver, CO, 80203. Certified copies of incorporated materials are provided at cost upon request.
2. Section 25.5-5-412, C.R.S.

8.497.1.C. A PACE organization must have an agreement with the CMS and the Department, as defined herein, for the operation of a PACE program.

8.497.2 SCOPE AND PURPOSE

8.497.2.A. The purpose of these rules is to implement § 25.5-5-412, C.R.S. which require the Department to establish, administer, and enforce minimum regulatory standards and rules for the PACE program, including for contracted entities of the PACE program, to ensure the health, safety and welfare of PACE participants.

8.497.2.B. Scope and purpose.

1. General. This regulation sets forth the following:

- a. The requirements that an entity must meet to be approved as a PACE organization that operates a PACE program under Medicaid in the State of Colorado;

 - b. How individuals may qualify to enroll in a PACE program;
 - c.. How Medicaid payments will be made for PACE services;
 - d. Provisions for State monitoring of PACE programs;

 - e. Procedures for sanctions, enforcement actions, and terminations.
2. Program purpose. PACE provides, prepaid, capitated, comprehensive health care services designed to meet the following objectives:
- a. Enhance the quality of life and autonomy for older adults who require the level of care provided in a nursing facility;
 - b. Maximize dignity of, and respect for, older adults;
 - c. Enable older adults to live in the community as long as medically and socially feasible; and
 - d. Preserve and support the older adult's family unit by relieving the family of the sole responsibility of coordinating and providing care and services.

8.497.3 DEFINITIONS

As used in this regulation, unless the context indicates otherwise, the following definitions apply:

- A. CMS means Centers for Medicare and Medicaid Services.
- B. Dementia diseases and related disabilities means a condition where mental ability declines and is severe enough to interfere with an individual's ability to perform everyday tasks. Dementia diseases and related disabilities include Alzheimer's disease, mixed dementia, Lewy Body Dementia, vascular dementia, frontotemporal dementia, and other types of dementia.
- C. Department means the Colorado Department of Health Care Policy and Financing.
- D. Designated Representative means a representative who is designated by the participant to act on the participant's behalf.
- E. Medicaid participant means an individual determined eligible for Medicaid who is enrolled in a PACE program.
- F. PACE stands for the programs of all-inclusive care for the elderly.
- G. PACE center is a facility which includes a primary care clinic, and areas for therapeutic recreation, restorative therapies, socialization, personal care, and dining, and which serves as the focal point for coordination and provision of most PACE services.
- H. PACE contract means the contract between the Department and a PACE organization.
- I. PACE organization means an entity that has in effect a PACE program agreement to operate a PACE program under this regulation.
- J. PACE program means a program of all-inclusive care for the elderly that is operated by an approved PACE organization and that provides comprehensive healthcare services to PACE enrollees in accordance with a PACE program agreement.
- K. PACE program agreement means an agreement between a PACE organization, CMS, and the Department.
- L. Participant means an individual who is enrolled in a PACE program.
- M. Service means all services that could be required under Section 8.497.8.B., including items and drugs.
- N. State administering agency means the Department.
- O. Survey Agency means either the Colorado Department of Public Health and Environment or any contractor the Department engages to conduct onsite inspections of a PACE center.
- P. Subcontractor means a third party contracted with a PACE organization to aid in performance of the PACE contract work.
- Q. Telehealth means a mode of delivery of health care services through HIPAA-compliant telecommunications systems, including information, electronic, and communication technologies, remote monitoring technologies and store-and-forward transfers, to facilitate the assessment, diagnosis, consultation, treatment, education, care management, or self-management of a covered person's health care while the covered person is located at an originating site and the provider is located at a distant site.
- R. Trial period means the first 3 contract years in which a PACE organization operates under a PACE program agreement, including any contract year during which the entity operated under a PACE demonstration waiver program.

8.497.4 PACE ORGANIZATION APPLICATION AND WAIVER PROCESS

- 8.497.4.A. Purpose.

1. Applications. This section sets forth the application procedures for the following:
 - a. An entity that seeks approval from the Department as a PACE organization.
 - b. A PACE organization that seeks to expand its service area or to add a new PACE center.
 - c. A PACE organization that seeks to expand its service area and to add a new PACE center.

2. Waiver. This section sets forth the process by which a PACE organization may request waiver of certain regulatory requirements. The purpose of the waivers is to provide for reasonable flexibility in adapting the PACE model to the needs of particular organizations (such as those in rural areas).

8.497.4.B. Application requirements.

1. In addition to the application requirements set forth in 42 CFR § 460.10 and 42 CFR § 460.12, an entity that seeks to become a PACE organization or a PACE organization that seeks to expand its service area or add a PACE center, must comply with the following requirements:
 - a. Letter of intent. Submit a letter of intent in the form and manner specified by the Department at least 90 days prior to submitting an application to the Department. The letter must contain, at least, the following information:
 - i. The name and contact information of the person submitting the letter of intent;
 - ii. The name of the entity or PACE organization including the state-approved trade name, also known as “doing business as” name, if different;
 - iii. The proposed service area, including counties, zip codes, and any zip codes that overlap another PACE organization’s service area, if applicable; and
 - iv. The proposed location of the PACE center, if applicable.
 - b. Market feasibility study. All entities and PACE organizations must submit a market feasibility study of the proposed service area with the letter of intent. The study must include, but is not limited to at least, the following:
 - i. Estimate of the number of individuals eligible for PACE;
 - ii. Methodology for calculating potential participants;
 - iii. Projected market penetration, including assumptions made to support the rate of projected market penetration, and justification that the entity or PACE organization can reasonably serve the potential participants in the proposed service area;
 - iv. Demonstration of an unmet need for PACE in the proposed service area;
 - v. Evidence the new PACE center, if applicable, has the capacity to adequately serve the potential participants who reside in the proposed service area;
 - vi. Evidence, conducted by a qualified actuary, that the applicant will either be cost neutral or save the Department money;
 - vii. Identification of all competitors and collaborators in the proposed service area;
 - viii. Mean travel time from the farthest points of the service area to the PACE center;
 - ix. Demographics of the proposed service area such as age, race, language, and household income; and
 - x. Health outcomes of the proposed service area such as quality of life, social and economic factors, and physical environment.

- c. Department-specific application requirements.
 - i. Submission of application. An individual authorized to act for an entity or a PACE organization that seeks to expand its service area or add a PACE center site must submit to the Department a complete application in the form and manner, including timeframes for submission, specified by the Department, that describes how the entity or PACE organization meets all requirements in this part.
 - ii. Submission timeframe. An entity or a PACE organization must submit an application to the Department at least 90 calendar days prior to its anticipated CMS application date.
 - iii. Contents of application. An application to the Department must contain information to demonstrate financial and operational stability, as specified in the Department's application. The application must include, but is not limited to, the following:

1. Financial assets;
2. Additional owners and/or financially invested organizations;
3. Risk reserve;
4. Reinsurance;
5. Staff recruitment and retention program.

2. The Department may allow more than one PACE organization per zip code.

8.497.4.C. Department evaluation of applications. The Department evaluates an application in accordance with the requirements of 42 CFR § 460.18 and Department-specific requirements, including the following information.

1. Information contained in the application;
2. Information obtained by the Department or a Survey Agency through on-site visits or any other means;
3. Use of information from a current or prior PACE program agreement or State of Colorado Contract;
4. Department and/or state of Colorado budgetary considerations and constraints; and
54. Financial and operational stability of the applicant.

8.497.4.D. Notice of the Department's determination.

1. Time limit for notification of determination. Within 90 days, or 45 days for applications set forth in 8.497.4.A.1.b., after an entity submits a complete application to the Department, the Department takes one of the following actions in the form and manner specified by the Department:
 - a. Approves the application.
 - b. Denies the application and notifies the entity in writing of the basis for the denial and the process for requesting reconsideration of the denial.
2. Complete application. An application is only considered complete when the Department receives all information necessary to make a determination regarding approval or denial.
3. Additional information requested. If the Department determines that an application is not complete because it does not include sufficient information to make a determination, the Department will request additional information within 90 days, or 45 days for applications set forth in 8.497.4.A.1.b., after the date of submission of the application.
 - a. The time limits in 8.497.4.D.1. do not begin until the Department receives all requested information and the application is complete.
 - b. If more than 12 months elapse between the date of initial submission of the application and the entity's response to the Department's request for additional information, the entity must update the application to provide the most current information and materials related to the application.
4. Date of submission. For purposes of the time limits described in this section, the date that an application is submitted to the Department is the date on which the application is delivered to the address designated by the Department.

8.497.4.E. Submission and evaluation of waiver requests. A PACE organization, or an entity submitting an application to become a PACE organization, must submit its waiver request in accordance with 42 CFR § 460.26. In addition to the requirements set forth in 42 CFR § 460.26, an entity or PACE organization must submit the request to the Department at least 90 calendar days prior to its anticipated CMS application or waiver submission date.

8.497.5 PACE PROGRAM AGREEMENT

- 8.497.5.A. A PACE program agreement must meet the requirements set forth at 42 CFR § 460.30.
- 8.497.5.B. Content and terms of PACE program agreement. The PACE program agreement must include all content required by 42 CFR § 460.32.

8.497.5.C. The duration of the PACE program agreement shall be in accordance with 42 CFR § 460.34.

8.497.5.D. The PACE organization must comply with all requirements of the PACE program agreement. If the PACE program agreement is amended or modified in any way, the amendment or modification must be automatically incorporated herein as of the effective date of the amendment or modification, and the PACE organization must comply with all requirements of the amendment or modification as of that date.

8.497.6 SANCTIONS, ENFORCEMENT ACTIONS, AND TERMINATION

8.497.6.A. Violations for which the Department may impose sanctions.

1. In addition to other remedies authorized by law or contract, the Department may impose any of the sanctions specified in Section 8.497.6.B., if the Department or a Survey Agency determines that a PACE organization commits any of the violations specified in 42 CFR § 460.40(a) or the following violations:
 - a. Makes payment to or employs or contracts with any individual or organization that has a criminal conviction as defined in 42 § CFR 460.68(a); or
 - b. Makes payment to individuals and entities excluded by the Office of Inspector General or included on the preclusion list as pursuant to 42 § CFR 460.86.

2. If the Department or a Survey Agency makes a determination that could lead to termination of a PACE program agreement under Section 8.497.6.C., the Department may impose any of the sanctions specified in Section 8.497.6.B. If the Department determines that the circumstances in Section 8.497.6.C.2.a. exist, the Department does not have to determine that the circumstances in Section 8.497.6.C.2.b. exist prior to imposing an enrollment and/or payment suspension.

8.497.6.B. Suspension of enrollment or payment by the Department.

1. Enrollment Suspension. If a PACE organization commits one or more violations specified in 42 CFR § 460.40(a), the Department may suspend enrollment of Medicaid beneficiaries or place a limit on enrollments after the date the Department notifies the organization of the violation.
2. Payment Suspension. If a PACE organization commits one or more violations specified in 42 CFR § 460.40(a), for participants enrolled after the date the Department notifies the PACE organization of the violation, the Department may suspend Medicaid payment to the PACE organization.
3. Term of suspension. A suspension or denial of payment remains in effect until the Department is satisfied that the following conditions are met:
 - a. The PACE organization has corrected the cause of the violation; and
 - b. The violation is not likely to recur.
4. Restrictions and Conditions. The Department may impose restrictions or conditions on a PACE organization, which may include at least one of the following:
 - a. Retaining a consultant to monitor the effectiveness of corrective measures for a specific period determined by the Department;
 - b. Monitoring the effectiveness of corrective measures by the Department for a specific period; or
 - c. Requiring additional training for personnel, owners, or operators of the PACE organization.

5. Notification and Plan Requirements.

- a. If the Department imposes any restriction or condition that is not the result of a serious and immediate threat to the health, safety, or welfare of a PACE participant, the Department shall notify the PACE organization of the restriction or condition in writing.
- b. If the Department imposes any restriction or condition that is the result of a serious and immediate threat to the health, safety, or welfare of a PACE participant, the Department shall notify the PACE organization of the restriction or condition in writing, by telephone, or in person during an on-site visit.
 - i. The PACE organization must remedy the circumstances creating the harm or likelihood of harm immediately upon receiving notice of the restriction or condition.
- c. If the Department initially provides notice of a restriction or condition by telephone or in person, the Department shall send written confirmation of the restriction or condition to the PACE organization.
- d. A PACE organization must complete corrective action as specified in Section 8.497.13.C.1.

8.497.6.C. Termination of a PACE program agreement. The Department may terminate a PACE program agreement for cause, pursuant to 42 CFR § 460.50.

8.497.6.D. Transitional care during termination. The PACE organization must meet the transitional care requirements set forth in 42 CFR § 460.52.

8.497.6.E. Termination procedures.

1. Except as provided in Section 8.497.6.E.2., if the Department terminates a PACE program agreement with a PACE organization, it will furnish the PACE organization with a reasonable opportunity to develop and implement a corrective action plan to correct the deficiencies that were the basis of the Department's determination that cause exists for termination:
2. The Department may terminate a PACE program agreement and PACE contact without invoking the procedures in Section 8.497.6.E.1. if the Department determines that a delay in termination, resulting from compliance with these procedures before termination, would pose an imminent and serious risk to the health of participants enrolled with the organization..

8.497.7 PACE ADMINISTRATIVE REQUIREMENTS

- 8.497.7.A. PACE organizational structure. The PACE organizational structure must comply with the requirements set forth in 42 CFR § 460.60.
- 8.497.7.B. Governing body. The governing body of the PACE organization must comply with the requirements set forth in 42 CFR § 460.62
- 8.497.7.C. Compliance oversight requirements. The PACE organization must adopt and implement compliance oversight requirements in accordance with 42 CFR § 460.63.
- 8.497.7.D. Personnel qualifications for staff with direct participant contact. The PACE organization must comply with the personnel qualifications set forth in 42 CFR § 460.64.
- 8.497.7.E. Training. The PACE organization must comply with the training requirements set forth in 42 CFR § 460.66.

1. In addition to the general qualification requirements specified in 42 CFR § 460.66, all PACE organization personnel having direct participant contact must complete the following trainings annually. Newly hired personnel must complete the training before working independently:
 - a. Mandatory reporting of adult mistreatment. Staff members must complete training that includes reporting requirements as specified in C.R.S. § 18-6.5-108;
 - b. The service determination process as specified in Section 8.497.9.G; and
 - c. Dementia diseases and related disabilities. The training must be culturally competent and include at least the following content:

- i. Activities of daily living.
- ii. Care planning.
- iii. Dementia diseases and related disabilities.
- iv. Dementia-related behaviors and communication.
- v. Person-centered care.

3. All orientation, training, competency, and personnel action documentation must be retained in the personnel files.

- 8.497.7.F. Program integrity. The PACE organization must comply with the program integrity requirements set forth in 42 CFR § 460.68.
- 8.497.7.G. Contracted services. The PACE organization must comply with the contracted service requirements set forth in 42 CFR § 460.70.
- 8.497.7.H. Oversight of direct participant care. The PACE organization must oversee direct participant care in accordance with the requirements set forth in 42 CFR § 460.71.
- 8.497.7.I. Physical environment. The PACE center must meet the physical environment requirements set forth in 42 CFR § 460.72.
- 8.497.7.J. Infection control. The PACE organization must comply with the infection control requirements set forth in 42 CFR § 460.74.
- 8.497.7.K. Transportation services.

1. Safety, accessibility, and equipment. A PACE organization's transportation services must be safe, in good working order, accessible, and equipped to meet the needs of the participant population and meet the transportation services requirements set forth in 42 CFR § 460.76.
2. Maintenance of vehicles. In addition to the requirements set forth in 42 CFR § 460.76(b), PACE organizations must ensure safety inspections include the inspection of items as described in Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6; § 6103 and § 6104. 4 CCR 723-6; § 6103-6104 (2024) is hereby incorporated by reference. The incorporation of 4 CCR 723-6; § 6103-6104 (2024) excludes later amendments to, or editions of the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at 303 E. 17th Ave., Denver, CO, 80203. Certified copies of incorporated materials are provided at cost upon request.

3. Drivers.

a. PACE organizations must ensure that each driver meets the following requirements:

- i. Drivers must be 18 years of age or older;
- ii. Have at least one year of driving experience;
- iii. Possess a valid Colorado driver's license.
- iv. Provide a copy of their current Colorado motor driving vehicle record, with the previous seven years of driving history; and
- v. Complete a Colorado or National-based criminal history record check.

b. Drivers must be disqualified from serving as drivers for any program participants for any of the following reasons:

- i. A conviction of substance abuse occurring within the seven (7) years preceding the date the criminal history record check is completed;
- ii. A conviction in Colorado, at any time, of any Class 1 or 2 felony under Title 18, C.R.S.;
- iii. A conviction in Colorado, within seven (7) years preceding the date the criminal history record check is completed, of a crime of violence, as defined in C.R.S. § 18-1.3-406(2);
- iv. A conviction in Colorado, within four (4) years preceding the date the criminal history record check is completed, of any Class 4 felony under Title 18, Articles 2, 3, 3.5, 4, 5, 6, 6.5, 8, 9, 12, or 15, C.R.S.;
- v. A conviction of an offense in any other state that is comparable to any offense listed in subparagraphs (f)(II)(A) through (D) within the same time periods as listed in subparagraphs (f)(II)(A) through (D) of Rules Regulating Transportation by Motor Vehicle, 4 C.C.R. 723-6; § 6114. 4

CCR 723-6; § 6114 (2024) is hereby incorporated by reference. The incorporation of 4 CCR 723-6; § 6114 (2024) excludes later amendments to, or editions of the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at 303 E. 17th Ave., Denver, CO, 80203. Certified copies of incorporated materials are provided at cost upon request.;

- vi. A conviction in Colorado, at any time, of a felony or misdemeanor unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S., or of a comparable offense in any other state or in the United States at any time;
- vii. A conviction in Colorado within two (2) years preceding the date the criminal history record check is completed of driving under the influence, as described in § 42-4-1301(1)(f), C.R.S. or driving with excessive alcoholic content, as described in § 42-4-1301(1)(g), C.R.S.;
- viii. A conviction within two (2) years preceding the date the criminal history record check is completed of an offense comparable to those included in subparagraph (f)(III)(B), 4 C.C.R. 723-6; § 6114 in any other state in the United States; and
- ix. For purposes of 4 C.C.R. 723-6; § 6114(f)(IV), a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.

8.497.7.L. Dietary services. The PACE organization must comply with the dietary services requirements set forth in 42 CFR § 460.78.

8.497.7.M. Fiscal Soundness. The PACE organization must comply with the fiscal soundness requirements set forth in 42 CFR § 460.80.

8.497.7.N. Marketing.

1. The PACE organization must comply with the marketing requirements set forth in 42 CFR § 460.82.
2. Marketing information must be free of material inaccuracies, misleading information, or misrepresentations on all platforms.
3. The Department retains the right to disapprove previously approved marketing materials if they are subsequently found to be inaccurate, altered, or otherwise non-compliant.

8.497.7.O. Emergency preparedness. The PACE organization must comply with all applicable federal, state, and local emergency preparedness requirements and must establish and maintain an emergency preparedness program that meets the requirements set forth in 42 CFR § 460.84.

8.497.8 PACE SERVICES

8.497.8.A. PACE benefits under Medicare and Medicaid. The PACE organization must comply with the requirements set forth in 42 CFR § 460.90.

8.497.8.B. Required services. The PACE organization must comply with the requirements set forth in 42 CFR § 460.92.

8.497.8.C. Excluded services. The services set forth in 42 CFR § 460.96 are excluded from coverage under PACE.

8.497.8.D. Service delivery.

1. Access to services. The PACE organization is responsible for providing care that meets the needs of each participant across all care settings, 24 hours a day, every day of the year, and must establish and implement a written plan to ensure that care is appropriately furnished.
2. Provision of services.
 - a. The PACE organization must provide services in accordance with 42 CFR § 460.98(b).
 - b. The PACE organization must visit each participant in-person or via telehealth across all care settings as often as the participant's condition requires, but no less than once each calendar month.

- i. If a participant does not receive a visit during a calendar month, the PACE organization must notify the Department, in writing, within 15 calendar days of the following calendar month. The notice must explain the reason(s) why the participant did not receive a visit.
- ii. For the purposes of this requirement, a visit must be provided directly by PACE staff or a contracted specialist. The delivery of items or medications and services routinely provided by a contracted residential care provider are not considered a visit.
- iii. If the PACE organization provides these visits via telehealth, the PACE organization must ensure the telehealth delivery option meets the following requirements:

- 1) Participants must have an informed choice between in-person and telehealth services;
- 2) The use of the telehealth delivery option will not prohibit or discourage the use of in-person services;
- 3) Telehealth will not be used for the provider's convenience; and
- 4) Telehealth must be provided using technology compliant with Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy, Security and Breach Notification Rules.

- iv. The telehealth permissions in this section do not apply to the in-person assessment and reassessment requirements as described in 8.497.8.G.

3. Timeframes for arranging and providing services. The PACE organization must comply with the requirements set forth in 42 CFR § 460.98(c).
4. Minimum services furnished at each PACE center. At a minimum, the PACE organization must provide the services set forth in 42 CFR § 460.98(d) at each PACE center.
5. PACE center operation. The PACE organization must operate its center(s) in accordance with 42 CFR § 460.98(e).

- a. Services at the PACE center must be provided consistent with any applicable standards of practice for that service, and, when applicable, by staff with the requisite qualifications to perform the service.

- 6. Center attendance. The frequency of a participant's attendance at a center is determined by the interdisciplinary team, based on the needs and preferences of each participant.

8.497.8.E. Emergency care. The PACE organization must comply with the emergency care requirements set forth in 42 CFR § 460.100.

8.497.8.F. Interdisciplinary team. The PACE organization must comply with the interdisciplinary team requirements set forth in 42 CFR § 460.102.

8.497.8.G. Participant assessment. The PACE organization must comply with the assessment and plan of care requirements set forth in 42 CFR § 460.104.

8.497.8.H. Plan of care.

- 1. The PACE organization must comply with the plan of care requirements set forth in 42 CFR § 460.106.
- 2. Residential care provider involvement in plan of care. For participants receiving residential care, the PACE organization must seek input from residential care providers in the evaluation of the plan of care and share the plan of care with residential care providers.

8.497.9 PARTICIPANT RIGHTS

- 8.497.9.A. Bill of rights. The PACE organization must comply with the requirements set forth in 42 CFR § 460.110.
- 8.497.9.B. Specific rights to which a participant is entitled. The PACE organization must comply with the requirements set forth in 42 CFR § 460.112.

1. Information disclosure. In addition to the requirements set forth in 42 CFR § 460.112(c), the participant has the following rights:

- a. To receive a current list of the employees of the PACE organization who furnish direct care to the participant upon enrollment and upon request. At a minimum, the list must include each discipline of the interdisciplinary team as set forth in 42 CFR § 460.102(b).
- b. To have an equal opportunity to receive meaningful communication and to participate fully in discussions involving the PACE program, services, activities, eligibility, enrollment and other benefit information, in the language preferred by the participant.

8.497.9.C. Restraints. The PACE organization must comply with the requirements set forth in 42 CFR § 460.114.

8.497.9.D. Explanation of rights. The PACE organization must comply with the requirements set forth in 42 CFR § 460.116 and must display the contact information for the Colorado PACE Ombudsman in a prominent place in the PACE center.

8.497.9.E. Violation of rights. The PACE organization must have established documented procedures to respond to and rectify a violation of a participant's rights.

8.497.9.F. Grievance process. The PACE organization must comply with the requirements set forth in 42 CFR § 460.120.

8.497.9.G. Service determination process.

1. The PACE organization must comply with the requirements set forth in 42 CFR § 460.121.

2. PACE organization decisions to reduce or terminate services.
 - a. If the PACE organization reduces or terminates a service, without the participant requesting the reduction or termination, the PACE organization must provide written notice to the participant of the right to file a service determination request to continue the service.
 - b. This requirement does not apply to services with a specified end date.

8.497.9.H. PACE organization's appeals process.

1. The PACE organization must comply with the requirements set forth in 42 CFR § 460.122.
2. A PACE participant must exhaust the internal appeals process described in this part prior to requesting a State Fair Hearing as described in Sections 8.497.9.I. and 8.057.

8.497.9.I. Additional Appeal Rights Under Medicare or Medicaid.

1. A PACE organization must comply with the requirements set forth in 42 CFR § 460.124.
2. Medicaid participants have the right to a state fair hearing under Section 8.057. Appeals must be filed within 60 calendar days of the date of the notice of action.

8.497.10 QUALITY IMPROVEMENT

- 8.497.10.A. Quality improvement program and plan. A PACE organization must establish, implement, maintain, and evaluate an effective data-driven quality improvement program and plan, pursuant to 42 CFR § 460.130 and 460.132, that contains all requirements set forth in 42 CFR § 460.134.
- 8.497.10.B. Internal quality improvement activities. A PACE organization must comply with the requirements set forth in 42 CFR § 460.136.

8.497.10.C. Committees with community input. A PACE organization must comply with the requirements set forth in 42 CFR § 460.138.

8.497.11 PARTICIPANT ENROLLMENT AND DISENROLLMENT

8.497.11.A. Eligibility to enroll in a PACE program. A PACE organization must comply with the requirements set forth in 42 CFR § 460.150.

8.497.11.B. Enrollment process.

1. A PACE organization must comply with the requirements set forth in 42 CFR § 460.152.
2. Additional intake process requirements.

- a. At least one member of an interdisciplinary team must assess the individual in person in the individual's place of residence prior to enrollment. This assessment must be completed by one of the following disciplines:
 - i. Registered Nurse.
 - ii. Physical Therapist.
 - iii. Occupational Therapist.
 - iv. Home Care Coordinator.
 - v. Other appropriate members of an interdisciplinary team as identified by an interdisciplinary team.
- b. The appropriate members of an interdisciplinary team, as identified by an interdisciplinary team, must review and discuss each potential participant and decide to approve or deny the individual's enrollment based on that review.

- 8.497.11.C. Enrollment agreement. If the potential participant meets the eligibility requirements and wants to enroll, he or she must sign an enrollment agreement which contains, at a minimum, the information required by 42 CFR § 460.154.
- 8.497.11.D. Other enrollment procedures. The PACE organization must comply with the requirements set forth in 42 CFR § 460.156.
- 8.497.11.E. Effective date of enrollment. A participant's enrollment in the program is effective on the first day of the calendar month following the date the PACE organization receives the signed enrollment agreement.
- 8.497.11.F. Continuation of enrollment.

1. The PACE organization must comply with the requirements set forth in 42 CFR § 460.160.
2. In addition to the waiver of annual requirement regulations set forth in 42 CFR § 460.160(b)(1), a participant who continues to meet nursing facility level of care during their first annual recertification, is permanently waived from the annual recertification requirement.
3. In addition to the deemed continued eligibility regulations set forth in 42 CFR § 460.160(b)(2), the following apply:
 - a. If the PACE organization believes the participant would be expected to meet the nursing facility level of care within the next 6 months, the organization must submit a request for deemed continued eligibility to the Department in the form and manner specified by the Department.
 - b. Upon receipt of all requested information, the Department will make a determination.
 - c. The Department will notify the PACE organization of the Department's decision in writing in a timely manner.
 - d. If the Department determines the participant does not qualify for deemed continuous eligibility, the PACE organization must follow involuntary disenrollment procedures as described in Section 8.497.11.H., unless the participant chooses to voluntarily disenroll.

- 8.497.11.G. Voluntary disenrollment. The PACE organization must comply with the voluntary disenrollment requirements set forth in 42 CFR § 460.162.
- 8.497.11.H. Involuntary disenrollment.

1. The PACE organization must comply with the involuntary disenrollment requirements set forth in 42 CFR § 460.164.
2. In addition to the reasons for involuntary disenrollment regulations set forth in 42 CFR § 460.164(b), the following applies for involuntary disenrollment:

- a. As it relates to 42 CFR § 460.164(b)(1) and 460.164(b)(2), the PACE organization must provide written notice to the participant, designated representative, or both explaining the amount due.

3. Involuntary disenrollment request requirements.

- a. A PACE organization must submit an involuntary disenrollment request to the Department in a timely manner and in the form and manner specified by the Department.
- b. Before an involuntary disenrollment is effective, the Department must review it and determine in a timely manner that the PACE organization has adequately documented acceptable grounds for disenrollment.

8.497.11.I. Disenrollment responsibilities. The PACE organization must comply with the disenrollment responsibilities requirements set forth in 42 CFR § 460.166.

8.497.11.J. Reinstatement in Medicaid programs. The PACE organization must comply with the reinstatement in other Medicaid program requirements set forth in 42 CFR § 460.168.

8.497.11.K. Reinstatement in PACE. The PACE organization must comply with the reinstatement in PACE requirements set forth in 42 CFR § 460.170.

8.497.11.L. Documentation of disenrollment. The PACE organization must comply with the documentation of disenrollment requirements set forth in 42 CFR § 460.172.

8.497.12 PAYMENT

8.497.12.A. Medicaid payment.

1. The PACE organization shall receive Medicaid payments in accordance with 42 CFR § 460.182.

2. The Department may also recover, at the Department's discretion, payments made to the PACE organization in error for any reason, including, but not limited to, overpayments, improper payments, and excess funds received by the PACE organization by deduction from subsequent payments as specified in the PACE contract, deduction from any payment due under any other contracts, grants or agreements between Colorado and the PACE organization, or by any other appropriate method for collecting debts owed to the Department.
3. Payment Reconciliations. A PACE organization must adhere to the terms related to the participant-specific amount reconciliation, participant-specific reconciliation payments, and annual reconciliation as specified in the PACE contract.

8.497.12.B. Post-eligibility treatment of income.

1. The Department may provide for post-eligibility treatment of income for PACE participants as set forth in Sections 8.482.33 and 8.7202.BB.
2. Post-eligibility treatment of income is applied, as specified in 42 CFR § 460.184(b).

8.497.12.C. PACE premiums. The PACE organization must comply with the PACE premiums requirements set forth in 42 CFR § 460.186.

8.497.13 STATE MONITORING

- 8.497.13.A. Monitoring during trial period. During the trial period, the Department conducts comprehensive annual reviews of the operation of a PACE organization, in accordance with the requirements and scope set forth in 42 CFR § 460.190.
- 8.497.13.B. Ongoing monitoring after trial period. At the conclusion of the trial period, the Department continues to conduct review of a PACE organization, as appropriate, in accordance with the requirements set forth in 42 CFR § 460.192.

8.497.13.C. Corrective action. The PACE organization must comply with the requirements set forth in 42 CFR § 460.194. In addition, as it relates to a corrective action plan, a PACE organization must:

1. Submit an acceptable corrective action plan in the form, manner and timeframe specified by the Department, when corrective action is deemed necessary by the Department. An acceptable plan must include but is not limited to:
 - a. The corrective action the PACE organization will take on behalf of the participants affected by the deficient practice;
 - b. How the PACE organization will identify other participants who could be affected by the same deficient practice;
 - c. The measures or systemic changes the PACE organization has or will implement to ensure the deficient practice will not recur, including the responsible staff;
 - d. How the PACE organization will monitor the corrective action to ensure the deficient practice is corrected and the solution is sustained, including the responsible staff; and
 - e. The date each plan was or will be completed.

8.497.13.D. Disclosure of review results. The PACE organization and the Department must comply with the requirements set forth in 42 CFR § 460.196.

8.497.13.E Disclosure of compliance deficiencies. The Department may require a PACE organization to disclose to its PACE participants or potential PACE participants the PACE organization's performance and contract compliance deficiencies in a manner specified by the Department.

8.497.14 DATA COLLECTION, RECORD MAINTENANCE, AND REPORTING

8.497.14.A. Maintenance of records and reporting of data. The PACE organization must collect data, maintain records, and submit reports as required by the Department and in accordance with 42 CFR § 460.200.

8.497.14.B. Participant health outcomes data. The PACE organization must comply with the requirements set forth in 42 CFR § 460.202.

8.497.14.C. Financial recordkeeping and reporting requirements. The PACE organization must comply with the requirements set forth in 42 CFR § 460.204.

8.497.14.D. Financial statements.

1. The PACE organization must comply with the financial statement reporting requirements set forth in 42 CFR § 460.208.
2. Annual financial report. A PACE organization must submit the financial data as specified in the PACE contract.

8.497.14.E. Medical records.

1. A PACE organization must maintain a single, comprehensive medical record for each participant in accordance with the requirement set forth in 42 CFR § 460.210.
2. Additional content of medical records. In addition to the medical record content requirements set forth in 42 CFR § 460.210(b), the PACE organization must document whether a service or visit was provided in person or via telehealth.

8.497.14.F. Encounter data submission requirements.

1. Encounter data submission report. A PACE organization must submit encounter data, as directed by the Department, directly to the Department or its designee.
 - a. The PACE organization must use the Healthcare Common Procedure Coding System (HCPCS), ICD-10 Procedure Coding System (ICD-10 PCS), and Current Procedural Terminology (CPT) for provided services in each submission of encounter data.
 - b. A PACE organization must prepare and submit all pharmacy and non-pharmacy encounter data monthly, as specified by the Department, to the Department through its Fiscal Agent. Unless otherwise directed by the Department, encounter

data must not be submitted to the Department, or its designated Fiscal Agent, more than 30 days from the final day of the previous month.

- i. Submissions must be comprised of encounter records or adjustments to previously submitted records from provider encounter or claim records of any contracted or directly provided services rendered to the participant in the current or any prior months.

 - ii. Submission of encounter records of services rendered from all providers, including PACE organizations and their respective subcontractors, must have a valid, enrolled National Provider Identifier (NPI) with the Department. Subcontractors who submit encounter records to the Department must be enrolled and approved through the Department.
 - 1) If a PACE organization's encounter is not established in the HCPCS, ICD-10 PCS, or CPT, the PACE organization must document the encounter and submit an Encounter Data Submission Report to the Department for review and for coding consideration through a process defined by the Department in collaboration with the PACE organization.
2. Encounter data submission to the Pharmacy Benefit Management (PBM) vendor. A PACE organization must ensure pharmacy encounters are submitted to the PACE organization's PBM vendor.

- a. If a business need is identified by the Department, or non-compliance is identified, the Department or the Department's PBM vendor will notify the PACE organization 90 days in advance of any requirement changes that are deemed necessary to ensure compliance, as set forth in the Colorado Pharmacy Benefit Management System Batch Pharmacy Encounters Companion Guide, unless there are unforeseen circumstances that require immediate system changes, in which case the PACE organization will be notified as soon as possible.
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- 3. Annual signed encounter data certification. The PACE organization must submit an Annual Signed Encounter Data Certification to show that the encounter data submitted through the designated Fiscal Agent is accurate to the best of the PACE organization's information, knowledge and belief.
 - a. The encounter data submission must comply with the format prescribed by the Department or its designated Fiscal Agent. The encounter data submission must include:
 - i. The name and provider ID of any ordering, referring, prescribing, or attending provider and information on the rendering, operating, or other professional.
 - 1) Generic provider IDs shall be used only when specific Provider IDs remain unknown after reasonable inquiry.
 - 2) NPI numbers of providers not enrolled in Medicaid must be reported.
 - 3) If the NPI is not available, the PACE organization must report the tax payer ID.

ii. The PACE organization must require subcontractors and non-contracting providers to provide encounter data to the PACE organization.

- b. The PACE organization must obtain an Annual Signed Encounter Data Certification from either the Chief Executive Officer or the Chief Financial Officer, or an individual who has delegated authority to sign for, and who reports directly to, the Chief Executive Officer or Chief Financial Officer.
- c. The PACE organization must provide an Annual Signed Encounter Data Certification to the Department or its designees covering all of the submissions for the preceding year of Encounter Data as specified in the PACE contract.

DO NOT PUBLISH THIS PAGE

Title of Rule: Repeal of In-Home Support Services Section 8.552 and Transition Services, Sections 8.552 & 8.553

Rule Number: MSB 25-04-02-B

Division / Contact / Phone: Benefits and Services Management / Danielle Krause / 6576

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 25-04-02-B, Repeal of In-Home Support Services Section 8.552 and Transition Services Section 8.553 (10 CCR 2505-10)
3. This action is an adoption of: a repeal
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.552 and 8.553, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of Yes hearing).

PUBLICATION INSTRUCTIONS*

Repeal the current text beginning at 8.552 through the end of 8.553.7.F.3.
This rule is effective November 30, 2025.

DO NOT PUBLISH THIS PAGE

Title of Rule: Repeal of In-Home Support Services Section 8.552 and Transition Services, Sections 8.552 & 8.553

Rule Number: MSB 25-04-02-B

Division / Contact / Phone: Benefits and Services Management / Danielle Krause / 6576

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

This action seeks to repeal Section 8.552, which defines In-Home Support Services, and Section 8.553, which defines Transition Services; Life Skills Training, Home Delivered Meals, Peer Mentorship, Transition Setup Services, and Home Delivered Meals Post-Hospital Discharge. These rules are now redundant since the regulations have been moved to Sections 8.7526 Home Delivered Meals, 8.7528 In-Home Support Services (IHSS), 8.7530 Life Skills Training, 8.7537 Peer Mentorship, and 8.7553 Transition Setup. Board members will see in the proposed rules attached hereto that Sections 8.552 and 8.553 have been stricken through in their entirety.

2. An emergency rule-making is imperatively necessary

- to comply with state or federal law or federal regulation and/or
- for the preservation of public health, safety and welfare.

Explain: N/A

3. Federal authority for the Rule, if any:

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S.

Initial Review

09/12/25

Final Adoption

10/10/25

Proposed Effective Date

11/30/25

Emergency Adoption

DOCUMENT #

DO NOT PUBLISH THIS PAGE

Title of Rule: Repeal of In-Home Support Services Section 8.552 and Transition Services, Sections 8.552 & 8.553

Rule Number: MSB 25-04-02-B

Division / Contact / Phone: Benefits and Services Management / Danielle Krause / 6576

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Repealing this rule does not affect any persons, nor create a cost to members or others, as these regulations have been moved to Section 8.7000, with no changes to the services. The rules within Sections 8.552 and 8.553 need to be repealed, as they are now redundant and may become inconsistent with the rules in 8.7000 if changes are made to that section.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Repeal of this rule will have no impact as there are no changes to the services or any reduction of access, oversight, agency requirements or reimbursements.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

Repealing this rule will have no impact or costs to the Department or any other agency. Additionally, state revenues will not be affected.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

There are no costs associated with the repeal of this rule. However, inaction may result in confusion and/or costs being incurred due to the inclusion of conflicting rules.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

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Due to zero costs associated with repeal of this rule, utilization of other methods to repeal will have no impact.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

No alternative methods for achieving the purpose for the proposed rule change were considered.

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SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB Error: Reference source not found, Error: Reference source not found
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Section 8.920, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of Yes hearing).

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.920 with the proposed text beginning at 8.920 with the proposed text beginning at 8.920.1.H through the end of 8.920.1.H. Replace the current text at 8.922 with the proposed text beginning at 8.922.A.4 through the end of 8.922.A.10. Replace the current text at 8.923 with the proposed text beginning at 8.923.A.1 through the end of 8.923.B .1. Replace the current text at 8.924.A with the proposed text beginning at 8.924.A through the end of 8.924.A. Replace the current text at 8.927 with the proposed text beginning at 8.927.B through the end of 8.927.B. Replace the current text at 8.928 with the proposed text beginning at 8.928.1.D through the end of 8.928.2. This rule is effective January 1, 2026.

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STATEMENT OF BASIS AND PURPOSE

- 1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

During the 2024 session, the Colorado General Assembly passed Senate Bill (SB) 24-116 which made changes to Hospital Discounted Care, enacted under House Bill (HB) 24-1198. SB 24-116 allows hospitals to set payment plans at 6% of the patient’s calculated household gross monthly income if the hospital bills for their employed or contracted health care professionals, adds definitions for Inpatient and Outpatient Hospital Services, excludes primary care services provided in clinics located in rural or frontier counties which have a sliding fee scale approved by the Department, requires licensed health care professionals to submit their own Hospital Discounted Care data to the Department, and allows for hospitals to disqualify patients from eligibility for Hospital Discounted Care if they determine the patient presumptively eligible for Health First Colorado (Colorado’s Medicaid Program) or the Child Health Plan Plus (CHP+).

This rule includes only the last-mentioned change, allowing hospitals to disqualify patients from eligibility for Hospital Discounted Care if the patient is determined to be presumptively eligible for Health First Colorado or CHP+. The other changes were included in a rule change that was passed by the Medical Services Board in January 2025. The change to PE had to be separated from the others due to multiple system changes to incorporate the new populations covered under PE through SB 24-116.

- 2. An emergency rule-making is imperatively necessary

- to comply with state or federal law or federal regulation and/or
- for the preservation of public health, safety and welfare.

Explain: N/A

- 3. Federal authority for the Rule, if any:

- 4. State Authority for the Rule:

Initial Review **09/12/25** Final Adoption **10/10/25**
Proposed Effective Date **01/01/26** Emergency Adoption

DOCUMENT #

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Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2025);
Sections 25.5-3-501 through 25.5-3-507, C.R.S. (2025)

Initial Review **09/12/25** Final Adoption
Proposed Effective Date **01/01/26** Emergency Adoption

10/10/25
DOCUMENT #

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REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Hospitals that choose to become Certified Application Assistance Sites (CAAS) and Presumptive Eligibility (PE) sites due to the changes contained within this rule will have new responsibilities related to being Certified Application Assistance Sites and Presumptive Eligibility sites but will benefit by being capable of helping patients apply for Health First Colorado and CHP+ coverage. Patients who choose to apply for PE will benefit from having a more direct avenue to apply for Health First Colorado and CHP+ coverage and will further benefit if they are found to be eligible for those coverages rather than continue to be uninsured or underinsured.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

This rule change will indirectly result in an increase in the number of hospitals that apply to be Certified Application Assistance Sites and Presumptive Eligibility sites, which increases the number of locations that patients will have access to that can help them apply for Health First Colorado and/or CHP+.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

There is no fiscal impact to the Department of Health Care Policy and Financing with this rule change. Funds for administering these requirements were appropriated by the General Assembly to the Department and funding for hospitals will continue in accordance with rule 8.3000.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

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The Department must implement these rules in accordance with the passage of Senate Bill 24-116. These rules will indirectly encourage more hospitals to apply to be Certified Application Assistance Sites and Presumptive Eligibility sites, which will benefit both the hospital and the patients that will receive services at the hospital who may be eligible for coverage under Presumptive Eligibility, Health First Colorado, and/or CHP+.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly methods to achieve the purpose of the proposed rule. The Department of Health Care Policy and Financing must comply with the provisions of Senate Bill 24-116 and has been appropriated funds to do so.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

No other alternative methods were considered because these changes are required by Senate Bill 24-116.

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8.920 Hospital Discounted Care

The Health Care Billing for Indigent Patients Act of 2021, C.R.S. § 25.5-3-501, et. seq., referred to as Hospital Discounted Care, establishes the maximum rate a Health Care Facility and Licensed Health Care Professional may bill low-income patients for Discounted Care provided in the hospital, requires written description of patient's rights, establishes patient appeals and complaint processes, and imposes requirements on hospitals before assigning or selling patient debt to a medical creditor or before pursuing collection action. Senate Bill 24-116 added an increase in payment plan amounts for Health Care Facilities who bill for their own professionals, requires professionals who bill separately from the Health Care Facility to report their own data to the Department, and excludes primary care provided at rural or frontier clinics who have an approved sliding fee scale.

8.921 DEFINITIONS

- A. Billing Statement means any patient-facing communication, whether electronic or in writing, that specifies an amount due for services and instructions for making payment.
- B. Children's Basic Health Plan or the Child Health Plan Plus (CHP+) means the Children's Basic Health Plan as defined in Title 25.5, Article 8, C.R.S.
- C. Department means the Department of Health Care Policy and Financing established pursuant to section 25.5-1-104, C.R.S.
- D. Discounted Care means the amount a Provider may charge a Qualified Patient for Medically Necessary Health Care Services rendered.
- E. Emergency Medicaid means short-term Medicaid coverage for eligible people who do not meet immigration or citizenship requirements for Medicaid and need treatment for life- and/or limb-threatening emergencies.
- F. Emergency Hospital Services means treatment for conditions of an acute, severe nature which are life, limb, or disability threats requiring immediate attention, where any delay in treatment would, in the judgment of the responsible physician, threaten life or loss of function of a patient or viable fetus.
- G. Federal Poverty Guidelines or FPG means a measure of income level issued annually by the United States Department of Health and Human Services. For Hospital Discounted Care, the FPG is updated annually every April 1.
- H. Health Care Facility means a hospital licensed as a general hospital pursuant to Title 25, Article 3, Part 1, C.R.S., a hospital established pursuant to section 23-21-503, C.R.S. or section 25-29-103, C.R.S., any freestanding emergency department licensed pursuant to section 25-1.5-114, C.R.S., or any outpatient health care facility that is licensed as an on-campus department or service of a hospital or that is listed as an off-campus location under a hospital's license. Health Care Facility does not include a federally qualified health center as defined in the federal "Social Security Act", 42 U.S.C. sec. 1395x(aa)(4), or a student-learning medical or dental clinic that is established for the purpose of student learning, offering Discounted Care as part of a program of student learning that is physically situated within a health sciences school, Health Care Facility does not apply to primary care services provided in a clinic located in a designated rural or frontier county that offers a sliding-fee scale equal to the Medicare rural health clinic all inclusive rate payment established in accordance with 42 U.S.C. 1395l(f)(3)(B) or payment rate that is lower than usual and customary charges and considers a patient's household size and income size as approved by the Department.
- I. Health Care Services has the same meaning as set forth in section 10-16-102(33), C.R.S.
- J. Impermissible Extraordinary Collection Action means initiating foreclosure on an individual's primary residence or homestead, including a mobile home, as defined in section 38-12-201.5(5), C.R.S.
- K. Inpatient Hospital Service has the same meaning as set forth in 42 C.F.R. § 440.10. 42 C.F.R. § 440.10 (2024) is hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. This regulation is available

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for public inspection at the Department of Health Care Policy and Financing, 303 E. 17th Ave, Denver, CO 80203. Pursuant to C.R.S § 24-4-410(12.5)(V)(b), the Department shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule.

- L. Licensed Health Care Professional or Professional means any health care professional who is registered, certified, or licensed pursuant to Title 12, C.R.S. or who provides services under the supervision of a health care professional who is registered, certified, or licensed pursuant to Title 12, C.R.S. and who provides Health Care Services in a Health Care Facility.
- M. Medicaid means the Colorado Medical Assistance Act set forth in Title 25.5, Articles 4, 5, and 6, C.R.S.
- N. Medical Creditor means any entity that attempts to collect on a medical debt, including a Provider or Provider's billing office, a collection agency as defined in section 5-16-103(3), a debt buyer as defined in section 5-16-103(8.5), C.R.S. and a debt collector as defined in 15 U.S.C. sec. 1692a(6).
- O. Outpatient Hospital Service has the same meaning as set forth in 42 C.F.R. § 440.20. 42 C.F.R. § 440.20 (2024) is hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. This regulation is available for public inspection at the Department of Health Care Policy and Financing, 303 E. 17th Ave, Denver, CO 80203. Pursuant to C.R.S § 24-4-410(12.5)(V)(b), the Department shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule.
- P. Patient Contact Best Efforts means the process of communication efforts completed by the Provider to contact a patient. This includes phone calls, SMS messages, emails, and portal messages.
- Q. Permissible Extraordinary Collection Action means an action other than an Impermissible Extraordinary Collection Action that requires a legal or judicial process, including but not limited to placing a lien on an individual's real property, attaching or seizing an individual's bank account or any other personal property, or garnishing an individual's wages. A Permissible Extraordinary Collection Action does not include the attachment of a hospital lien pursuant to section 38-27-101, C.R.S.
- R. Provider means any Health Care Facility or Licensed Health Care Professional subject to Title 25.5, Article 3, Part 5, C.R.S.
- S. Qualified Patient means an individual who attests to residing in Colorado, whose household income is not more than two hundred fifty percent of the Federal Poverty Guidelines and who received an Inpatient Hospital Service or Outpatient Hospital Service at a Health Care Facility.
- T. Screen or Screening means a process identified in rule by the Department whereby Health Care Facilities assess a patient's circumstances related to eligibility criteria and determine whether the patient is likely to qualify for public health care coverage or Discounted Care, inform the patient of the Health Care Facility's determination, and provide information to the patient about how the patient can enroll in public health care coverage.
- U. SMS means short messaging service messages, commonly referred to as text messages.
- V. Uninsured means an uninsured individual, as defined in section 10-22-113(5)(d), C.R.S.

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8.922 SCREENING AND APPLICATION

A. Screening, Application, and Determination Notice

1. Beginning September 1, 2022, using the single uniform application developed and distributed by the Department, a Health Care Facility shall screen each uninsured patient and any insured patients who request to be screened for:
 - a. Public health insurance programs including but not limited to Medicare, Medicaid, Emergency Medicaid, and the Children's Basic Health Plan.
 - b. Discounted Care, as described in section 25.5-3-503, C.R.S.

2. Uninsured Patients
 - a. Health Care Facilities must complete the screening process using the uniform application within 45 days from the uninsured patient's date of service or date of discharge, whichever is later.
 - b. The screening process consists of completing the first page of the uniform application using self-attested information provided by the patient or their guardian.
 - c. If the self-attested screening process results in a determination that the patient may be eligible for Discounted Care, then, at the time of the screening, the Health Care Facility must provide the patient or their guardian with a list of information and documents required to complete the application process. The patient is permitted 45 days to provide the documentation required to complete the application. When all necessary documentation has been received from the patient, the Health Care Facility must determine the patient's eligibility for Discounted Care and send written notice of the determination to the patient or guardian within 21 days.
 - d. If the self-attested screening process results in a determination that a patient likely is ineligible for Discounted Care, the patient must be informed that the screening results are not an official determination and that they have the right to complete the application and receive an official determination of eligibility for Discounted Care if they choose. If the patient requests to complete the application process for Discounted Care, the Health Care Facility must complete

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the application process and provide an official determination of eligibility for Discounted Care.

- e. If the self-attested screening process results in a determination that the patient may be eligible for one or more public health coverage options, the Health Care Facility must inform the patient of those options and provide information on how the patient may apply for them, including any application deadlines the patient should be aware of.

3. Insured Patients

- a. If the insured patient or their guardian requests to be screened for public health insurance programs and Discounted Care, Health Care Facilities must screen insured patients within 45 days of their date of service or date of discharge, or within 45 days of the date of their first bill after their insurance adjustment, whichever is later.
- b. The request to be screened may be made in person, by telephone, email, or by using the portal, if available. Health Care Facilities must contact the insured patient or their guardian to schedule the screening within three business days after receiving the insured patient's request.
- c. Patients believed to have health insurance coverage when services were rendered and who are subsequently determined to be uninsured on their date of service are considered Uninsured. Within 45 days from the date of the notification that the patient was not insured on the date of service, the Health Care Facility must complete the screening.

4. Presumptive Eligibility for State Medical Assistance Program

- a. Hospitals may not complete a presumptive eligibility screening for a patient in lieu of completing a screening as required in this section.
- b. A hospital that is not a Qualified Hospital Presumptive Eligibility Site as defined in 10 CCR 2505-10 Section 8.100.1 may not use presumptive eligibility to deny discounted care to any patient.

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5. Health Care Facility Determination Notice

- a. The Health Care Facility must provide the patient written notice of the determination within 21 days of receiving all required documentation to complete the patient's application for Discounted Care. A copy of the determination must be sent to any and all applicable Licensed Health Care Professionals.
- b. The determination shall be written in plain language and in the patient or their guardian's preferred language.
- c. If a Health Care Facility fails to issue written notice of the determination to the patient within 21 days of receiving all required documentation to complete the patient's application, the patient may file an appeal. If the appeal is filed within 60 calendar days of the patient submitting all required documentation, the Health Care Facility must review the appeal and respond to the patient or their guardian and the Department within 15 calendar days of the date of the appeal.
- d. For patients determined to be eligible for Discounted Care, the determination notice must include but is not limited to:

1. The programs and discounts for which the patient was determined likely eligible for, including but not limited to Medicaid, Emergency Medicaid, CHP+, Medicare, and Hospital Discounted Care, and the availability of subsidies through Connect for Health Colorado. This must also include where to find additional information and how to apply for each program the patient was determined potentially eligible for.

- i. If the patient appears likely eligible for a program, and there is a deadline by which the patient must apply for that program for their services to be covered, that date must be included in the determination notice.

2. The dates for which the Discounted Care determination is valid.
3. The household size and income used to determine eligibility and the household calculated FPG.

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4. The patient's monthly installment amounts calculated on their gross household income pursuant to Section 8.923.A.2.
 5. Information on how to file a complaint and how to file an appeal with the Health Care Facility and the Department.
- e. The determination notice for patients determined not eligible for Discounted Care must include but is not limited to:
1. The basis for denial of Discounted Care.
 2. The programs and discounts for which the patient was determined likely eligible for, including but not limited to Medicaid, Emergency Medicaid, CHP+, Medicare, and the availability of subsidies through Connect for Health Colorado. This must also include where to find additional information and how to apply for each program the patient was determined potentially eligible for.
 - i. If the patient appears likely eligible for a program, and there is a deadline by which the patient must apply to that program for their services to be covered, that date must be included in the determination notice.
 3. The service date the Discounted Care denial covers and an explanation that the household may qualify for coverage of future services if there is a change in household size or income.
 4. The household size and income used to determine eligibility and the household calculated FPG.
 5. Information on how to file a complaint and how to file an appeal with the Health Care Facility and the Department.

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6. A Health Care Facility is no longer obligated to screen an uninsured patient for past dates of service if the patient or their guardian signs the decline screening form developed by the Department that notes those specific dates of service or a past date range that includes those specific dates of service except when a patient or guardian who opted out of screening subsequently requests to complete the screening, if the subsequent request is made prior to starting Permissible Extraordinary Collections Actions.
 - a. The Health Care Facility must keep on file a decline screening form signed by the patient, or their guardian until June 30 of the seventh state fiscal year after the patient's date of service or date of discharge, whichever is later.

7. For patients who are discharged without being screened or signing the decline screening form, the Health Care Facility must attempt to contact the patient by at least one method of contact that the patient indicates is their preferred method, which can include phone call, SMS message, email, and portal message at least once a month for six months after the patient's date of discharge with the first contact sent prior to the expiration of 45 days after screening. The Health Care Facility may commence billing 46 days after the patient's date of service or date of discharge, whichever is later. If the patient requests that the Health Care Facility cease contacting them by phone, SMS message, or email, the provider may consider those requirements as fulfilled. The Health Care Facility must document the patient's request and maintain the request as part of the patient record.
8. If a Health Care Facility has attempted to contact the patient in accordance with Patient Contact Best Efforts, and the patient does not respond within 182 days of their date of service or date of discharge, whichever is later, the Facility may conclude that the patient has made an informed decision to decline screening. Patient Contact Best Efforts, at a minimum, must include:
 - a. Notice that the failure to respond may result in the loss of their right to be screened for cost saving options.
 - b. Calling any phone numbers provided by the patient and leaving voice messages with allowable information under the Health Insurance Portability and Accountability Act as defined at 45 C.F.R. sec. 164.502 and the Telephone Consumer Protection Act as defined at 47 U.S.C. sec. 227 if the calls are unanswered,

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1. 45 C.F.R. § 164.502 (2024) is hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. This regulation is available for public inspection at the Department of Health Care Policy and Financing, 303 E. 17th Ave, Denver, CO 80203. Pursuant to C.R.S § 24-4-410(12.5)(V) (b), the Department shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule.
 - c. SMS messages to any of the patient's phone numbers identified by the patient as a mobile number if the Health Care Facility has the ability to send SMS messages,
 - d. Sending emails to any email address provided by the patient, and
 - e. Sending messages through any appropriate patient portal.

 9. If a patient does not indicate their preferred method of contact, the Provider shall contact patients in accordance with their internal patient communication policies. Documentation of the communication attempts for patients must be kept in their patient records and the communication policy must be kept on file until the June 30 of the seventh state fiscal year past the patient's date of service.
 10. Documentation of the attempts to contact the patient or guardian to complete the screening must be maintained as part of the patient record. This may include call logs, message logs, copies of sent emails, portal messages sent, and copies of bills.
 11. Providers shall maintain all Discounted Care-related records, including but not limited to, documentation to support screenings and determinations, service data including dates of service for Qualified Patients and services provided to them on those dates, and expenditures until June 30 of the seventh state fiscal year following the creation of the documentation.
- B. Patients

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1. Any patient or patient's guardian aged 18 and older may apply to receive Discounted Care.
2. The decision regarding eligibility for Discounted Care applies to both the patient and the members of the patient's household.
3. If a patient is deceased, the personal representative of the estate or a family member may complete the screening and application on behalf of the patient.
4. The application to receive Discounted Care shall include the names, birth dates, and relationship to the patient of all members of the patient's household who are included on the application.
 - a. A patient must include their spouse or civil union partner in their household for the application.
 - b. Any additional person living at the same address as the patient may also be included in the household.
 - c. A patient may include household members who live in other states or countries if the patient attests to the fact that they provide at least 50% of the household member's support.
5. A minor shall not be screened separately from his or her parents or guardians unless they are emancipated or there exists a special circumstance. A minor is an individual under the age of 18.

C. Household Income

1. Using the information submitted by a patient or patient's guardian, the Health Care Facility shall determine whether the patient meets all requirements to receive Discounted Care. Health Care Facilities must follow the income counting methodology determined by the Department. Health Care Facilities shall determine Qualified Patient financial eligibility based on income from each household member 18 and older and household size. The Health Care Facility may not consider assets in determining eligibility.
2. Eligibility shall be determined at the time of application, unless required documentation is not available, in which case the patient or patient's guardian will be notified of the missing

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documentation within three business days after receipt of the application. An eligibility determination shall be made within 21 calendar days after the application is complete.

3. Patients may establish household income by providing documents that satisfy documentation guidelines established by the Department. Acceptable forms of documentation may include but is not limited to pay stubs, employer letter, tax returns, and business financial statements. The Health Care Facility may not require more than the minimum amount of documentation to substantiate declared income.

- a. Patients who are experiencing homelessness are exempt from the documentation requirements related to establishing income and may self-attest to their household income.

8.923 HEALTH CARE SERVICE DISCOUNTS

- A. Beginning September 1, 2022, if a patient screened pursuant to Section 8.922 is determined to be a Qualified Patient, a Health Care Facility and a Licensed Health Care Professional shall for Emergency Hospital and other Health Care Services:

1. Limit the amounts billed for Health Care Services to no more than the rate established in Department rule pursuant to Section 8.928.
2. Enter into a payment plan with the Qualified Patient in which the Qualified Patient pays for care in monthly installments. For services provided by a Health Care Facility, monthly installments shall not exceed four percent of the patient's gross monthly household income on a bill from a Health Care Facility that contains only facility charges and shall not exceed six percent of the patient's gross monthly household income on a bill from a Health Care Facility containing both facility and Licensed Health Care Professional charges. For services provided by each Licensed Health Care Professional who bills separately from the Health Care Facility, monthly installments shall not exceed two percent of the patient's gross monthly household income; and
3. After a cumulative thirty-six months of payments, the Health Care Facility shall treat the Qualified Patient's bill as paid in full and must permanently cease collection activities on any balance that remains unpaid.
4. Providers shall not suggest or require that patients obtain loans that include fees, interest, or payment plans that exceed 36 payments to pay for services in lieu of setting up a payment plan directly with the Health Care Facility or Licensed Health Care Professional.

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- a. If a patient defaults on a loan from the Provider, the same rules apply related to any collection actions taken by the Provider as apply for payment plans under this section. If a patient defaults on a loan from the Provider, the same rules apply related to any collection actions taken by the Provider as apply for payment plans under this section.

B. A Health Care Facility shall not:

1. Deny Discounted Care on the basis that the patient has not applied for any public benefits program, unless during the initial screening the patient is determined to be presumptively eligible for the state medical assistance program; or
2. Adopt or maintain any policies that result in the denial of admission or treatment of a patient because the patient may qualify for Discounted Care.

8.924 PATIENT RIGHTS

A. Beginning September 1, 2022, a Health Care Facility shall make available to the public and to each patient information developed by the Department about patient's rights pursuant to Part 5 of Article 3 of Title 25.5 C.R.S. (2021) and the uniform application developed by the Department pursuant to section 25.5-3-505(2)(i), C.R.S.

B. At a minimum, the Health Care Facility shall:

1. Post the information in all languages spoken by ten percent or more of the population in any Colorado county conspicuously on the Health Care Facility's website, including a link to the information on the Health Care Facility's main landing page;
2. Make the information available in patient waiting areas;
3. Make the information available to each patient, or the patient's legal guardian, before the patient is discharged from the Health Care Facility, verbally or in writing in the patient's or legal guardian's preferred language, which may include using professional interpretation and/or translation services; and
4. Inform each patient on the patient's Billing Statement of the patient's rights pursuant to Part 5 of Article 3 of Title 25.5, C.R.S. (2021) including the right to apply for Discounted Care, and provide the website, email address, and telephone number where the information may be obtained in the patient's preferred language.

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- C. Providers shall not present the patient's rights in a format that differs from the format in which the material is distributed by the Department without Department approval.
 - 1. Providers may not make any part of the patient's rights information part of a footnote or use any other format that may minimize its importance.

8.925 REPORTING REQUIREMENTS

- A. Beginning September 1, 2023 for Health Care Facilities and beginning September 1, 2025 for Licensed Health Care Professionals, and each September 1 thereafter, each Health Care Facility and Licensed Health Care Professional shall report to the Department data that the Department determines is necessary to evaluate compliance across race, ethnicity, age, and primary-language-spoken patient groups with the screening, Discounted Care, payment plan, and collections practices required by Title 25.5, Article 3, Part 5, C.R.S. . The Department shall distribute a compliance data reporting template to each Health Care Facility.
 - 1. If a Health Care Facility or Licensed Health Care Professional is not capable of disaggregating the required data by race, ethnicity, age, and primary language spoken, the Health Care Facility or Licensed Health Care Professional shall report to the Department the steps the Health Care Facility or Licensed Health Care Professional is taking to improve race, ethnicity, age, and primary language spoken data collection and the date by which the facility or Licensed Health Care Professional will be able to disaggregate the reported data.
- B. Beginning September 1, 2023 for Health Care Facilities and beginning September 1, 2025 for Licensed Health Care Professionals, and each September 1 thereafter, each Health Care Facility and Licensed Health Care Professional shall submit Discounted Care utilization and charge data in a format and timeline determined by the Department.

8.926 COLLECTIONS

- A. Beginning September 1, 2022, before assigning or selling patient debt to a collection agency or a debt buyer, or before pursuing, either directly or indirectly, any Permissible Extraordinary Collection Action:

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1. A Health Care Facility shall meet the screening requirements in Section 8.922;
 2. A Provider shall provide Discounted Care to a Qualified Patient pursuant to Section 8.920;
 3. A Provider shall provide a plain language explanation of the health care services and fees and notify the patient or their guardian of potential collection actions in their preferred language on the timeline developed by the Department; and
 4. A Provider shall bill any third-party payer that is responsible for providing health care coverage to the patient. If a Licensed Health Care Professional is an out-of-network provider under a Qualified Patient's health insurance plan, the Licensed Health Care Professional and health insurance carrier shall comply with the out-of-network billing requirements described in sections 10-16-704 (3) and 12-30-113, C.R.S.
- B. A Health Care Facility must complete the Patient Contact Best Efforts in their attempts to contact a patient who has not signed a Decline Screening Form or who has not been screened as described in Section 8.922 prior to starting Permissible Extraordinary Collections Actions.
- C. Documentation of Patient Contact Best Efforts communication attempts with the patient as outlined in Section 8.922 satisfies the screening requirements for Health Care Facilities.
- D. For a Qualified Patient with an established payment plan, Permissible Extraordinary Collections Actions may not be started until the patient has failed to remit three consecutive payments and has not communicated with the Provider asking for a deferment or to be redetermined prior to or during those three months of missed payments. Providers must notify Qualified Patients with established payment plans at least 30 days prior to the commencement of Permissible Extraordinary Collections Actions.
- E. Providers shall not commence collection proceedings against a patient for any amount in excess of the rates established at Section 8.923.A.2, and must reduce the amount owed by the amount of any payments received from the patient or a third-party payer.

8.927 APPEALS AND COMPLAINTS

- A. If a patient is determined ineligible for Discounted Care after the uniform application has been completed, the patient may appeal the decision as follows:
1. No later than 30 calendar days from the date on the Health Care Facility's eligibility determination letter, the patient or their guardian may submit an appeal in writing via U.S. Mail, email, or patient portal message if available to the Health Care Facility that made the determination.
 2. Within 15 calendar days from the date of the appeal, the Health Care Facility shall complete a redetermination of eligibility and respond to the patient or guardian and the Department.
 3. If the Health Care Facility upholds its initial eligibility determination, the patient or guardian may proceed to the next step of the appeals process as described in Section 8.927.A.4.

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4. No later than 15 calendar days from the date of the Health Care Facility's initial appeal decision, the patient shall submit a written appeal to the Department. Email submissions must be addressed to hcpf_HospDiscountCare@state.co.us. Letters must be mailed to:

Department of Health Care Policy and Financing
Attention: State Programs Unit, Special Financing Division
c/o Hospital Discounted Care
303 E. 17th Avenue Suite 1100
Denver, CO 80203

5. Within 15 calendar days from date of receipt of the appeal, the Department shall issue a final determination letter to both the patient and the Health Care Facility. If the Department deems that the redetermination was inaccurate, the Health Care Facility must resend a determination letter to the patient and the Department stating the patient is/was eligible for Discounted Care on the date of service.
-
- B. A patient or guardian who believes a Health Care Facility has improperly calculated a payment plan based on inaccurate income information may appeal the payment plan offered by the Facility to the Department using the process described in Section 8.927.A.
 - C. The Department shall maintain records of all appeals and its final determinations for each Health Care Facility. If the Department determines a Health Care Facility has a repeated pattern of errors in patient eligibility determinations, the Department will require the Health Care Facility to attend training with the Department. The Health Care Facility may be subject to random application checks for 12 months following the training to ensure that the errors have been corrected.
 - D. Patients and their guardians may file complaints against Providers directly with the Department. Patients are not required to file a complaint with the Provider prior to filing a complaint with the Department.
-
1. Patients may submit complaints via U.S. Mail, email, or phone as follows:

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Phone: 303-866-2580

Email: hcpf_HospDiscountCare@state.co.us

U.S. Mail: Department of Health Care Policy and Financing
Attention: State Programs Unit, Special Financing Division
c/o Hospital Discounted Care
303 E. 17th Avenue Suite 1100
Denver, CO 80203

2. The Department shall review complaints within 30 calendar days of receipt.
3. The Department shall maintain records of all complaints for each Provider. If the Department determines there is a repeated pattern in the complaints filed against the Provider, the Provider may be subject to a corrective action plan.
 - a. Providers will have 90 days to submit a corrective action plan. Extensions may be made at the Department's discretion up to no more than 120 days.

8.928 HOSPITAL DISCOUNTED CARE PROGRAM STRUCTURE

8.928.1 REVIEW OF PROVIDERS FOR NONCOMPLIANCE

- A. The Department will periodically review Providers to ensure compliance with Part 5 of Article 3 of Title 25.5, C.R.S. (2024) and these rules. If the Department finds that a Provider is not in compliance with these rules, the Department will notify the Provider.
- B. The Provider will have 90 days to file a corrective action plan with the Department that must include measures to inform impacted patients about the noncompliance and provide financial corrections consistent with these rules.
 1. At the Department's discretion, a Provider may be permitted up to 120 days to submit a corrective action plan upon request.
 2. The Department may require a Provider that is not in compliance with Title 25.5, Article 3, Part 5, C.R.S. or these rules to develop and operate under a corrective action plan until the Department determines the Provider is in compliance.

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- C. If a Provider's noncompliance with these rules is determined by the Department to be knowing or willful or there is a repeated pattern of noncompliance, the Department may fine the Provider no more than \$5,000. If the Provider fails to take corrective action or fails to file a corrective action plan with the Department pursuant to this section, the Department may fine the Provider no more than \$5,000 per week until the Provider takes corrective action. The Department will consider the size of the Health Care Facility and the seriousness of the violation in setting the fine amount.
- D. The Department will make the information reported pursuant to this section and any corrective action plans for which fines were imposed pursuant to this section available to the public and shall annually report the information as part of its presentation to its committees of reference at a hearing held pursuant to section 2-7-203(2)(a), C.R.S. of the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act."
- E. For audit purposes, Providers shall maintain all Discounted Care related records, including but not limited to, documentation to support screenings and determinations, service data including dates of service for Qualified Patients and services provided to them on those dates, and expenditures until June 30 of the seventh state fiscal year following the screening or determination.

8.928.2 RATES

The Department will annually establish rates for Discounted Care. The rates will approximate and not be less than one hundred percent of the Medicare rate or one hundred percent of the Medicaid rate, whichever is greater. The Department will publicly post the established rates on the Department's website pursuant to section 25.5-3-505(2)(j), C.R.S.

8.928.3 ADVISORY COMMITTEE

- A. Committee Makeup. The Department will create a Hospital Discounted Care Advisory Committee, effective July 1, 2025. The Executive Director of the Department will appoint 11 members to the Hospital Discounted Care Advisory Committee. Committee members will include:
 - 1. A member representing the Department;
 - 2. Three members who are health care consumers, of whom no more than two members may be employed by a health care consumer advocacy organization;
 - 3. A member who is a representative of a safety net hospital for which the percent of Medicaid-eligible inpatient days relative to the hospital's total inpatient days is equal to or greater than one standard deviation above the mean;
 - 4. A member who is a representative of a hospital in a rural area;
 - 5. A member who is a representative of a hospital in an urban area;
 - 6. A member who is a representative of a statewide organization of hospitals;
 - 7. A member who is a representative of licensed health care professionals who provide services to patients in a hospital setting;
 - 8. A member who is a representative of an organization of Colorado community health centers or a representative of a Colorado community health center, as defined in 42 U.S.C. § 254b;
 - 9. A member who is a representative of an organization of safety net health providers or a safety net health provider that is not a community health center.

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Members shall serve without compensation or reimbursement of expenses. The Executive Director of the Department will designate a member to serve as chair of the committee and the appointment will be valid until the seat is vacated, the chair steps down, or a new chair is selected by the Executive Director. The council shall convene at least twice every state fiscal year according to a schedule set by the chair. Members of the council shall serve three-year terms. Of the members initially appointed to the advisory committee, the Executive Director will appoint six members for two-year terms and five members for three-year terms. In the event of a vacancy on the advisory committee, the Executive Director will appoint a successor to fill the unexpired portion of the term for the member.

B. Committee Duties. The advisory committee shall:

1. Advise the Department on the operations and policies for Hospital Discounted Care, and
2. Make recommendations to the Medical Services Board regarding rules for Hospital Discounted Care.

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Title of Rule: Revision to the Medical Assistance Act Rule Concerning Updates to the Continuous Eligibility Medical Assistance Programs for Children under the age of 19 for Sections 8.100.3.Q.2.d

Rule Number: MSB 25-05-30-A

Division / Contact / Phone: Eligibility Policy / Melissa Escamilla / 303-866-5052

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 25-05-30-A, Revision to the Medical Assistance Act Rule Concerning Updates to the Continuous Eligibility Medical Assistance Programs for Children under the age of 19 for Sections 8.100.3.Q.2.d
3. This action is an adoption of: an amendmentan amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.100.3.Q.2.d, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No
No.
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of Yes hearing). N/A

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.100.3.Q with the proposed text beginning at 8.100.3.Q.2.d through the end of 8.100.3.Q.2.d. This rule is effective November 30, 2025.

*to be completed by MSB Board Coordinator

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Title of Rule: Revision to the Medical Assistance Act Rule Concerning Updates to the Continuous Eligibility Medical Assistance Programs for Children under the age of 19 for Sections 8.100.3.Q.2.d
Rule Number: MSB 25-05-30-A
Division / Contact / Phone: Eligibility Policy / Melissa Escamilla / 303-866-5052

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The proposed rule change will amend 10 CCR 2505-10, Section 8.100.3.Q.2. The amendment aims to update the requirements for the continuous eligibility (CE) for children and youth under the age of 19 in Medicaid. These revised requirements will allow Colorado to maintain compliance with Section 5112 of the Consolidated Appropriations Act, 2023 (CAA, 2023), which amended titles XIX and XXI of the Social Security Act (the Act). These updates will remove the disenrollment process for both the Working Adults with Disabilities (WAWD) and Children with Disabilities (CBWD) buy-in programs due to failure to pay monthly premiums while members are in a CE period. Even though the member retains their CE period for non-payment, they will still receive bills for both current and overdue premiums during this CE period. The Colorado Benefits Management System (CBMS) will be updated to reflect these proposed changes.

2. An emergency rule-making is imperatively necessary

to comply with state or federal law or federal regulation and/or
 for the preservation of public health, safety and welfare.

Explain: N/A

3. Federal authority for the Rule, if any:

42 C.F.R. § 435.926

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S.,
C.R.S. 25.5-5-204.5

Initial Review

Proposed Effective Date **11/30/25**

09/12/25 Final Adoption **10/10/25**

Emergency Adoption

DOCUMENT #06

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule Concerning Updates to the Continuous Eligibility Medical Assistance Programs for Children under the age of 19 for Sections 8.100.3.Q.2.d

Rule Number: MSB 25-05-30-A

Division / Contact / Phone: Eligibility Policy / Melissa Escamilla / 303-866-5052

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The rule update will benefit children and youth under the age of 19 who are found eligible and enrolled in the Medicaid Buy-in programs. By updating these rules and requirements, we can ensure continuous eligibility coverage for children and youth who fail to pay their premiums timely. These proposed rule changes are expected to have no negative impacts on any class of persons.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The proposed rule to provide continuous Medical Assistance to eligible members, regardless of changes in their circumstances, such as non-payment of buy-in premiums, aims to ensure that children and youth remain enrolled in medical assistance. This will allow them to continue receiving essential healthcare, ultimately resulting in healthier Medicaid-eligible members.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Department does not anticipate significant cost impact associated with the implementation or enforcement of this rule nor any effect on state revenues. Any potential cost impact would arise from individuals ages 16-18 failing to pay their premiums during their period of continuous eligibility. The Department is unable to accurately predict member behavior in terms of premium payment or failure to pay. Furthermore, the revenue garnered from the members in this specific age range is minimal

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given the monthly premium payment range (\$25-\$200), therefore if some number of members failed to pay premiums during their period of continuous enrollment, the budget impact would be very small. If member behavior changes radically, the Department will account for it through the regular budget process.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The cost of the proposed rule is effectively zero. The benefit of the proposed rule is administrative ease and continuous eligibility for members. The cost of inaction is falling out of compliance with CE requirements from CMS. There is no benefit to inaction.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or less intrusive methods for achieving the purpose of the proposed rule

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There were no alternative methods considered for the proposed rule.

8.100 MEDICAL ASSISTANCE ELIGIBILITY

8.100.3. Medical Assistance General Eligibility Requirements

8.100.3.Q. Continuous Eligibility (CE) for Medical Assistance programs

1. Continuous eligibility applies to children under age 19, who through an eligibility determination, reassessment or redetermination, are found eligible for a Medical Assistance program. The continuous eligibility period may last for up to 12 months.
 - a. The continuous eligibility period applies without regard to changes in income or other factors that would otherwise cause the child to be ineligible.
 - b. Exception: A child's continuous eligibility period will end effective the earliest possible month if any of the following occur:
 - i) Child is deceased;
 - ii) Becomes an inmate of a public institution;
 1. Incarcerated children receiving a full medical assistance program will move to a limited Incarceration benefit. If the child is released within the initial 12 months of the CE period, full coverage will be reinstated for the remaining 12-month CE period, unless any of the other exceptions apply;
 - iii) The child is no longer part of the Medical Assistance required household;
 - iv) Is no longer a Colorado resident;
 - v) Is unable to be located; based on evidence or reasonable assumption;
 - vi) Requests to be withdrawn from continuous eligibility;
 - vii) Fails to provide documentation during a reasonable opportunity period as specified in section 8.100.3.G.3 and 8.100.3.H.9; or
 - viii) Eligibility was erroneously granted at the most recent determination, redetermination, or renewal of eligibility because of agency error, or a finding of fraud or perjury attributed to the child or the child's responsible party.
2. The continuous eligibility period will begin on the first day of the month the application is received, or from the date all criteria are met. For a child transitioning from CHP+ to the MAGI Medical Assistance program specified in section 8.100.4.G.2, a new 12-month continuous eligibility period will begin on the first day of the month of the transition. Continuous eligibility applies to children enrolled in the following Medical Assistance programs:
 - a. MAGI-Medical Assistance, program as specified in section 8.100.4.G.2;
 - b. SSI Mandatory, as specified in section 8.100.6.C

- i.) When a child is no longer eligible for SSI Mandatory they will be categorized as eligible within the MAGI-Child category for the remainder of the eligibility period;
 - c. Long- Term Care services
 - i.) When a child is no longer eligible for Long-Term Care services they will be categorized as eligible within the MAGI- Child category for the remainder of the eligibility period;
 - d. Medicaid Buy-In program specified in sections 8.100.6.P (for children under the age of 19) and 8.100.6.Q
 - i) Enrollment will not be discontinued if there is a failure to pay premiums, although the member will continue to receive their monthly statements of any balances due;
 - e. Pickle (Title II COLA/Pickle Amendment of 1977);
 - f. Disabled Adult Child (DAC); and
 - g. Limited Family Planning Medical Assistance.
- 3. Children, under the age of 19, no longer enrolled in Foster Care Medicaid will be eligible for the MAGI-Medical Assistance program. The continuous eligibility period will begin the month the child is no longer enrolled in Foster Care Medicaid as long as they meet one of the following conditions:
 - a. Begin living with other Relatives;
 - b. Are reunited with Parents; or
 - c. Have received guardianship.

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Title of Rule: Revision to the Medical Assistance Act Rule Concerning Presumptive Eligibility by Qualified Hospitals, Sections 8.100.1, 8.100.3.R & 8.100.4.F

Rule Number: MSB 25-07-01-C

Division / Contact / Phone: Eligibility Policy / Daisy Martinez / daisy.martinez@state.co.us

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 25-07-01-C, Revision to the Medical Assistance Act Rule Concerning Presumptive Eligibility by Qualified Hospitals, Sections 8.100.1, 8.100.3.R & 8.100.4.F
3. This action is an adoption of:
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.100.1, 8.100.3.R, & 8.100.4.F, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)?
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of hearing).

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.100.1 with the proposed text beginning at 8.100.1 unnumbered paragraph 99 through the end of 8.100.1 unnumbered paragraph 99. Replace the current at at 8.100.3 with the proposed text beginning at 8.100.3.R through the end of 8.100.3.R.9. Replace the current text at 8.11.4.F with the proposed text beginning at 8.100.4.F through the end of 8.100.4.F.9. This rule is effective November 30, 2025.

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Title of Rule: Revision to the Medical Assistance Act Rule Concerning Presumptive Eligibility by Qualified Hospitals, Sections 8.100.1, 8.100.3.R & 8.100.4.F
Rule Number: MSB 25-07-01-C
Division / Contact / Phone: Eligibility Policy / Daisy Martinez / daisy.martinez@state.co.us

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The proposed rule change will amend 10 CCR 2505-10 Section 8.100.1 & 8.100.4.F and create a new Section 8.100.3.R to update requirements to identify and allow qualified hospitals presumptive eligibility sites to complete an initial screening of patients to determine presumptive eligibility and to expand presumptive eligibility coverage. These requirements are to expand coverage according to 42 C.F.R. §435.1110, 42 C.F.R. §435.1103, and 1902(a)(47)(B) of the Social Security Act (the Act).

A new section will be created to outline Presumptive Eligibility by Qualified Hospitals. The updates to amend the requirements for presumptive eligibility will define qualified hospital presumptive eligibility sites as those eligible to make presumptive eligibility determinations. Qualified Hospitals are hospitals who have voluntarily elected to serve as Presumptive Eligibility sites. Qualified Hospitals Presumptive Eligibility sites agree to make determinations in accordance with State policies and assist individuals with completing Medical Assistance applications and understanding documentation requirements. Updates will be made to existing presumptive eligibility rule to include qualified hospital presumptive eligibility sites as sites also eligible to make presumptive eligibility determinations for pregnant women, children under 19, and limited family

Initial Review **09/12/25** Final Adoption **10/10/25**
Proposed Effective Date **11/30/25** Emergency Adoption

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planning. Qualified hospital presumptive eligibility sites will also be able to make determinations based on expanded categories for presumptive eligibility to include parents and caretaker relatives, adults aged 19 to 65, and working adults with disabilities aged 16 and older. This rule change is necessary to offer a streamlined, expedited path to coverage for individuals.

In addition, a correction will be made to include references to citizenship exceptions for pregnant women and children under 19. Correction to the presumptive eligibility site recertification period will be made from every 2 years to every year.

Updates to add language regarding Medical Assistance applicants' choice to appeal to a county department's failure to act on an application or denial. Additional language will be added to provide clarification regarding presumptive eligibility to include applicants cannot already be in receipt of another medical assistance program and the length of presumptive eligibility which is once every 12 months except for pregnant applicants who may receive presumptive eligibility for pregnant women once every pregnancy. Lastly, the Department will update the Colorado Benefits Management System (CBMS) to reflect and align these changes with these proposed rule updates.

2. An emergency rule-making is imperatively necessary

- to comply with state or federal law or federal regulation and/or
- for the preservation of public health, safety and welfare.

Initial Review

09/12/25

Final Adoption

10/10/25

Proposed Effective Date

11/30/25

Emergency Adoption

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Explain: N/A

3. Federal authority for the Rule, if any:

42 C.F.R §435.1102; 42 C.F.R §435.1103; 42 C.F.R §435.1110

4. State Authority for the Rule:

Sections 25.5-1-301 through 303, C.R.S. and Section 25.5-5-204, C.R.S.

Initial Review

09/12/25

Final Adoption

10/10/25

Proposed Effective Date

11/30/25

Emergency Adoption

DOCUMENT #

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Title of Rule: Revision to the Medical Assistance Act Rule Concerning
Presumptive Eligibility by Qualified Hospitals, Sections
8.100.1, 8.100.3.R & 8.100.4.F

Rule Number: MSB 25-07-01-C

Division / Contact / Phone: Eligibility Policy / Daisy Martinez /
daisy.martinez@state.co.us

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Qualified hospital presumptive eligibility sites will solely make presumptive eligibility determinations for newly expanded presumptive eligibility populations to include eligible adults 19-65, parents and caretakers of a dependent child(ren), and working adults with disabilities age 16 and over. In addition, qualified hospital presumptive eligibility sites will make presumptive eligibility determinations for current presumptive eligibility populations to include pregnant women, children under 19, and applicants of all ages for limited family planning. These proposed rule changes have no projected negative impacts on any class of persons.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

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The proposed rule change aims to grant presumptive eligibility to qualifying applicants, creating a streamlined and expedited process for obtaining coverage. As a result, applicants will receive more immediate health care coverage after undergoing inpatient or outpatient services at a qualified hospital. Reducing the financial burden of health care for low-income individuals.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The probable costs to the Department include administrative full time employees (FTE) and systems change costs, as well as service costs to account for changes in presumptive eligibility requirements. This rule change requires 5.0 FTE to account for additional workload, one time system update costs in fiscal year (FY) 2025-2026 for both CBMS and Medicaid Management Information System, as well as additional service costs beginning in FY2026-2027 that will account for an estimated 37% of newly eligible members who will be determined presumptively eligible. Therefore the probable costs to the Department include \$376,588 total funds in FY2024-2025, \$1,568,498 total funds in FY2025-2026 and \$9,475,090 total funds in FY2026-2027.

The ability for this population to access PE at a new site (hospitals) is unlikely to increase caseload or utilization in any measurable way, because this population has had access to PE since 2012. Any changes in enrollment driven by PE availability in the CHP+ population have likely already been realized and are factored into the CHP+ caseload forecast as anticipated fluctuations.

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4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The probable costs of inaction include being out of alignment with legislative mandate, as SB24-116 requires presumptive eligibility determinations to be expanded to additional Medicaid populations. In addition, inaction would make us out of compliance with the long-standing state plan amendment (SPA) regarding presumptive eligibility by hospitals.

The ability for this population to access PE at a new site (hospitals) is unlikely to increase caseload or utilization in any measurable way, because this population has had access to PE since 2012. Any changes in enrollment driven by PE availability have likely already been realized and are factored into the CHP+ caseload forecast as anticipated fluctuations.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

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6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for achieving the purpose for the proposed rule.

8.100 MEDICAL ASSISTANCE ELIGIBILITY

8.100.1 Definitions

300% Institutionalized Special Income Group is a Medical Assistance category that provides Long-Term Care Services to aged or disabled individuals.

1619b is section 1619b of the Social Security Act which allows individuals who are eligible for Supplemental Security Income (SSI) to continue to be eligible for Medical Assistance coverage after they return to work.

AB - Aid to the Blind is a program which provides financial assistance to low-income blind persons.

ABD - Aged, Blind and Disabled Medical Assistance is a group of Medical Assistance categories for individuals that have been deemed to be aged, blind, or disabled by the Social Security Administration or the Department.

Achieving a Better Life Experience (ABLE) accounts – Special savings accounts that are set up by (or for) certain individuals with disabilities in a qualified ABLE program that are exempt for eligibility. They can be established by any state's qualified ABLE Program. Colorado's ABLE program is administered by the Department of Higher Education.

Adjusted Gross Income (AGI)-means "gross income", as defined in federal tax rules, minus certain adjustments prescribed in the federal tax rules to derive the "Adjusted Gross Income" line on the tax return. These adjustments from gross income are taken before the taxpayer takes his or her Schedule A deductions or Standard Deduction.

Adult MAGI Medical Assistance Group provides Medical Assistance to eligible adults from the age of 19 through the end of the month that the individual turns 65, who do not receive or who are ineligible for Medicare.

AND - Aid to Needy Disabled is a program which provides financial assistance to low-income persons over age 18 who have a total disability which is expected to last six months or longer and prevents them from working.

AFDC - Aid to Families with Dependent Children is the Title IV federal assistance program in effect from 1935 to 1997 which was administered by the United States Department of Health and Human Services. This program provided financial assistance to children whose families had low or no income.

AP-5615 is the form used to determine the patient payment for clients in nursing facilities receiving Long Term Care.

Alien is a person who was not born in the United States and who is not a naturalized citizen.

Ambulatory Services is any medical care delivered on an outpatient basis.

Annuity is an investment vehicle whereby an individual establishes a right to receive fixed periodic payments, either for life or a term of years.

Applicant is an individual who is seeking an eligibility determination for Medical Assistance through the submission of an application.

Application Date is the date the application is received and date-stamped by the eligibility site or the date the application was received and date-stamped by an Application Assistance site or Presumptive Eligibility site. In the absence of a date-stamp, the application date is the date that the application was signed by the client.

Application for Public Assistance is the designated application used to determine eligibility for financial assistance. It can also be used to determine eligibility for Medical Assistance.

Blindness is defined in this volume as the total lack of vision or vision in the better eye of 20/200 or less with the use of a correcting lens and/or tunnel vision to the extent that the field of vision is no greater than 20 degrees.

Burial Spaces are burial plots, gravesites, crypts, mausoleums, urns, niches and other customary and traditional repositories for the deceased's bodily remains provided such spaces are owned by the individual or are held for his or her use, including necessary and reasonable improvements or additions to or upon such burial spaces such as: vaults, headstones, markers, plaques, or burial containers and arrangements for opening and closing the gravesite for burial of the deceased.

Burial Trusts are irrevocable pre-need funeral agreements with a funeral director or other entity to meet the expenses associated with burial for Medical Assistance applicants/recipients. The agreement can include burial spaces as well as the services of the funeral director.

Caretaker Relative is a person who is related to the dependent child or any adult with whom the dependent child is living and who assumes responsibility for the dependent child's care.

Case Management Services are services provided by community mental health centers, clinics, community centered boards, and EPSDT case managers to assist in providing services to Medical Assistance clients in gaining access to needed medical, social, educational and other services.

Cash Surrender Value is the amount the insurer will pay to the owner upon cancellation of the policy before the death of the insured or before maturity of the policy.

Categorically Eligible means persons who are eligible for Medical Assistance due to their eligibility for one or more Federal categories of public assistance.

CBMS - Colorado Benefits Management System is the computer system that determines an applicant's eligibility for public assistance in the state of Colorado.

CDHS -Colorado Department of Human Services is the state department responsible for administering the social service and financial assistance programs for Colorado.

Children MAGI Medical Assistance group provides Medical Assistance coverage to tax dependents or otherwise eligible applicants through the end of the month that the individual turns 19 years old.

Child Support Services is a CDHS program that assures that all children receive financial and medical support from each parent. This is accomplished by locating each parent, establishing paternity and support obligations, and enforcing those obligations.

Citizen is a person who was born in the United States or who has been naturalized.

Client is a person who is eligible for the Medical Assistance Program. "Client" is used interchangeably with "recipient" when the person is eligible for the program.

CMS - Centers for Medicare and Medicaid Services is the Federal agency within the US Department of Health and Human Services that partners with the states to administer Medicaid and CHP+ via State Plans in effect for each State. Colorado is in Region VIII.

CHP+ - Child Health Plan Plus is low-cost health insurance for Colorado's uninsured children and pregnant women. CHP+ is public health insurance for children and pregnant women who earn too much to qualify for The Medical Assistance Program, but cannot afford private health insurance.

COLA - Cost of Living Adjustment is an annual increase in the dollar value of benefits made automatically by the United States Department of Health and Human Services or the state in OASDI, SSI and OAP cases to account for rises in the cost of living due to inflation.

Colorado State Plan is a written statement which describes the purpose, nature, and scope of the Colorado's Medical Assistance Program. The Plan is submitted to the CMS and assures that the program is administered consistently within specific requirements set forth in both the Social Security Act and the Code of Federal Regulations (CFR) in order for a state to be eligible for Federal Financial Participation (FFP).

Common Law Marriage is legally recognized as a marriage in the State of Colorado under certain circumstances even though no legally recognized marriage ceremony is performed or civil marriage

contract is executed. Individuals declaring or publicly holding themselves out as a married couple through verbal or written methods may be recognized as legally married under state law. C.R.S. § 14-2-104(3).

Community Centered Boards are private non-profit organizations designated in statute as the single entry point into the long-term service and support system for persons with developmental disabilities.

Community Spouse is the spouse of an institutionalized spouse.

Community Spouse Resource Allowance is the amount of resources that the Medical Assistance regulations permit the spouse staying at home to retain.

Complete Application means an application in which all questions have been answered, which is signed, and for which all required verifications have been submitted.

The Department is defined in this volume as the Colorado Department of Health Care Policy and Financing which is responsible for administering the Colorado Medical Assistance Program and Child Health Plan Plus programs as well as other State-funded health care programs.

Dependent Child is a child who lives with a parent, legal guardian, caretaker relative or foster parent and is under the age of 18, or, is age 18 and a full-time student, and expected to graduate by age 19.

Dependent Relative for purposes of this rule is defined as one who is claimed as a dependent by an applicant for federal income tax purposes.

Difficulty of Care Payments is a payment to an applicant or member as compensation for providing live-in home care to an individual who qualifies for foster care or Home and Community Based Services (HCBS) waiver program and lives in the home of the care recipient. This additional care must be required due to a physical, mental, or emotional handicap.

Disability means the inability to do any substantial gainful activity (or, in the case of a child, having marked and severe functional limitations) by reason of a medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of 12 months or more.

Dual Eligible clients are Medicare beneficiaries who are also eligible for Medical Assistance.

Earned Income is defined for purposes of this volume as any compensation from participation in a business, including wages, salary, tips, commissions and bonuses.

Earned Income Disregards are the allowable deductions and exclusions subtracted from the gross earnings. Income disregards vary in amount and type, depending on the category of assistance.

Electronic Data Source is an interface established with a federal or state agency, commercial entity, or other data sources obtained through data sharing agreements to verify data used in determining eligibility. The active interfaces are identified in the Department's verification plan submitted to CMS.

Eligibility Site is defined in this volume as a location outside of the Department that has been deemed by the Department as eligible to accept applications and determine eligibility for applicants.

Employed means that an individual has earned income and is working part time, full time or is self-employed, and has proof of employment. Volunteer or in-kind work is not considered employment.

EPSDT- Early Periodic Screening, Diagnosis and Treatment is the child health component of the Medical Assistance Program. It is required in every state and is designed to improve the health of low-income children by financing appropriate, medically necessary services and providing outreach and case management services for all eligible individuals.

Equity Value is the fair market value of land or other asset less any encumbrances.

Ex Parte Review is an administrative review of eligibility during a redetermination period in lieu of performing a redetermination from the client. This administrative review is performed by verifying current information obtained from another current aid program.

Face Value of a Life Insurance Policy is the basic death benefit of the policy exclusive of dividend additions or additional amounts payable because of accidental death or other special provisions.

Fair Market Value is the average price a similar property will sell for on the open market to a private individual in the particular geographic area involved. Also, the price at which the property would change

hands between a willing buyer and a willing seller, neither being under any pressure to buy or to sell and both having reasonable knowledge of relevant facts.

FBR - The Federal Benefit Rate is the monthly Supplemental Security Income payment amount for a single individual or a couple. The FBR is used by the Aged, Blind and Disabled Medical Assistance Programs as the eligibility income limits.

FFP - Federal Financial Participation as defined in this volume is the amount or percentage of funds provided by the Federal Government to administer the Colorado Medical Assistance Program.

FPL - Federal Poverty Level is a simplified version of the federal poverty thresholds used to determine financial eligibility for assistance programs. The thresholds are issued each year in the Federal Register by the Department of Health and Human Services (HHS).

Good Cause is the client's justification for needing additional time due to extenuating circumstances, usually used when extending deadlines for submittal of required documentation.

Good Cause for Child Support is the specific process and criteria that can be applied when a client is refusing to cooperate in the establishment of paternity or establishment and enforcement of a child support order due to extenuating circumstances.

HCBS are Home and Community Based Services are also referred to as "waiver programs". HCBS provides services beyond those covered by the Medical Assistance Program that enable individuals to remain in a community setting rather than being admitted to a Long-Term Care institution.

In-Kind Income is income a person receives in a form other than money. It may be received in exchange for work or service (earned income) or a non-cash gift or contribution (unearned income).

Inpatient is an individual who has been admitted to a medical institution on recommendation of a physician or dentist and who receives room, board and professional services for 24 hours or longer, or is expected to receive these services for 24 hours or longer.

Institution is an establishment that furnishes, in single or multiple facilities, food, shelter and some treatment or services to four or more persons unrelated to the proprietor.

Institutionalization is the commitment of a patient to a health care facility for treatment.

Institutionalized Individual is a person who is institutionalized in a medical facility, a Long-Term Care institution, or applying for or receiving Home and Community Based Services (HCBS) or the Program of All Inclusive Care for the Elderly (PACE).

Institutionalized Spouse is a Medicaid eligible client who begins a stay in a medical institution or nursing facility on or after September 30, 1989, or is first enrolled as a Medical Assistance client in the Program of All Inclusive Care for the Elderly (PACE) on or after October 10, 1997, or receives Home and Community Based Services (HCBS) on or after July 1, 1999; and is married to a spouse who is not in a medical institution or nursing facility. An institutionalized spouse does not include any such individual who is not likely to be in a medical institution or nursing facility or to receive HCBS or PACE for at least 30 consecutive days. Irrevocable means that the contract, trust, or other arrangement cannot be terminated, and that the funds cannot be used for any purpose other than outlined in the document.

Insurance Affordability Program (IAP) refers to Medicaid, Child Health Plan *Plus* (CHP+), and premium and cost-sharing assistance for purchasing private health insurance through state insurance marketplace.

Legal Immigrant is an individual who is not a citizen or national and has been permitted to remain in the United States by the United States Citizenship and Immigration Services (USCIS) either temporarily or as an actual or prospective permanent resident or whose extended physical presence in the United States is known to and allowed by USCIS.

Legal Immigrant Prenatal is a medical program that provides medical coverage for pregnant legal immigrants who have been legal immigrants for less than five years.

Limited Disability for the Medicaid Buy-In Program for Working Adults with Disabilities means that an individual has a disability that would meet the definition of disability under SSA without regard to Substantial Gainful Activity (SGA).

Long-Term Care is Medical Assistance services that provides nursing-home care, home-health care, personal or adult day care for individuals aged at least 65 years or with a chronic or disabling condition.

Long-Term Care Institution means class I nursing facilities, intermediate care facilities for intellectual and developmental disabilities (ICF/IDD) and swing bed facilities. Long-Term Care institutions can include hospitals.

Long-Term Services and Supports Level of Care Eligibility Determination is the determination using the state prescribed assessment instrument that an individual does or does not meet institutional level of care.

Long-Term Services and Supports Level of Care Eligibility Determination Screen is a comprehensive evaluation with an individual seeking services and appropriate collaterals (such as family members, friends, and/or caregivers) to determine the individual's eligibility for long-term services and supports based on their need for institutional level of care as determined using the state prescribed assessment instrument.

Managed care system is a system for providing health care services which integrates both the delivery and the financing of health care services in an attempt to provide access to medical services while containing the cost and use of medical care.

Medical Assistance is defined as all medical programs administered by the Department of Health Care Policy and Financing. Medical Assistance/Medicaid is the joint state/federal health benefits program for individuals and families with low income and resources. It is an entitlement program that is jointly funded by the states and federal government and administered by the state. This program provides for payment of all or part of the cost of care for medical services.

Medical Assistance Required Household is defined for purposes of this volume as all parents or caretaker relatives, spouses, and dependent children residing in the same home.

Minimal Verification is defined in this volume as the minimum amount of information needed to process an application for benefits. No other verification can be requested from clients unless the information provided is questionable or inconsistent.

Minimum Essential Coverage is the type of coverage one must maintain to be in compliance with the Affordable Care Act in order to avoid paying a penalty for being uninsured. Minimum essential coverage may include but not limited to: Medicaid; CHP+; private health plans through Connect for Health Colorado; Medicare; job-based insurance, and certain other coverage.

MMMNA - Minimum Monthly Maintenance Needs Allowance is the calculation used to determine the amount of institutionalized spouse's income that the community spouse is allowed to retain to meet their monthly living needs.

MAGI - Modified Adjusted Gross Income refers to the methodology by which income and household composition are determined for the MAGI Medical Assistance groups under the Affordable Care Act. These MAGI groups include Parents and Caretaker Relatives, Pregnant Women, Children, and Adults. For a more complete description of the MAGI categories and pursuant rules, please refer to section 8.100.4.

MIA - Monthly Income Allowance is the amount of institutionalized spouse's income that the community spouse is allowed to retain to meet their monthly living needs.

MSP - Medicare Savings Program is a Medical Assistance Program to assist in the payment of Medicare premium, coinsurance and deductible amounts. There are four groups that are eligible for payment or part-payment of Medicare premiums, coinsurance and deductibles: Qualified Medicare Beneficiaries (QMBs), Specified Low-Income Medicare Beneficiaries (SLIMBs), Qualified Disabled and Working Individuals (QDWIs), and Qualifying Individuals – 1 (QI-1s).

Non-Filer is an individual who neither files a tax return nor is claimed as a tax dependent. For a more complete description of how household composition is determined for the MAGI Medical Assistance groups, please refer to the MAGI household composition section at 8.100.4.E.

Nursing Facility is a facility or distinct part of a facility which is maintained primarily for the care and treatment of inpatients under the direction of a physician. The patients in such a facility require supportive, therapeutic, or compensating services and the availability of a licensed nurse for observation or treatment on a twenty-four-hour basis.

OAP - Old Age Pension is a financial assistance program for low income adults age 60 or older.

OASDI - Old Age, Survivors and Disability Insurance is the official term Social Security uses for Social Security Act Title II benefits including retirement, survivors, and disability. This does not include SSI payments.

Outpatient is a patient who is not hospitalized overnight but who visits a hospital, clinic, or associated facility for diagnosis or treatment. Is a patient who does not require admittance to a facility to receive medical services.

PACE - Program of All-inclusive Care for the Elderly is a unique, capitated managed care benefit for the frail elderly provided by a not-for-profit or public entity. The PACE program features a comprehensive medical and social service delivery system using an interdisciplinary team approach in an adult day health center that is supplemented by in-home and referral services in accordance with participants' needs.

Parent and Caretaker Relative is a MAGI Medical Assistance group that provides Medical Assistance to adults who are parents or Caretaker Relatives of dependent children.

Patient is an individual who is receiving needed professional services that are directed by a licensed practitioner of the healing arts toward maintenance, improvement, or protection of health, or lessening of illness, disability, or pain.

PEAK – the Colorado Program Eligibility and Application Kit is a web-based portal used to apply for public assistance benefits in the State of Colorado, including Medical Assistance.

PNA - Personal Needs Allowance means moneys received by any person admitted to a nursing care facility or Long-Term Care Institution which are received by said person to purchase necessary clothing, incidentals, or other personal needs items which are not reimbursed by a Federal or state program.

Pregnant Women is a MAGI Medical Assistance group that provides Medical Assistance coverage to pregnant women whose MAGI-based income calculation is less than 195% FPL, including women who are in their 12 months post-partum.

Premium means the monthly amount an individual pays to participate in a Medicaid Buy-In Program.

Provider is any person, public or private institution, agency, or business concern enrolled under the state Medical Assistance program to provide medical care, services, or goods and holding a current valid license or certificate to provide such services or to dispense such goods.

Psychiatric Facility is a facility that is licensed as a residential care facility or hospital and that provides inpatient psychiatric services for individuals under the direction of a licensed physician.

Public Institution means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

Qualified Hospital Presumptive Eligibility Sites are hospitals that have voluntarily elected to serve as Presumptive Eligibility sites. Qualified Hospital Presumptive Eligibility Sites agree to make determinations in accordance with State policies and assist individuals with completing Medical Assistance applications and understanding documentation requirements.

Questionable is defined as inconsistent or contradictory tangible information, statements, documents, or file records.

Reasonable Compatibility refers to an allowable difference or discrepancy between the income an applicant self attests and the amount of income reported by an electronic data source. For a more complete description of how reasonable compatibility is used to determine an applicant's financial eligibility for Medical Assistance, please refer to the MAGI Income section at 8.100.4.C

Reasonable Explanation refers to the opportunity afforded an applicant to explain a discrepancy between self-attested income and income as reported by an electronic data source, when the difference is above the threshold percentage for reasonable compatibility.

Recipient is any person who has been determined eligible to receive benefits.

Resident is any individual who is living within the state and considers the state as their place of residence. Residents include any unemancipated child whose parent or other person exercising custody lives within the state.

RRB - Railroad Retirement Benefits is a benefit program under Federal law 45 U.S.C. § 231 et seq that became effective in 1935. It provides retirement benefits to retired railroad workers and families from a special fund, which is separate from the Social Security fund.

Secondary School is a school or educational program that provides instruction or training towards a high school diploma or an equivalent degree such as a High School Equivalency Diploma (HSED).

SGA – Substantial Gainful Activity is defined by the Social Security Administration. SGA is the term used to describe a level of work activity and earnings. Work is “substantial” if it involves performance of significant physical or mental activities or a combination of both, which are productive in nature. For work activity to be substantial, it does not need to be performed on a full-time basis. Work activity performed on a part-time basis may also be substantial gainful activity. “Gainful” work activity is work performed for pay or profit; or work of a nature generally performed for pay or profit; or work intended for profit, whether or not a profit is realized.

Single Entry Point Agency means the organization selected to provide case management functions for persons in need of Long-Term Care services within a Single Entry Point District.

Single Streamlined Application or “SSAp” is the general application for health assistance benefits through which applicants will be screened for Medical Assistance programs including Medicaid, CHP+, or premium and cost-sharing assistance for purchasing private health insurance through a state insurance marketplace.

SISC- Supplemental Income Status Codes are system codes used to distinguish the different types of state supplementary benefits (such as OAP) a recipient may receive. Supplemental Income Status Codes determine the FFP for benefits paid on behalf of groups covered under the Medical Assistance program.

SSA - Social Security Administration is an agency of the United States federal government that administers Social Security, a social insurance program consisting of retirement, disability, and survivors' benefits.

SSI - Supplemental Security Income is a Federal income supplement program funded by general tax revenues (not Social Security taxes) that provides income to aged, blind or disabled individuals with little or no income and resources.

SSI Eligible means an individual who is eligible to receive Supplemental Security Income under Title XVI of the Social Security Act, and may or may not be receiving the monetary payment.

TANF - Temporary Assistance to Needy Families is the Federal assistance program which provides supportive services and federal benefits to families with little or no income or resources. It is the Block Grant that was established under the Personal Responsibility and Work Opportunity Reconciliation Act in Title IV of the Social Security Act.

Tax Dependent is anyone expected to be claimed as a dependent by a Tax-Filer.

Tax-Filer is an individual, head of household or married couple who is required to and who files a personal income tax return.

Third Party is an individual, institution, corporation, or public or private agency which is or may be liable to pay all or any part of the medical cost of an injury, a disease, or the disability of an applicant for or recipient of Medical Assistance.

Title XIX is the portion of the federal Social Security Act which authorizes a joint federal/state Medicaid program. Title XIX contains federal regulations governing the Medicaid program.

TMA - Transitional Medical Assistance is a Medical Assistance category for families that lost Medical Assistance coverage due to increased earned income or loss of earned income disregards.

Unearned Income is the gross amount received in cash or kind that is not earned from employment or self-employment.

VA - Veterans Affairs is The Department of Veterans Affairs which provides patient care and Federal benefits to veterans and their dependents.

8.100.2 *Legal Basis*

Constitution of Colorado, Article XXIV, Old Age Pensions, section 7, established a health and medical care fund for persons who qualify to receive old age pensions.

Colorado Revised Statutes, Title 25.5, Article 4, Colorado Medical Assistance Act, section 102, provides for a program of Medical Assistance for individuals and families, whose income and resources are insufficient to meet the costs of necessary medical care and services, to be administered in cooperation with the federal government.

The Social Security Act, Title XIX, Grants to States for Medical Assistance Programs, and the consequent Federal regulations, Title 42, CFR (Code of Federal Regulations), Chapter IV, Subchapter C, set forth the conditions for states to obtain Federal Financial Participation in Medical Assistance expenditures.

Under the Colorado Medical Assistance Program, the Medicaid program provides coverage of certain groups specified in Title XIX of the Social Security Act. The OAP State Only Medical Assistance Program provides coverage to certain old age pension clients entitled to health and medical care under the Colorado Constitution.

The Department of Health Care Policy and Financing is the single State agency designated to administer the Colorado Medical Assistance Program under Title XIX of the Social Security Act and Colorado statutes. The Office of Medical Assistance of the Department is delegated the duties and responsibilities for administration of the Colorado Medical Assistance Program.

8.100.3. *Medical Assistance General Eligibility Requirements*

8.100.3.Q. *Continuous Eligibility (CE) for Medical Assistance programs*

1. Continuous eligibility applies to children under age 19, who through an eligibility determination, reassessment or redetermination, are found eligible for a Medical Assistance program. The continuous eligibility period may last for up to 12 months.
 - a. The continuous eligibility period applies without regard to changes in income or other factors that would otherwise cause the child to be ineligible.
 - b. Exception: A child's continuous eligibility period will end effective the earliest possible month if any of the following occur:
 - i) Child is deceased;
 - ii) Becomes an inmate of a public institution;
 1. Incarcerated children receiving a full medical assistance program will move to a limited Incarceration benefit. If the child is released within the initial 12 months of the CE period, full coverage will be reinstated for the remaining 12-month CE period, unless any of the other exceptions apply;
 - iii) The child is no longer part of the Medical Assistance required household;

- iv) Is no longer a Colorado resident;
 - v) Is unable to be located; based on evidence or reasonable assumption;
 - vi) Requests to be withdrawn from continuous eligibility;
 - vii) Fails to provide documentation during a reasonable opportunity period as specified in section 8.100.3.G.3 and 8.100.3.H.9; or
 - viii) Eligibility was erroneously granted at the most recent determination, redetermination, or renewal of eligibility because of agency error, or a finding of fraud or perjury attributed to the child or the child's responsible party.
2. The continuous eligibility period will begin on the first day of the month the application is received, or from the date all criteria are met. For a child transitioning from CHP+ to the MAGI Medical Assistance program specified in section 8.100.4.G.2, a new 12-month continuous eligibility period will begin on the first day of the month of the transition. Continuous eligibility applies to children enrolled in the following Medical Assistance programs:
- a. MAGI-Medical Assistance, program as specified in section 8.100.4.G.2;
 - b. SSI Mandatory, as specified in section 8.100.6.C
 - i.) When a child is no longer eligible for SSI Mandatory they will be categorized as eligible within the MAGI-Child category for the remainder of the eligibility period;
 - c. Long- Term Care services
 - i.) When a child is no longer eligible for Long-Term Care services they will be categorized as eligible within the MAGI- Child category for the remainder of the eligibility period;
 - d. Medicaid Buy-In program specified in section 8.100.6.Q
 - i) Exception: Enrollment will be discontinued if there is a failure to pay premiums;
 - e. Pickle (Title II COLA/Pickle Amendment of 1977);
 - f. Disabled Adult Child (DAC); and
 - g. Limited Family Planning Medical Assistance.
3. Children, under the age of 19, no longer enrolled in Foster Care Medicaid will be eligible for the MAGI-Medical Assistance program. The continuous eligibility period will begin the month the child is no longer enrolled in Foster Care Medicaid as long as they meet one of the following conditions:
- a. Begin living with other Relatives;
 - b. Are reunited with Parents; or
 - c. Have received guardianship.
- 8.100.3.R. Presumptive Eligibility by Qualified Hospitals
1. Hospital Presumptive Eligibility is for ~~ambulatory services~~ inpatient and/or outpatient services through a qualified hospital presumptive eligibility site that assists individuals in completing a medical assistance application. These presumptive eligibility services are for ambulatory services, state plan approved medical services, or limited family planning.
- a. A pregnant woman may apply for presumptive eligibility for ambulatory services through a qualified hospital presumptive eligibility site.
 - b. A child or youth under the age of 19 may apply for themselves or have an adult apply on their behalf for presumptive eligibility for state plan approved medical services through a qualified hospital presumptive eligibility site.
 - c. An applicant aged 19-65, an applicant who is a parent or caretaker relative of dependent children, or an applicant age 16 or older who is currently employed and meet the Social Security Administration's definition of disability or have a limited disability as determined by a state contractor may apply for presumptive eligibility for state plan approved medical services through a qualified hospital presumptive eligibility site.

- d. Presumptive eligibility is also available to applicants for limited family planning who are not pregnant. There are no age or gender restrictions under the limited family planning presumptive eligibility category.
 2. To be eligible for presumptive eligibility:
 - a. A pregnant woman must have an attested pregnancy, declare that her household's income shall not exceed 195% of the federal poverty level and declare that she is a United States citizen or a lawfully residing immigrant unless they meet the exceptions outlined under 8.100.3.G. 1.g. viii.
 - b. A child or youth under the age of 19 must have a declared household income that does not exceed 142% of federal poverty level and declare that the child or youth is a United States citizen or a documented immigrant unless they meet the exceptions outlined under 8.100.3.G. 1.g.viii.
 - c. To qualify for limited family planning presumptive eligibility, an applicant must have declared household income greater than 133% but not exceeding 260% of the federal poverty level. The applicant cannot be eligible for a Medicaid eligibility category that provides full coverage. The applicant must declare they are a United States citizen or a lawfully residing immigrant. An applicant applying for limited family planning presumptive eligibility will be counted individually as a household member of two.
 - d. An applicant age 19 to 65, must have a declared household income that does not exceed 133% of the federal poverty level and declare themselves as a United States citizen or a documented immigrant. This category includes adults who are parents or caretaker relatives of dependent children whose income exceeds the income threshold to qualify for the Parents and Caretaker Relatives MAGI category and who meet all other eligibility criteria.
 - e. An applicant who is a parent or caretaker relative or legally appointed guardian or conservator of dependent children, must have a declared household income that does not exceed 68% of the federal poverty level and declare themselves as a United States citizen or a documented immigrant.
 - f. An applicant age 16 or older who has declared they are currently employed with income less than or equal to 450% of FPL and declare they are a United States citizen or a documented immigrant unless they meet the exceptions outlined under 8.100.3.G. 1.g. viii. Only the applicant's income will be considered. Resources are not counted in determining eligibility. Applicants must also declare they have a disability as defined as Social Security Administration medical listing or a limited disability as determined by a state contractor.
 3. Qualified hospital presumptive eligibility sites must be certified by the Department to make presumptive eligibility determinations. Sites shall be re-certified by the Department every year to remain approved as a qualified hospital presumptive eligibility site.
 4. The qualified hospital presumptive eligibility site must forward the medical assistance application to the County Department of Human Services within five business days.
 5. The presumptive eligibility period begins on the date the applicant(s) is determined eligible and ends with the day an eligibility determination for Medical Assistance is made for the applicant(s). A presumptively eligible member may not appeal the end of a presumptive eligibility period.
 6. Medical Assistance applicants may appeal if a County Department of Human Services is unable to act within 45 days or 90 days (if a disability determination is required) of the medical assistance application date or the denial of a medical assistance application. Appeal procedures are outlined in the State Hearings section of this volume.
 7. Applicants cannot receive presumptive eligibility if they already are in receipt of another medical assistance program.
 8. An applicant may only receive presumptive eligibility once every 12 months with the exception of pregnant women who may receive presumptive eligibility once every pregnancy.

8.100.4 MAGI Medical Assistance Eligibility [Eff. 01/01/2014]

8.100.4.F. MAGI Category Presumptive Eligibility

1. A pregnant woman may apply for presumptive eligibility for ambulatory services through Medical Assistance presumptive eligibility sites. A child under the age of 19 may apply or have an adult apply on their behalf for presumptive eligibility for State Plan approved medical services through presumptive eligibility sites. Presumptive eligibility is available to applicants for limited family planning who are not pregnant. There are no restrictions of age or gender under the limited family planning presumptive eligibility category.
2. To be eligible for presumptive eligibility:
 - a. a pregnant woman must have an attested pregnancy, declare that her household's income shall not exceed 195% of the federal poverty level and declare that she is a United States citizen or a lawfully residing immigrant. Unless they meet the exceptions outlined under 8.100.3.G.1.g.viii.
 - b. a child or youth under the age of 19 shall have a declared household income that does not exceed 142% of federal poverty level and declare that the child is a United States citizen or a documented immigrant unless they meet the exceptions outlined under 8.100.3.G.1.g.viii.
 - c. To qualify for limited family planning presumptive eligibility, an applicant must have declared household income greater than 133% but not exceeding 260% of the federal poverty level. The applicant cannot be eligible for a Medicaid eligibility category that provides full coverage. The applicant must declare they are a United States citizen or a lawfully residing immigrant. An applicant applying for limited family planning presumptive eligibility will be counted individually as a household member of two.
3. Presumptive eligibility sites shall be certified by the Department to make presumptive eligibility determinations. Sites shall be re-certified by the Department every year to remain approved presumptive eligibility sites.
4. The presumptive eligibility site shall forward the medical assistance application to the County Department of Human Services within five business days.
5. The presumptive eligibility period begins on the date the applicant(s) is determined eligible and ends with the day an eligibility determination for Medical Assistance is made for the applicant(s)
6. A presumptively eligible member may not appeal the end of a presumptive eligibility period.
7. Medical Assistance applicants may appeal if a County Department of Human Services is unable to act within 45 days or 90 days (if a disability determination is required) of the medical assistance application date or the denial of a medical assistance application. Appeal procedures are outlined in the State Hearings section of this volume.8. Applicants cannot receive presumptive eligibility if they are already in receipt of another medical assistance program.
9. An applicant may only receive presumptive eligibility once every 12 months with the exception of pregnant women who may receive presumptive eligibility once every pregnancy.



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Tracking number: 2025-00402

Opinion of the Attorney General rendered in connection with the rules adopted by the
Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

on 10/10/2025

10 CCR 2505-10

MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY

The above-referenced rules were submitted to this office on 10/13/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2025 10:27:42

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Permanent Rules Adopted

Department

Department of Human Services

Agency

Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)

CCR number

12 CCR 2509-1

Rule title

12 CCR 2509-1 OVERVIEW OF CHILD WELFARE SERVICES 1 - eff 12/01/2025

Effective date

12/01/2025

7.000.2 DEFINITIONS [Rev. eff. 1/1/16]

A: The following are definitions of commonly used terms used in these rules:

“Abuse” or “child abuse and/or neglect” is defined in Section 19-1-103(1) and 19-3-102(1), C.R.S.

“Actual knowledge” means direct and clear awareness of something, such as a fact or condition.

“Affected by alcohol or substance exposure.” A child is born affected by alcohol or substance exposure when it impacts the child’s physical, developmental, and/or behavioral response.

“Authorized caregiver” means an individual or agency who is authorized by a parent, guardian or custodian to provide care to a child and who agrees to provide such care. The authorization may be temporary and need not be in writing unless otherwise required by law.

“Background check” means a set of required records that are obtained and analyzed to determine whether the history of a prospective foster parent, kinship foster parent, or non-certified kin meets legal and safety criteria when considering the placement or continued placement of children and youth in the care of the person(s). The checks include all adults residing in the home. The following individual checks are required pursuant to Sections 19-3-406, and 26-6-910, C.R.S.:

1. CBI and FBI fingerprint-based criminal history record information checks;
2. State Judicial Department court case management system checks;
3. State automated case management system and child abuse and/or neglect registry checks in all states that adults living in the home have resided in the five years preceding the date of application; and,
4. The CBI sex offender registry checks and national sex offender public website, publicly operated by the United States Department of Justice using the following minimum criteria:
 - a. Known names and addresses of each adult residing in the home; and,
 - b. Address only of the residence.

“Caregiver” means a child’s parent, stepparent, guardian, legal custodian, relative, or any other person who resides in the child’s home or who is regularly in the child’s home for the purpose of exercising care over the child. It also includes the spousal equivalent or domestic partner of a parent or legal guardian. A “caregiver” shall not include a person who is regularly in the child’s home for the purpose of rendering care for the child if such person is paid for rendering care and is not related to the child.

“Certificate” means a legal document granting permission to operate a foster care home or a kinship foster care home.

“Child” means any person from birth to eighteen (18) years of age.

“Concurrent planning” means the simultaneous preparation of plans to:

- 1) Assist the child's parents or caregivers in completing a treatment plan that, when completed successfully will allow the child to return home safely; and,
- 2) Place the child in a setting that will become the child's permanent home if the parents or caregivers are unable to successfully complete their treatment plan.

“Continuously available” means the assignment of a person to be near an operable telephone, pager system, cellular telephone, or to have such arrangements made through agreements with the local law enforcement agencies.

“Convicted”, for the purposes of the criminal history record information check, means a plea of guilty accepted by the court, including a plea of guilty entered pursuant to a deferred sentence under section 18-1.3-102, C.R.S., a verdict of guilty by a judge or jury, or a plea of no contest accepted by the court, or having received a disposition as a juvenile or having been adjudicated a juvenile delinquent based on the commission of any act that constitutes sexual assault, as defined in subsection (96.5) of section 19-1-103, C.R.S.

1. For non-certified kinship care and kinship foster care, a conviction does not include juvenile delinquency history, which includes deferred judgment or adjudication agreements, adjudications, diversion, deferral, or plea agreements.

“Counsel for youth” means an attorney-at-law who provides specialized client directed legal representation for a child or youth and who owes the same duties, including undivided loyalty, confidentiality, and competent representation, to the child or youth as is due an adults client. Counsel for youth may be appointed by a court to represent a child or youth in a proceeding pursuant to articles 1, 3, or 7 of title 19, C.R.S. or may be assigned by the office of the child’s representative pursuant to article 7 of title 19, C.R.S. Counsel for youth does not mean defense counsel for a juvenile pursuant to article 2.5 of title 19, C.R.S.

“Foster care” means the placement of a child into the legal custody or legal authority of a county department for physical placement of the child in foster family care homes, certified and noncertified kinship family care homes, or licensed facility.

“Foster care home” means a home that is certified by a county department or a child placement agency pursuant to Section 26-6-910, or a federally recognized tribe pursuant to applicable federal law, for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family foster care for a child/youth less than twenty-one years of age who is unrelated to the head of the home.

1. The term includes any foster care home receiving a child/youth for regular twenty four (24) hour care and any home receiving a child/youth from any state-operated institution for child care or from any child placement agency. Foster care home also includes those homes licensed by the Colorado Department of Human Services pursuant to Section 26-6-104, C.R.S., that receive neither moneys from the counties, nor children/youth placed by the counties.

“Founded” means that the abuse and/or neglect assessment established by a preponderance of the evidence that an incident(s) of abuse and/or neglect occurred.

“Founded” can also be utilized in a referral when there is a law enforcement fatality investigation with no surviving child sibling, or a law enforcement investigation of a third party incident of abuse and/or neglect. “Founded” and “confirmed,” as used in sections 19-3-308 - 308.5, C.R.S., are interchangeable in these rules.

“Inconclusive” means that the abuse and/or neglect assessment established that there was some likelihood that an incident(s) of abuse and/or neglect occurred but assessment could not obtain the evidence necessary to make a founded finding.

“Independent Living Assessment” means an evaluation of the youth’s daily living skills. This assessment will document the youth’s strengths and needs, as well as capacity and motivation to learn the appropriate skills.

“Initial criminal history record check” means a Colorado Crime Information Center or National Crime Information Center check.

“Inquiry” means a request for information or for specific services.

“Kin” for purposes of a kinship foster care home or non-certified kinship care home, means a relative of the child and/or youth, a person ascribed by the family as having a family-like relationship with the child and/or youth, or a person that has a prior significant relationship with the child and/or youth. These relationships take into account cultural values and continuity of significant relationships with the child and/or youth.

“Kinship foster care home” means a kinship foster care home that has been certified pursuant to Section 26-6-910 to care for a relative or kin only. A kinship foster care home provides twenty-four-hour kinship foster care for a child or youth who is a relative or kin, who is less than twenty-one years of age, and who is eligible for the same foster care reimbursement, assistance, and other supports as foster care homes pursuant to Section 26-6-904.5. “kinship foster care home” does not include non-certified kinship care as that term is defined in Subsection (21.5) of this section.

A “known” incident of abuse and/or neglect exists when a child has been observed being subjected to circumstances or conditions that would reasonably result in abuse and/or neglect.

“Living in the home” for purposes of kinship care including non-certified kinship reimbursement means regularly lives, shares common areas, and sleeps in the non-certified kinship home. An individual who is living, sharing common areas, and sleeping in the non-certified kinship home temporarily for more than two consecutive weeks is considered a household member.

“Local educational agency” means the local public school district, charter institute, Colorado school for the deaf and the blind, and/or board of cooperative education services (BOCES). Individual schools are part of their respective LEAs; for purposes of these regulations, communication with school-level staff is sufficient to satisfy requirements to communicate with the LEA.

“Near fatality” means a case in which a physician determines that a child is in serious, critical, or life-threatening condition as the result of sickness or injury caused by suspected abuse and/or neglect.

“Non-certified kinship care” means a child/youth who is less than twenty-one years of age is being cared for by a relative or kin, who has a significant relationship with the child/youth, in circumstances when there is a safety concern by a county department in the home of the parent or legal guardian and the relative or kin has not met the foster care certification requirements for a kinship foster care home or has chosen not to pursue certification.

“Parent who is incarcerated” means a parent confined in a department of corrections facility, a private correctional facility under contract with The Department of Corrections, or a jail.

“Pattern of misdemeanors” for the purposes of the criminal history record information check shall be defined as:

- A) Three (3) or more convictions of 3rd degree assault as described in section 18-3- 204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in Section 18-6-800.3(1), C.R.S. ; OR,
- B) Five (5) misdemeanor convictions of any type, with at least two (2) convictions of 3rd degree assault as described in Section 18- 3-204, C.R.S., and/or any misdemeanor, the underlying factual basis of which has been found by any court on the record to include an act of domestic violence as defined in Section 18-6- 800.3(1), C.R.S.; or,
- C) Seven (7) misdemeanor convictions of any type.
- D) For non-certified kinship care and kinship foster care, a pattern of misdemeanor convictions means two or more convictions of domestic violence within the preceding five years pursuant to Section 19-3-406 (5)(i), C.R.S. and shall not include A-C of this definition.



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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00355

Opinion of the Attorney General rendered in connection with the rules adopted by the
Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)

on 10/03/2025

12 CCR 2509-1

OVERVIEW OF CHILD WELFARE SERVICES

The above-referenced rules were submitted to this office on 10/08/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 23, 2025 06:47:22

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Emergency Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 1 - eff 10/10/2025

Effective date

10/10/2025

Expiration date

02/07/2026

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning
Definitive Drug Testing, Section 8.660

Rule Number: MSB 25-08-26-A

Division / Contact / Phone: Health Policy Office / Jessica Farmen /
jessica.farmen@state.co.us

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board

2. Title of Rule: MSB 25-08-26-A, Revision to the Medical Assistance Act Rule concerning Definitive Drug Testing, Section 8.660

3. This action is an adoption of: an amendment

4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 8.660, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).

5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 10/10/2025
5
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.660 with the proposed text beginning at 8.660.1 through the end of 8.660.5.D. This rule is effective October 10, 2025.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Definitive Drug Testing, Section 8.660

Rule Number: MSB 25-08-26-A

Division / Contact / Phone: Health Policy Office / Jessica Farmen / jessica.farmen@state.co.us

STATEMENT OF BASIS AND PURPOSE

- 1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

This proposed rule revision affects Section 8.660 Laboratory and X-Ray. Specifically, this revision will add a limit of 16 units of services per state fiscal year for definitive drug testing for adult Health First Colorado members. Definitive drug tests use highly specific, quantitative laboratory methods, including but not limited to liquid chromatography-tandem mass spectrometry (LC-MS/MS) and gas chromatography-mass spectrometry (GC-MS), to identify and measure the concentration of individual drugs and drug metabolites in a patient specimen. Definitive testing is distinguished from presumptive drug testing in that definitive testing confirms the presence or absence of a substance, provides specific analyte identification, and reports exact concentrations, whereas presumptive testing only confirms the presence or absence of a substance.

This proposed limit is a result of uncontrolled, inappropriate utilization of this specific service.

- 2. An emergency rule-making is imperatively necessary

to comply with state or federal law or federal regulation and/or for the preservation of public health, safety and welfare.

Explain:

The Department has seen a significant and continued expenditure increase for definitive drug tests over the past several years. These tests are being used more often than medically necessary, sometimes with large panels being ordered routinely for members. This drives up Medicaid costs and risks waste or abuse. Health First Colorado and the Department are being harmed financially by this inappropriate billing for definitive drug testing services. By limiting these tests to no more than 16 units per state fiscal year for adult members, the Department aims to ensure drug testing is appropriate, evidence-based, and cost-effective. This will protect program integrity and sustainability. Given the current budget crisis and to preserve the integrity of Health First Colorado, it is critical that funds only be used for medically necessary services. Therefore, to preserve public

Initial Review

Proposed Effective Date **10/10/25**

Final Adoption **12/12/25**

Emergency Adoption **10/10/25**

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health, safety and welfare for Health First Colorado members by protecting the Department's budget, it is imperatively necessary to bring this proposed rule revision as an emergency to stop the inappropriate spending within the laboratory benefit.

3. Federal authority for the Rule, if any:

42 C.F.R. § 440.30

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2024);

Initial Review

Proposed Effective Date **10/10/25**

Final Adoption **12/12/25**

Emergency Adoption **10/10/25**

DOCUMENT #

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Title of Rule: Revision to the Medical Assistance Act Rule concerning
Definitive Drug Testing, Section 8.660

Rule Number: MSB 25-08-26-A

Division / Contact / Phone: Health Policy Office / Jessica Farmen /
jessica.farmen@state.co.us

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Adult Health First Colorado members will be affected by this proposed rule revision. They will be limited to 16 definitive drug tests per state fiscal year, whereas before there was no limit. Members will benefit when receiving the most appropriate, medically necessary lab tests.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Qualitatively, this rule revision will result in members receiving the most appropriate, medically necessary drug testing and related labs. Definitive drug tests are highly specific labs that produce detailed reports including the exact drugs and their quantities that are present in a sample. These tests are only appropriate for purposes of medical treatment—not for purposes of confirming the presence of a drug.

Quantitatively, adult members will be limited to 16 definitive drug tests per state fiscal year. The Department has seen a significant and continued expenditure increase for these tests over the past several years. These tests are important in some cases, but they are being used more often than medically necessary, sometimes with large panels ordered routinely. This drives up Medicaid costs and risks waste or abuse. By limiting these tests to no more than 16 per state fiscal year for adult members, the Department aims to ensure drug testing is appropriate, evidence-based, and cost-effective. This will protect program integrity and sustainability.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

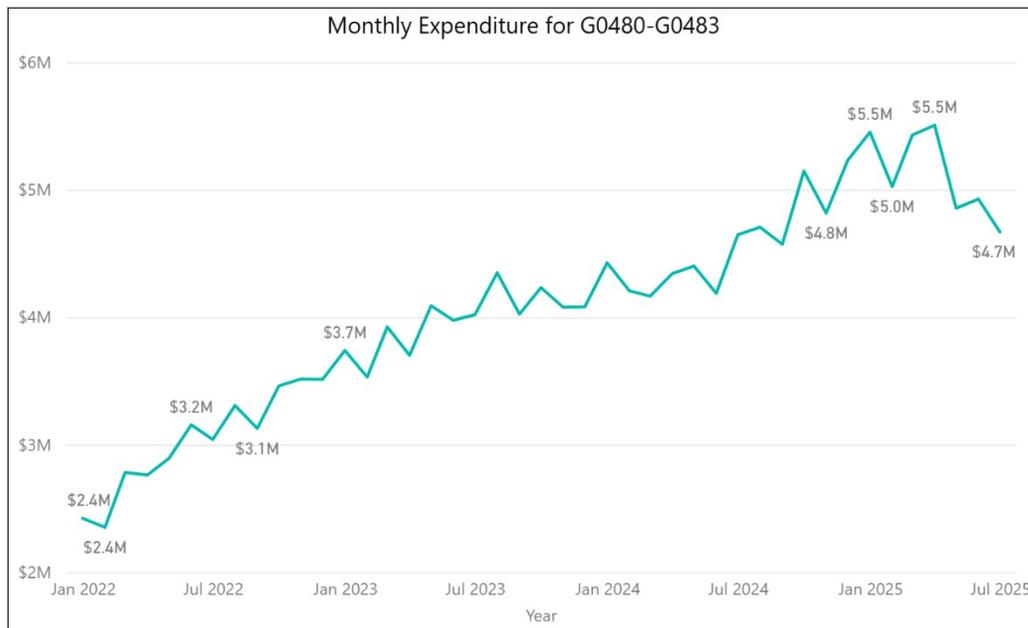
There are no costs to the Department or any other agency to implement or enforce this proposed rule revision. There are savings associated with

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this policy change. The estimated savings are \$12.9m Total Funds in FY 2025-26.

- 4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Based on the expenditure trend for G0480-G0483, continuing without intervention will result in costs remaining above \$5M per month, or approximately \$62M annually, nearly double 2022 levels. By implementing a utilization limit on definitive drug testing, expenditures could be stabilized closer to \$3.5-\$4.0M per month, generating estimated annual savings of \$14M-\$20M, with the potential for even greater reductions if spending is brought back toward 2022 levels.



- 5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly methods or less intrusive methods for achieving the purpose of this proposed rule revision.

- 6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

The Department considered setting a soft limit of 16 definitive drug test per adult member per state fiscal year. After which, if an adult member needed more tests, a prior authorization request (PAR) would be required.

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However, after working with our utilization management vendor, the Department learned that we are unable to implement a PAR for this service due to current budget constraints.

The Department reviewed other states' limits on definitive drug testing and found wide variation, ranging from limits of six tests per year in New York to 24 per year in North Carolina. Minnesota, Washington, and Oregon also have restrictions in place. Based on this research, the Department proposed a unit limit of 16 tests per fiscal year as a balanced approach that controls costs, ensures medical necessity, and maintains appropriate access.

8.660 LABORATORY AND X-RAY

8.660.1 DEFINITIONS

- 8.660.1.A. Anatomical Laboratory Services mean examinations of tissues derived from the human body for the purpose of providing information for the diagnosis, prevention or treatment of any disease or the assessment of a medical condition.
- 8.660.1.B. Certified Clinical Laboratory means a provider who possesses a certificate of waiver or a certificate of registration from the Centers for Medicare and Medicaid Services or its designated agency as meeting Centers for Medicare and Medicaid Services guidelines and whose personnel and director are qualified to perform laboratory services.
- 8.660.1.C. Clinical Laboratory Services mean microbiological, serological, chemical, hematological, radioassay, cytological, immunohematological, pathological or other examinations of fluids derived from the human body for the purpose of providing information for the diagnosis, prevention or treatment of any disease or the assessment of a medical condition.
- 8.660.1.D. Definitive Drug Testing means the use of highly specific, quantitative laboratory methods, including but not limited to liquid chromatography–tandem mass spectrometry (LC-MS/MS) and gas chromatography–mass spectrometry (GC-MS), to identify and measure the concentration of individual drugs and drug metabolites in a patient specimen. Definitive Drug Testing confirms the presence or absence of a substance, provides specific analyte identification, and reports exact concentrations of the substances.
- 8.660.1.E. Independent Certified Laboratory means a certified laboratory that performs diagnostic tests and is independent both of the attending or consulting physician's office and of a hospital except where a hospital laboratory has obtained Medicare certification as an independent laboratory and is billing for recipients who are not admitted as patients in the hospital.
- 8.660.1.F. X-Ray Services mean services performed by a provider whose x-ray equipment has been certified by the Colorado Department of Public Health and Environment as meeting Medicare guidelines and whose personnel and director are qualified to operate said equipment.

8.660.2 CONDITIONS OF PARTICIPATION

- 8.660.2. A Certified Clinical Laboratories and providers of X-Ray Services shall enroll as providers in the Medical Assistance Program.
- 8.660.2.B. All participating laboratories, including out-of-state independent clinical laboratories, must be certified by the state agency to participate under Health First Colorado. All laboratories must provide proof of certification status through the provision of the CLIA (Clinical Laboratory Improvement Amendments of 1988) number to the Department.
- 8.660.2.C. Providers of X-Ray Services shall be certified by the Colorado Department of Public Health and Environment and must provide proof of Medicare certification on the Health First Colorado provider enrollment forms.

8.660.3 LIMITATIONS AND BENEFITS

- 8.660.3.A. Laboratory and X-Ray Services are a benefit under all of the following conditions:
1. The services have been authorized by a licensed physician.

2. The services are performed to diagnose conditions and illnesses with specific symptoms.
 3. The services are performed to prevent or treat conditions that are benefits under the Medical Assistance Program.
 4. The services are not routine diagnostic tests performed without apparent relationship to treatment or diagnosis for a specific illness, symptom, complaint or injury.
 5. The laboratory services are performed by a certified laboratory in accordance with the Clinical Laboratory Improvement Amendments of 1988 (CLIA).
 6. The X-Ray Services are performed by a provider certified by the Colorado Department of Public Health and Environment and enrolled as a Health First Colorado provider.
- 8.660.3.B. Collection, handling and/or conveyance of specimens for transfer from physicians' offices to a Certified Clinical Laboratory is reimbursable to the physician.
- 8.660.3.C. Transfer of a specimen from one Certified Clinical Laboratory to another is a benefit and is reimbursable to the first certified laboratory if the laboratory's equipment is not functioning or the laboratory is not certified to perform the tests ordered by the physician.
- 8.660.3.D. Adult members aged 21 and over are limited to 16 units of service per state fiscal year for Definitive Drug Testing.

8.660.4 BILLING PROCEDURES

- 8.660.4.A. Certified providers of clinical laboratory and X-Ray Services must bill the Department directly using the designated billing method, the correct Current Procedural Terminology and Healthcare Common Procedure Coding System procedure codes and modifiers as required. Providers must bill the amount of their usual and customary charges to the general public.
- 8.660.4.B. Laboratory tests and x-rays performed under the personal supervision of the authorizing physician must be billed directly on the physician's services claim form.
- 8.660.4.C. Laboratory tests and x-rays not performed by the authorizing physician or under his/her direct personal supervision cannot be billed by the physician except for physicians in a Certified Clinical Laboratory group practice. A Certified Clinical Laboratory group practice may only bill for those laboratory and X-Ray Services actually performed or supervised by a physician member of the group or performed by a qualified employee of the group. Payment must be made to the authorizing physician or the group practice.
- 8.660.4.D. Laboratory and X-Ray Services performed by a hospital-based or independent laboratory or x-ray provider and submitted to an unrelated physician for interpretation may only be billed by the laboratory or x-ray provider for the technical component.
- 8.660.4.E. Practitioner and clinic providers rendering professional interpretation and not direct laboratory or X-Ray Services may only bill the professional component.

8.660.5 REIMBURSEMENT

- 8.660.5.A. Reimbursement for certified laboratory and X-Ray Services must be the lowest of the following:
1. Submitted charges.

2. Fee schedule as determined by the Department.
- 8.660.5.B. Services rendered by a hospital-based laboratory during an inpatient stay are included in the hospital Diagnosis Related Group or inpatient rate and must not be billed or reimbursed separately.
 - 8.660.5.C. Each certified laboratory provider must be reimbursed for only those tests performed in the specialties or sub-specialties for which it is certified.
 - 8.660.5.D. Reimbursement for out-of-state certified independent clinical laboratory or X-Ray Services must be subject to Department reimbursement rates.
 - 8.660.5.E. The reimbursement methodology at 8.660.5.A - 8.660.5.D does not apply to payments for those services/procedures that are reimbursed under a capitated or contracted agreement accomplished through competitive bid or other arrangement.

DO NOT PUBLISH THIS PAGE

Title of Rule: Creation Medical Assistance Act Rule concerning the Provider Stabilization Fund Program, Section 8.900

Rule Number: MSB 25-07-24-A

Division / Contact / Phone: Special Financing / Daniel Harper / 4427

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board

2. Title of Rule: MSB 25-07-24-A, Creation Medical Assistance Act Rule concerning the Provider Stabilization Fund Program, Section 8.900

3. This action is an adoption of: new rules

4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 8.900, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).

5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 10/10/202

5 Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Insert the newly proposed text beginning at 8.970 through the end of 8.970.6.D. This rule is effective November 10, 2025.

*to be completed by MSB Board Coordinator

DO NOT PUBLISH THIS PAGE

Title of Rule: Creation Medical Assistance Act Rule concerning the Provider Stabilization Fund Program, Section 8.900

Rule Number: MSB 25-07-24-A

Division / Contact / Phone: Special Financing / Daniel Harper / 4427

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

Create the Provider Stabilization Fund Program as mandated by SB 25-290. The Provider Stabilization Fund program was established to make payments to safety net providers throughout the state that are providing care to low-income uninsured individuals.

2. An emergency rule-making is imperatively necessary

- to comply with state or federal law or federal regulation and/or
- for the preservation of public health, safety and welfare.

Explain:

Funds to make these payments with were transferred to the Department on August 1, 2025 and the Department has been tasked with making payments to providers as soon as possible. The bill dictates that the Department will consult with the advisory board on the implementation of the Provider Stabilization Fund and board approval on the rules was not reached with the board meeting that occurred on September 24, 2025. This is the earliest medical services board meeting the rules could be brought to after the board approved the rules.

3. Federal authority for the Rule, if any:

4. State Authority for the Rule:

Sections 25.5-3-601 through 25.5-3-606, 2-3-1203, and 38-13-801 C.R.S. (2025);
Sections 25.5-1-301 through 25.5-1-303, C.R.S.

Initial Review

Proposed Effective Date **10/10/25**
10/10/25

Final Adoption

Emergency Adoption

DOCUMENT #

DO NOT PUBLISH THIS PAGE

Title of Rule: Creation Medical Assistance Act Rule concerning the Provider Stabilization Fund Program, Section 8.900

Rule Number: MSB 25-07-24-A

Division / Contact / Phone: Special Financing / Daniel Harper / 4427

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

This rule will impact low-income individuals that are at or below 200% of the federal poverty level as well as comprehensive community behavioral health providers, rural health clinics, federally qualified health centers, and primary care providers. Low-income individuals will benefit from this rule as it will financially strengthen the providers that they are receiving care from. Eligible providers as listed earlier will benefit by receiving supplemental payments based on their care provided to low-income uninsured individuals.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

This rule is intended to help providers that are providing care to low-income uninsured individuals by awarding payments based on their proportion of low-income uninsured patients compared to low-income uninsured individuals served by all eligible providers. These payments will help ensure that low-income, uninsured individuals have providers to receive care from.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Department was appropriated funds to hire two full time employees (FTE) to complete various aspects of the new law, the appropriation for general administration and operating expenses was \$154,405 for state fiscal year 2025-26. Other than those new FTE the department does not foresee any fiscal impact and is streamlining to keep the costs as effective as possible.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

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The Department must implement these rules in accordance with the passing of SB 25-290. The rules created here will ensure that providers have clear guidelines on what they must do to be eligible to receive a payment.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The Department does not see any less costly methods to complete the work associated with the proposed rule. The 2 new full-time employees will be completing work associated with the new rules and the department is streamlining to keep the work as cost effective as possible.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternatives to creating these new rules.

8.970 PROVIDER STABILIZATION FUND

8.970.1 GENERAL DESCRIPTION

8.970.1.A In accordance with Colorado Senate Bill (SB) 25-290 Stabilization Payments for Safety Net Providers, the Provider Stabilization Fund was created to make stabilization payments to eligible safety net providers. The bill directed the state treasury to establish a Provider Stabilization Fund to collect the monies to be used for payments and set forth how the funds will be allocated and designated the Department of Health Care Policy & Financing (the Department) as the administrator of the payments.

8.970.1.B The Provider Stabilization Fund provides an allocation of monies to safety net providers that serve individuals who are considered low-income and uninsured. Monies shall be allocated based on the number of eligible patients in an amount proportional to the total number of eligible patients served by all safety net providers who qualify for monies from this fund.

8.970.2 DEFINITIONS

8.970.2.A Advisory Board means The Provider stabilization fund advisory board created pursuant to C.R.S. § 25.5-3-605,

8.970.2.B. Children's Basic Health Plan also known as Child Health Plan Plus (CHP+) means the program as specified in Article 8 of Title 25.5, C.R.S.

8.970.2.C. Comprehensive Behavioral Health Provider has the same meaning as defined at C.R.S. § 27-50-101(11).

8.970.2.D. Eligible Patient means a low-income, uninsured individual who is a patient receiving medical services from a Qualified Provider:

1. Whose annual household income is at or below two hundred percent (200%) of the Federal Poverty Guideline (FPG);
2. Who is not enrolled in the Medical Assistance Program, the Children's Basic Health Plan, Medicare or any other governmental health care coverage such as through Social Security, the Veterans Administration, Military Dependency (TRICARE or CHAMPUS), or the United States Public Health Service; and
3. For whom there is no Third Party Payer paying or reimbursing the safety net provider for all or a portion of the amount charged for the services provided to the individual.

8.970.2.E. Eligible Safety Net Provider - A Safety Net Provider who is identified by the Department to receive funding from the Provider Stabilization Fund.

8.970.2.G. Monies means funds appropriated, transferred, or credited to the Provider Stabilization Fund created in the State Treasury consisting of:

1. Money credited to the fund as a loan from the unclaimed property trust fund pursuant to C.R.S. § 38-13-801(6) ;
2. Money appropriated, transferred, or credited to the fund by the general assembly;
3. Gifts, grants, or donations the Department may receive from public or private sources for the fund.

8.970.2.H. Outside Entity means a business or professional that is not classified as an employee of the provider or the Department and does not have a direct or indirect financial interest with the provider, but has auditing experience or experience working directly with the Medical Assistance Program or similar services or grants for Eligible Patients.

8.970.2.I. Primary Care means health services that cover a range of prevention, wellness, and treatment for common illnesses. Primary care providers include doctors, nurses, nurse practitioners, and physician assistants. They often maintain long-term relationships with patients and treat a range of health-related issues. These providers may also coordinate a patient's care with specialists and may include other services based on a patient's needs including dental, comprehensive behavioral health, and vision.

1. 8.970.2.J. Safety Net Provider means a provider as defined at C.R.S. § 25.5-3-602(8). A comprehensive Community Behavioral Health provider as defined at C.R.S. § 27-50-101(11);
2. A Rural Health Clinic as defined at 42 U.S.C § 1395x(aa)(2);
3. A Federally Qualified Health Center as defined at 42 U.S.C. § 1395x(aa)(4); or
4. A health-care provider that is delivering primary care services and at least 50% of whose client caseload is individuals who are enrolled in Medicaid, Medicare, or the Children's Basic Health Plan or who are Low-Income, Uninsured Individuals.

8.970.2.K. Sliding Fee Schedule means a tiered co-payment system that determines the level of a patient's financial participation and guarantees that the patient financial participation is below usual and customary charges. Factors considered in establishing the tiered co-payment system are limited to financial status and the number of members in the patient's family unit.

8.970.2.L. Third Party Payments or Third Party Payer means any individual, entity or program with a legal obligation to pay for some or all health-related services rendered to a patient. Examples include the Medical Assistance Program; the Children's Basic Health Plan; Medicare; commercial, individual or employment-related health insurance; court-ordered health insurance (such as that required by non-custodial parents); workers' compensation; automobile insurance; and long-term care insurance.

8.970.2.M. Unduplicated User/Patient Count means the sum of patients who have had at least one Visit/Encounter with an eligible safety net provider during the applicable calendar year, but does not include the same patient more than once. The sum shall be calculated on a specific point-in-time occurring between the end of the applicable calendar year and prior to the submission of the application. Each patient shall be counted once under only one payment source designation (Third Party Payer or Eligible Patient). The patient's payment source designation shall be the payment source designation listed for the patient at the specific point-in-time in which the calculation is made. The sum shall not include:

1. Counting a patient more than once if the same patient returns for additional services (e.g., medical or dental) and/or products (e.g., pharmaceuticals) during the applicable calendar year;
2. Counting a patient more than once if the payment source designation changed during the applicable calendar year;
3. Persons who have only received services through an outreach event, community education program, nurse hotline, or other types of community-based events or programs and services were not recorded on an individual basis;

4. Persons who have only received services from large-scale efforts such as mass immunization programs, screening programs, and health fairs; or
5. Persons whose only contact with the provider is to receive Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program) counseling and vouchers are not users and the contact does not generate an encounter.

8.970.2.N. Visit/Encounter means an appointment with medical personnel (physicians, physician assistants, nurse practitioners, dentists, behavioral health workers, etc.) in which the patient received health related services and/or products (e.g., pharmaceuticals or radiology) and the appointment included primary care that is customarily billable by a safety net provider..

8.970.3 PROVIDER ELIGIBILITY

8.970.3.A. Safety Net Providers who provide Primary Care to Eligible Patients and who meet all the requirements established for the Provider Stabilization Fund as of the date the application form is submitted to the Department shall receive monies appropriated to the Provider Stabilization Fund. Specifically, the provider shall:

1. Meet one of the conditions of a Safety Net Provider as specified in Section 8.970.2.K.; and
2. Submit a completed application form according to stated guidelines as specified under Section 8.970.4.

8.970.4 APPLICATION

8.970.4.A. The application form shall be available to providers annually and posted for public access on the Department's website at least 30 calendar days prior to the application due date.

8.970.4.B. At a minimum, the application form shall require responses that:

1. Demonstrate how the provider meets the criteria of a Safety Net Provider as defined in Section 8.970.2.K.;
2. Provide an Unduplicated User/Patient Count covering the applicable calendar year which, at a minimum, includes the number of patients enrolled in the Medical Assistance Program and the Children's Basic Health Plan and the number of patients considered to be Eligible Patients; and
3. Provide certification that the Unduplicated User/Patient Count identified in Section 8.970.4.B.2 has been verified by an Outside Entity.

8.970.4.C. Providers must complete and provide an application annually. The application must be made in compliance with all specifications in the application form, including format, data and documentation. Applications must be submitted directly to the Department by the required deadline.

8.970.4.D. All providers who submit an application will be notified within 45 days of the application deadline if the provider has met or did not meet the requirements to be a Eligible Qualified Provider.

8.970.4.E. Safety Net Providers who are eligible for the Primary Care Fund are able to use their Primary Care Fund application for the Provider Stabilization Fund. Such providers must submit the Provider Stabilization Fund Attestation Form to the Department. The attestation form shall:

1. Be available to providers annually and posted for public access on the Department's website at least 30 calendar days prior to the application due date;
2. Provide attestation that the Safety Net Provider wishes to use the data from their Primary Care Fund application for the Provider Stabilization Fund application;
3. Provide Safety Net Provider contact information and be signed by a representative of the Safety Net Provider.

8.970.5 DISBURSEMENT

8.970.5.A. Eligible Safety Net Providers are determined on a state fiscal year basis and shall receive only those monies received by the Provider Stabilization Fund during that same state fiscal year. Monies disbursed shall include all monies defined in 8.970.2.G.

8.970.5.B. Payments shall be based on the number of Eligible Patients in each Eligible Safety Net Provider's Unduplicated User/Patient Count in an amount proportionate to the total number of Eligible Patients from all Eligible Safety Net Providers' Unduplicated User/Patient Counts.

8.970.5.C. The schedule for the disbursement of monies to all Eligible Safety Net Providers shall be dependent on the source and when the funds are available to the Department, with a schedule as follows:

1. Money received by the Department as a loan from the unclaimed property trust or money appropriated, credited, or transferred by the general assembly shall be distributed to eligible providers no later than March 31 in State Fiscal Year 2025-26 and by September 30 in following State Fiscal Years.
2. Money received as a gift, grant, or donation shall be distributed in the first month of the quarter following the quarter the money was received. (Example: Money gifted, granted, or donated between July 1 and September 30 would be distributed by October 3. Money received as a gift, grant, or donation during State Fiscal Year 2025-26 Quarters One and Two (July 1, 2025 - December 31, 2025) would be distributed no later than March 31, 2026.

8.970.6 ADVISORY BOARD

8.970.6.A. Advisory Board function and duties

1. Collaborate with the Department to seek, accept and expend gifts, grants or donations from private or public sources.
2. Collaborate with the Department to annually allocate money appropriated by the general assembly to the Provider Stabilization Fund.
3. Assist the Department with the annual Provider Stabilization Fund report as defined in C.R.S. § 25.5-3-606.
4. Act as consultation to the Department on obtaining federal matching money to the funds in the Provider Stabilization fund.
5. Support the Department with the implementation of the Safety Net Stabilization fund program.

8.970.6.B. Advisory Board appointment details. The advisory board was created by 25.5-3-605 to support the Department with the implementation of the Provider Stabilization Fund. Board members shall be appointed by the Governor with initial appointments being made no later than August 1, 2025. The Advisory Board shall elect a Chair and Vice-Chair from the provider and consumer members.

8.970.6.C. Advisory Board Membership Tenure, Compensation and Frequency of meetings shall be the following:

1. Advisory Board members shall serve a three-year term.
2. Advisory Board members shall serve without compensation or expense reimbursement.
3. Advisory board meetings shall be held quarterly or as determined necessary by the Chair.

8.970.6.D. Sunset Provisions. The Provider Stabilization Fund Advisory Board will be repealed, effective September 1, 2031, subject to review under the Colorado "Sunset" law.



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

OCTOBER 2025 EMERGENCY JUSTIFICATION FOR MEDICAL ASSISTANCE RULES ADOPTED AT THE OCTOBER 10, 2025 EMERGENCY MEDICAL SERVICES BOARD MEETING

MSB 25-08-26-A, Revision to the Medical Assistance Act Rule concerning Definitive Drug Testing, Section 8.660. For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The Department has seen a significant and continued expenditure increase for definitive drug tests over the past several years. These tests are being used more often than medically necessary, sometimes with large panels being ordered routinely for members. This drives up Medicaid costs and risks waste or abuse. Health First Colorado and the Department are being harmed financially by this inappropriate billing for definitive drug testing services. By limiting these tests to no more than 16 units per state fiscal year for adult members, the Department aims to ensure drug testing is appropriate, evidence-based, and cost-effective. This will protect program integrity and sustainability. Given the current budget crisis and to preserve the integrity of Health First Colorado, it is critical that funds only be used for medically necessary services. Therefore, to preserve public health, safety and welfare for Health First Colorado members by protecting the Department's budget, it is imperatively necessary to bring this proposed rule revision as an emergency to stop the inappropriate spending within the laboratory benefit. Emergency rulemaking is imperatively necessary for the preservation of public health safety, and welfare.

MSB 25-07-24-A, Creation Medical Assistance Act Rule concerning the Provider Stabilization Fund Program, Section 8.900. For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. Funds to make these payments with were transferred to the Department on August 1, 2025 and the Department has been tasked with making payments to providers as soon as possible. The bill dictates that the Department will consult with the advisory board on the implementation of the Provider Stabilization Fund and board approval on the rules was not reached with the board meeting that occurred on September 24, 2025. This is the earliest medical services board meeting the rules could be brought to after the board approved the rules. Emergency rulemaking is imperatively necessary for the preservation of public health safety, and welfare.





PHIL WEISER
Attorney General

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Chief Deputy Attorney General

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Solicitor General

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General

STATE OF COLORADO
DEPARTMENT OF LAW

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Office of the Attorney General

Tracking number: 2025-00510

Opinion of the Attorney General rendered in connection with the rules adopted by the
Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

on 10/10/2025

10 CCR 2505-10

MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY

The above-referenced rules were submitted to this office on 10/13/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 29, 2025 10:40:20

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Emergency Rules Adopted

Department

Department of Human Services

Agency

Supplemental Nutrition Assistance Program (SNAP)

CCR number

10 CCR 2506-1

Rule title

10 CCR 2506-1 RULE MANUAL VOLUME 4, SNAP 1 - eff 10/03/2025

Effective date

10/03/2025

Expiration date

01/31/2026

DEPARTMENT OF HUMAN SERVICES

Supplemental Nutrition Assistance Program (SNAP)

RULE MANUAL VOLUME 4, SNAP

10 CCR 2506-1

4.207.3 Benefit Allotment

D. The SNAP maximum and minimum monthly benefit allotment tables will be adjusted as announced by the USDA, FNS.

Household Size	Maximum Monthly Allotment Effective October 1, 2025
1	\$298
2	\$546
3	\$785
4	\$994
5	\$1,183
6	\$1,421
7	\$1,571
8	\$1,789
Each additional person	+\$218

Household Size	Minimum Monthly Allotment Effective October 1, 2025
1-2	\$ 24

4.401.1 Gross Income Limits

Effective October 1, 2025, the gross income levels for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size are as follows:

Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level
1	\$1,696	\$2,610	\$2,152
2	\$2,292	\$3,526	\$2,909
3	\$2,888	\$4,442	\$3,665
4	\$3,483	\$5,360	\$4,421
5	\$4,079	\$6,276	\$5,177
6	\$4,675	\$7,192	\$5,934
7	\$5,271	\$8,110	\$6,690
8	\$5,867	\$9,026	\$7,446
Each additional person	+\$596	+\$918	+\$757

4.401.2 Net Income Levels

Effective October 1, 2025, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:

Household Size	100% Net Income Level
1	\$1,305
2	\$1,763
3	\$2,221
4	\$2,680
5	\$3,138
6	\$3,596
7	\$4,055
8	\$4,513
Each additional person	+\$459

4.407.1 Standard Deduction

A standard deduction of 8.31% of the federal poverty income guidelines for the household size as described in Section 4.401.2 will be used to calculate the amount that is allowed to all households. The established standard amount will be adjusted annually as announced by FNS, USDA. The calculation of 8.31% of the federal poverty income guidelines for eligible members will be used for all households up to the household size of six (6). All households with six (6) or more eligible members will use the six (6) person standard deduction.

Household Size	Standard Deduction Amount			
	1-3	4	5	6+
Effective October 1, 2025	\$209	\$223	\$261	\$299

4.407.3 Excess Shelter Deduction

B. A shelter deduction cap, as specified below, applies to households that do not contain a person who is aged sixty (60) and older or a person with a disability as defined in Section 4.000.1. Those households containing a person who is aged sixty (60) and older and/or a person with a disability shall receive an excess shelter deduction for the monthly cost of shelter that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions.

Shelter Deduction Cap

Effective October 1, 2025 \$744

C. Households in which all individuals are experiencing homelessness and are not receiving free shelter throughout the calendar month shall be entitled to use a standard estimate of shelter expenses.

The FNS, USDA, provides an update of this estimated figure annually when the shelter cap for other households is adjusted. The Homeless Shelter Deduction is as follows:

Homeless Shelter Deduction

Effective October 1, 2025 \$198.99

4.407.31 Four-Tiered Mandatory Standard Utility Allowance

Effective October 1, 2008, a four-tiered mandatory standard utility allowance deduction was implemented in determining a household's excess shelter deduction. Households cannot claim actual utility expenses and are only entitled to one (1) of the four (4) utility allowances. The four (4) utility allowances shall be reviewed annually and adjusted each year, based on federal approval, to reflect Colorado's cost of utilities. No utility expenses can be allowed as an income exclusion for self-employed households when a mandatory utility allowance is given to the household.

When determining expedited eligibility, the appropriate utility allowance shall be applied when establishing the household's shelter costs.

The four (4) allowances are as follows:

A. Heating and Cooling Utility Allowance (HCUA)

1. "Cooling costs" are defined as utility costs relating to the operation of air conditioning systems, room air conditioners, swamp coolers, or evaporative coolers. Fans are not an allowable cooling cost. A heating and cooling utility allowance (HCUA) is available only to households that:
 - a. Incur or anticipate heating or cooling costs separate and apart from their rent or mortgage;
 - b. Received a Low-Income Energy Assistance Program (LEAP) or an Energy Electronic Benefit Transfer (E-EBT) payment within the previous twelve (12) month period, regardless of whether the individual is still residing at the address for which they received the LEAP or E-EBT payment;
 - c. Live in private rental housing and are billed by their landlords on the basis of individual usage or charged a flat rate separately from their rent for heating and cooling;
 - d. Share a residence and incur at least a portion of the heating or cooling cost, in which case each household will be entitled to the full HCUA; or,
 - e. Live in public housing and are responsible for excess heating and/or cooling costs.
2. A SNAP household, which incurs or anticipates heating or cooling costs on an irregular basis, may continue to receive the HCUA between billing periods.
3. The operation of a space heater, electric blanket, heat lamp, cooking stove, and similar appliances, as a supplemental heating source, are allowable costs when

determining eligibility for the basic utility allowance (BUA), but do not qualify a household for the HCUA.

4. The HCUA standard is as follows:

HCUA Standard

Effective October 1, 2025 \$594

B. Basic Utility Allowance (BUA)

1. The Basic Utility Allowance (BUA) is mandated for any households that are not entitled to the HCUA and that incur at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.
2. If more than one SNAP household shares in paying non-heating or non-cooling utility costs of the dwelling, the full BUA will be allowed for each SNAP household sharing in the utility costs.
3. The BUA standard is as follows:

BUA Standard

Effective October 1, 2025 \$377

C. One Utility Allowance (OUA)

1. The OUA is mandated for any household that is not entitled to the HCUA or BUA but is responsible for only one (1) non-heating or one (1) non-cooling utility expense. The OUA is not allowed if the household's only utility expense is a telephone.
2. If more than one (1) SNAP household shares in paying one (1) non-heating or one (1) non-cooling utility cost of the dwelling, the full OUA will be allowed for each SNAP household sharing in the utility cost.
3. The OUA standard is as follows:

OUA Standard

Effective October 1, 2025 \$71

D. Telephone allowance

1. The telephone allowance is available to households whose only utility cost is for a telephone. If more than one SNAP household shares in paying the telephone costs, and that is the only utility cost of the dwelling, the full phone standard will be allowed for each SNAP household sharing in the telephone costs.
2. The telephone allowance is as follows:

Telephone Standard

Effective October 1, 2025 \$97

Title of Proposed Rule: SNAP Cost-of-living Adjustments (COLA) for FFY2026

CDHS Tracking #: 25-08-22-01

Office, Division, & Program: Rule Author: Brett Bustos
Office of Economic Security,
Food and Energy Assistance
Division, SNAP

Phone: 720-760-2894

E-Mail:
brett.bustos@state.co.us

RULEMAKING PACKET

Type of Rule: (complete a and b, below)

a. Board Executive Director

b. Regular Emergency

This package is submitted to State Board Administration as: (check all that apply)

AG Initial Review

Initial Board Reading

AG 2nd Review

Second Board Reading / Adoption

This package contains the following types of rules: (check all that apply)

Number	
<u>6</u>	Amended Rules
<u>0</u>	New Rules
<u>0</u>	Repealed Rules
<u>0</u>	Reviewed Rules

What month is being requested for this rule to first go before the State Board? | October 2025

What date is being requested for this rule to be effective? | October 3, 2025

Is this date legislatively required? | Yes

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director’s Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ Date: _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:	1st Board	10/2025 (Emer)	2nd Board	11/2025 (Perm)	Effective Date	10/3/2025 (Emergency) 12/30/2025 (Permanent)
		_____		_____		_____

Title of Proposed Rule: SNAP Cost-of-living Adjustments (COLA) for FFY2026

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STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

The Supplemental Nutrition Assistance Program (SNAP) is a federal food assistance program actively administered in Colorado. SNAP provides food assistance benefits to help low-income households purchase food. The United States Department of Agriculture, Food and Nutrition Service (FNS) annually evaluates federal income poverty guidelines and cost-of-living increases to determine appropriate adjustments to income eligibility standards, benefit allotments, and deductions for the upcoming federal fiscal year (FFY). The modified figures are typically made available to states during August immediately prior to the next fiscal year. The cost-of-living adjustments (COLA) in this regulation package are required to become effective 10/2025.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | to comply with state/federal law and/or |
| <input checked="" type="checkbox"/> | to preserve public health, safety and welfare |

Justification for emergency:

Each year, FNS disseminates the new standards to states for use in the upcoming FFY. The COLA adjustments are mandated to be implemented at the beginning of FFY26 (October 1, 2025) by the Food and Nutrition Act of 2008. Noncompliance with federal SNAP regulations also conflicts with public interest.

State Board Authority for Rule:

Code	Description
26-1-107(5)-(6)(a), C.R.S. (2024).	State Board to promulgate rules
26-1-109(2)(a),(3), C.R.S. (2024).	State department rules to coordinate with federal programs
26-1-111(1), (2)(a), and (2)(h), C.R.S. (2024).	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
26-2-301(1), C.R.S. (2024).	Designates the Colorado Department of Human Services as the responsible agency to administer the Food Assistance Program in the State of Colorado.
26-2-302, C.R.S. (2024).	Prohibits any interference that would prevent the Colorado Department of Human Services from complying with federal mandates prescribed under the federal "Food Stamp Act" as amended.

Title of Proposed Rule: SNAP Cost-of-living Adjustments (COLA) for FFY2026

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26-1-107(5)(b), C.R.S. (2024).	Authorizes the State Board to adopt rules for “programs administered ... by the state department as set out in this title [26],”.
Agricultural Act of 2014 (Public Law 113-79), Title IV, Subtitle A	Federal program authority
26-2-104(2)(b), C.R.S. (2024).	Authorizes the State Board to promulgate rules to implement and administer the electronic benefits transfer service.

Does the rule incorporate material by reference?

Yes

No

Does this rule repeat language found in statute?

Yes

No

If yes, please explain.

Title of Proposed Rule: SNAP Cost-of-living Adjustments (COLA) for FFY2026

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

The annual COLA to the core financial figures of the program benefit all SNAP applicants and participants by keeping the program in line with inflation and general increases in the cost-of-living. There are no adverse impacts with the adoption of these changes in rules. The state is responsible for updating regulations, training documents, and the Colorado Benefits Management System (CBMS) associated with this change and thus bears the burden.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

Annual adjustments to the four-tiered mandatory standard utility allowances, standard deduction, homeless shelter deduction, maximum allotments, and income threshold guidelines have the potential to increase current benefit amounts for participants and increase program accessibility for future applicants.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There is no impact because the costs associated with the Colorado Benefits Management System to incorporate these changes have already been allocated in the system maintenance budget.

County Fiscal Impact

This rule change may increase county government expenditures for administering SNAP to clients. This is due to increased benefit amounts that are paid to households.

Federal Fiscal Impact

There are no federal fiscal impacts with this rule change as no federal agency is impacted by the regulation changes proposed with this packet.

Other Fiscal Impact (such as providers, local governments, etc.)

There are no other fiscal impacts associated with this rule change.

Title of Proposed Rule: SNAP Cost-of-living Adjustments (COLA) for FFY2026

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4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Federal memorandums from FNS, as well as data from the Consumer Price Index for all Urban Consumers, were used in the development of this rule.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

As these annual Cost of Living Adjustments are mandated by SNAP’s federal oversight agency to be incorporated into regulation before or alongside implementation, there are no available alternatives that exist to incorporate these changes statewide.

Title of Proposed Rule: SNAP Cost-of-living Adjustments (COLA) for FFY2026

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail																																																
4.207.3(D)	Outdated figures and dates	<p>4.207.3 Benefit Allotment</p> <p>D. The SNAP maximum and minimum monthly benefit allotment tables will be adjusted as announced by the USDA, FNS.</p> <table border="1"> <thead> <tr> <th>Household Size</th> <th>Maximum Monthly Allotment Effective October 1, 2024</th> </tr> </thead> <tbody> <tr><td>1</td><td>\$292</td></tr> <tr><td>2</td><td>\$536</td></tr> <tr><td>3</td><td>\$768</td></tr> <tr><td>4</td><td>\$975</td></tr> <tr><td>5</td><td>\$1,158</td></tr> <tr><td>6</td><td>\$1,390</td></tr> <tr><td>7</td><td>\$1,536</td></tr> <tr><td>8</td><td>\$1,756</td></tr> <tr><td>Each additional person</td><td>+\$220</td></tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Household Size</th> <th>Minimum Monthly Allotment Effective October 1, 2024</th> </tr> </thead> <tbody> <tr><td>1-2</td><td>\$23</td></tr> </tbody> </table>	Household Size	Maximum Monthly Allotment Effective October 1, 2024	1	\$292	2	\$536	3	\$768	4	\$975	5	\$1,158	6	\$1,390	7	\$1,536	8	\$1,756	Each additional person	+\$220	Household Size	Minimum Monthly Allotment Effective October 1, 2024	1-2	\$23	<p>4.207.3 Benefit Allotment</p> <p>***</p> <p>D. The SNAP maximum and minimum monthly benefit allotment tables will be adjusted as announced by the USDA, FNS.</p> <table border="1"> <thead> <tr> <th>Household Size</th> <th>Maximum Monthly Allotment Effective October 1, 2024-2025</th> </tr> </thead> <tbody> <tr><td>1</td><td>\$292 298</td></tr> <tr><td>2</td><td>\$536 546</td></tr> <tr><td>3</td><td>\$768 785</td></tr> <tr><td>4</td><td>\$975 994</td></tr> <tr><td>5</td><td>\$1,158 1,183</td></tr> <tr><td>6</td><td>\$1,390 1,421</td></tr> <tr><td>7</td><td>\$1,536 1,571</td></tr> <tr><td>8</td><td>\$1,756 1,789</td></tr> <tr><td>Each additional person</td><td>+\$220 218</td></tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Household Size</th> <th>Minimum Monthly Allotment Effective October 1, 2024-2025</th> </tr> </thead> <tbody> <tr><td>1-2</td><td>\$23 24</td></tr> </tbody> </table>	Household Size	Maximum Monthly Allotment Effective October 1, 2024-2025	1	\$ 292 298	2	\$ 536 546	3	\$ 768 785	4	\$ 975 994	5	\$ 1,158 1,183	6	\$ 1,390 1,421	7	\$ 1,536 1,571	8	\$ 1,756 1,789	Each additional person	+\$ 220 218	Household Size	Minimum Monthly Allotment Effective October 1, 2024-2025	1-2	\$ 23 24	Updated new figures and dates	
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Phone: 720-760-2894

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4.401.1	Outdated figures and dates	<p>4.401.1 Gross Income Limits</p> <p>Effective October 1, 2024, the gross income levels for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size are as follows:</p> <table border="1" data-bbox="485 721 915 1208"> <thead> <tr> <th>Household Size</th> <th>130% Gross Income Level</th> <th>200% Gross Income Level</th> <th>165% Gross Income Level</th> </tr> </thead> <tbody> <tr><td>1</td><td>\$1,632</td><td>\$2,510</td><td>\$2,071</td></tr> <tr><td>2</td><td>\$2,215</td><td>\$3,408</td><td>\$2,811</td></tr> <tr><td>3</td><td>\$2,798</td><td>\$4,304</td><td>\$3,551</td></tr> <tr><td>4</td><td>\$3,380</td><td>\$5,200</td><td>\$4,290</td></tr> <tr><td>5</td><td>\$3,963</td><td>\$6,098</td><td>\$5,030</td></tr> <tr><td>6</td><td>\$4,546</td><td>\$6,994</td><td>\$5,770</td></tr> <tr><td>7</td><td>\$5,129</td><td>\$7,890</td><td>\$6,510</td></tr> <tr><td>8</td><td>\$5,712</td><td>\$8,788</td><td>\$5,712</td></tr> <tr><td>Each additional person</td><td>+\$583</td><td>+\$898</td><td>+\$740</td></tr> </tbody> </table>	Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level	1	\$1,632	\$2,510	\$2,071	2	\$2,215	\$3,408	\$2,811	3	\$2,798	\$4,304	\$3,551	4	\$3,380	\$5,200	\$4,290	5	\$3,963	\$6,098	\$5,030	6	\$4,546	\$6,994	\$5,770	7	\$5,129	\$7,890	\$6,510	8	\$5,712	\$8,788	\$5,712	Each additional person	+\$583	+\$898	+\$740	<p>4.401.1 Gross Income Limits</p> <p>Effective October 1, 2024 2025, the gross income levels for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size are as follows:</p> <table border="1" data-bbox="957 691 1562 1344"> <thead> <tr> <th>Household Size</th> <th>130% Gross Income Level</th> <th>200% Gross Income Level</th> <th>165% Gross Income Level</th> </tr> </thead> <tbody> <tr><td>1</td><td>\$1,632 1,696</td><td>\$2,510 2,610</td><td>\$2,071 2,152</td></tr> <tr><td>2</td><td>\$2,215 2,292</td><td>\$3,408 3,526</td><td>\$2,811 2,909</td></tr> <tr><td>3</td><td>\$2,798 2,888</td><td>\$4,304 4,442</td><td>\$3,551 3,665</td></tr> <tr><td>4</td><td>\$3,380 3,483</td><td>\$5,200 5,360</td><td>\$4,290 4,421</td></tr> <tr><td>5</td><td>\$3,963 4,079</td><td>\$6,098 6,276</td><td>\$5,030 5,177</td></tr> <tr><td>6</td><td>\$4,546 4,675</td><td>\$6,994 7,192</td><td>\$5,770 5,934</td></tr> <tr><td>7</td><td>\$5,129 5,271</td><td>\$7,890 8,110</td><td>\$6,510 6,690</td></tr> <tr><td>8</td><td>\$5,712 5,867</td><td>\$8,788 9,026</td><td>\$5,712 7,446</td></tr> <tr><td>Each additional person</td><td>+\$583 596</td><td>+\$898 918</td><td>+\$740 757</td></tr> </tbody> </table>	Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level	1	\$1,632 1,696	\$2,510 2,610	\$2,071 2,152	2	\$2,215 2,292	\$3,408 3,526	\$2,811 2,909	3	\$2,798 2,888	\$4,304 4,442	\$3,551 3,665	4	\$3,380 3,483	\$5,200 5,360	\$4,290 4,421	5	\$3,963 4,079	\$6,098 6,276	\$5,030 5,177	6	\$4,546 4,675	\$6,994 7,192	\$5,770 5,934	7	\$5,129 5,271	\$7,890 8,110	\$6,510 6,690	8	\$5,712 5,867	\$8,788 9,026	\$5,712 7,446	Each additional person	+\$583 596	+\$898 918	+\$740 757	Updated figures and dates	
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 Division, SNAP

Phone: 720-760-2894

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Effective October 1, 2024, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:

Household Size	100% Net Income Level
1	\$1,255
2	\$1,704
3	\$2,152
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6	\$3,497
7	\$3,945
8	\$4,394
Each additional person	+\$449

Effective October 1, ~~2024~~ 2025, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:

Household Size	100% Net Income Level
1	\$1,255 1,305
2	\$1,704 1,763
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4	\$2,600 2,680
5	\$3,049 3,138
6	\$3,497 3,596
7	\$3,945 4,055
8	\$4,394 4,513
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		<p>A standard deduction of 8.31% of the federal poverty income guidelines for the household size as described in Section 4.401.2 will be used to calculate the amount that is allowed to all households. The established standard amount will be adjusted annually as announced by FNS, USDA. The calculation of 8.31% of the federal poverty income guidelines for eligible members will be used for all households up to the household size of six (6). All households with six (6) or more eligible members will use the six (6) person standard deduction.</p> <table border="1" data-bbox="485 857 917 1013"> <thead> <tr> <th colspan="5">Standard Deduction Amount</th> </tr> <tr> <th>Household Size</th> <th>1-3</th> <th>4</th> <th>5</th> <th>6+</th> </tr> </thead> <tbody> <tr> <td>Effective October 1, 2024</td> <td>\$204</td> <td>\$217</td> <td>\$254</td> <td>\$291</td> </tr> <tr> <td>Effective October 1, 2025</td> <td>209</td> <td>223</td> <td>261</td> <td>299</td> </tr> </tbody> </table>	Standard Deduction Amount					Household Size	1-3	4	5	6+	Effective October 1, 2024	\$204	\$217	\$254	\$291	Effective October 1, 2025	209	223	261	299	<p>A standard deduction of 8.31% of the federal poverty income guidelines for the household size as described in Section 4.401.2 will be used to calculate the amount that is allowed to all households. The established standard amount will be adjusted annually as announced by FNS, USDA. The calculation of 8.31% of the federal poverty income guidelines for eligible members will be used for all households up to the household size of six (6). All households with six (6) or more eligible members will use the six (6) person standard deduction.</p> <table border="1" data-bbox="947 748 1570 951"> <thead> <tr> <th colspan="5">Standard Deduction Amount</th> </tr> <tr> <th>Household Size</th> <th>1-3</th> <th>4</th> <th>5</th> <th>6+</th> </tr> </thead> <tbody> <tr> <td>Effective October 1, 2024</td> <td>\$204</td> <td>\$217</td> <td>\$254</td> <td>\$291</td> </tr> <tr> <td>Effective October 1, 2025</td> <td>209</td> <td>223</td> <td>261</td> <td>299</td> </tr> </tbody> </table>	Standard Deduction Amount					Household Size	1-3	4	5	6+	Effective October 1, 2024	\$204	\$217	\$254	\$291	Effective October 1, 2025	209	223	261	299		
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4.407.3	Outdated figures and dates	<p>4.407.3 Excess Shelter Deduction</p> <p>***</p> <p>B. A shelter deduction cap, as specified below, applies to households that do not contain a person who is aged sixty (60) and older or a person with a disability as defined in Section 4.000.1. Those households containing a person who is aged sixty (60) and older and/or a person with a disability shall receive an excess shelter deduction for the monthly cost of shelter that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions.</p>	<p>4.407.3 Excess Shelter Deduction</p> <p>***</p> <p>B. A shelter deduction cap, as specified below, applies to households that do not contain a person who is aged sixty (60) and older or a person with a disability as defined in Section 4.000.1. Those households containing a person who is aged sixty (60) and older and/or a person with a disability shall receive an excess shelter deduction for the monthly cost of shelter that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions.</p> <table border="1" data-bbox="968 1425 1549 1458"> <tr> <td>Shelter Deduction Cap</td> </tr> </table>	Shelter Deduction Cap	Updated figures and dates																																								
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4.407.31	Outdated figures and dates	<p>4.407.31 Four-Tiered Mandatory Standard Utility Allowance</p> <p>Effective October 1, 2008, a four-tiered mandatory standard utility allowance deduction was implemented in determining a household's excess shelter deduction. Households cannot claim actual utility expenses and are only entitled to one (1) of the four (4) utility allowances. The four (4) utility allowances shall be reviewed annually and adjusted each year, based on federal approval, to reflect Colorado's cost of utilities. No utility expenses can be allowed as an</p>	<p>4.407.31 Four-Tiered Mandatory Standard Utility Allowance</p> <p>Effective October 1, 2008, a four-tiered mandatory standard utility allowance deduction was implemented in determining a household's excess shelter deduction. Households cannot claim actual utility expenses and are only entitled to one (1) of the four (4) utility allowances. The four (4) utility allowances shall be reviewed annually and adjusted each year, based on federal approval, to reflect Colorado's cost of utilities. No utility expenses can be allowed as an income exclusion for self-employed households when a mandatory utility allowance is given to the household.</p>	Updated figures and dates															

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		<p>income exclusion for self-employed households when a mandatory utility allowance is given to the household.</p> <p>When determining expedited eligibility, the appropriate utility allowance shall be applied when establishing the household's shelter costs.</p> <p>The four (4) allowances are as follows:</p> <p>A. Heating and Cooling Utility Allowance (HCUA)</p> <p>1. "Cooling costs" are defined as utility costs relating to the operation of air conditioning systems, room air conditioners, swamp coolers, or evaporative coolers. Fans are not an allowable cooling cost. A heating and cooling utility allowance (HCUA) is available only to households which:</p> <p>a. Incur or anticipate heating or cooling costs separate and apart from their rent or mortgage;</p> <p>b. Received a Low-Income Energy Assistance Program (LEAP) or an Energy Electronic Benefit Transfer (E-EBT) payment within the previous twelve (12) month period, regardless of whether the individual is still residing at the address for which they received the LEAP or E-EBT payment;</p>	<p>When determining expedited eligibility, the appropriate utility allowance shall be applied when establishing the household's shelter costs.</p> <p>The four (4) allowances are as follows:</p> <p>A. Heating and Cooling Utility Allowance (HCUA)</p> <p>1. "Cooling costs" are defined as utility costs relating to the operation of air conditioning systems, room air conditioners, swamp coolers, or evaporative coolers. Fans are not an allowable cooling cost. A heating and cooling utility allowance (HCUA) is available only to households THAT which:</p> <p>a. Incur or anticipate heating or cooling costs separate and apart from their rent or mortgage;</p> <p>b. Received a Low-Income Energy Assistance Program (LEAP) or an Energy Electronic Benefit Transfer (E-EBT) payment within the previous twelve (12) month period, regardless of whether the individual is still residing at the address for which they received the LEAP or E-EBT payment;</p> <p>c. Live in private rental housing and are billed by their landlords on the basis of individual usage or charged a flat rate separately from their rent for heating and cooling;</p> <p>d. Share a residence and who incur at least a portion of the heating or cooling cost, in which each household will be entitled to the full HCUA; or,</p> <p>e. Live in public housing and are responsible for excess heating and/or cooling costs.</p>		
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Title of Proposed Rule: SNAP Cost-of-living Adjustments (COLA) for FFY2026

CDHS Tracking #: 25-08-22-01

Office, Division, & Program:
Office of Economic Security,
Food and Energy Assistance
Division, SNAP

Rule Author: Brett Bustos

Phone: 720-760-2894

E-Mail:

brett.bustos@state.co.us

		<p>c. Live in private rental housing and are billed by their landlords on the basis of individual usage or charged a flat rate separately from their rent for heating and cooling;</p> <p>d. Share a residence and incur at least a portion of the heating or cooling cost, in which case each household will be entitled to the full HCUA; or,</p> <p>e. Live in public housing and are responsible for excess heating and/or cooling costs.</p> <p>2. A SNAP household, which incurs or anticipates heating or cooling costs on an irregular basis, may continue to receive the HCUA between billing periods.</p> <p>3. Operation of a space heater, electric blanket, heat lamp, cooking stove and the like when used as a supplemental heating source are allowable costs when determining eligibility for the basic utility allowance (BUA), but do not qualify a household for the HCUA.</p> <p>4. The HCUA standard is as follows:</p> <table border="1" data-bbox="516 1352 898 1437"><tr><td colspan="2">HCUA Standard</td></tr><tr><td>Effective October 1, 2024</td><td>\$578</td></tr></table>	HCUA Standard		Effective October 1, 2024	\$578	<p>2. A SNAP household, which incurs or anticipates heating or cooling costs on an irregular basis, may continue to receive the HCUA between billing periods.</p> <p>3. THE Operation of a space heater, electric blanket, heat lamp, cooking stove, and SIMILAR APPLIANCES, the like when used as a supplemental heating source, are allowable costs when determining eligibility for the basic utility allowance (BUA), but do not qualify a household for the HCUA.</p> <p>4. The HCUA standard is as follows:</p> <table border="1" data-bbox="989 805 1535 889"><tr><td colspan="2">HCUA Standard</td></tr><tr><td>Effective October 1, 2024 2025</td><td>\$578 594</td></tr></table> <p>B. Basic Utility Allowance (BUA)</p> <p>1. The Basic Utility Allowance (BUA) is mandated for any households that are not entitled to the HCUA and that incur at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.</p> <p>2. If more than one (1) SNAP household shares in paying non-heating or non-cooling utility costs of the dwelling, the full BUA will be allowed for each SNAP HOUSEHOLD assistance group sharing in the utility costs.</p> <p>3. The BUA standard is as follows:</p> <table border="1" data-bbox="972 1328 1551 1386"><tr><td colspan="2">BUA Standard</td></tr><tr><td>Effective October 1, 2024 2025</td><td>\$367 377</td></tr></table> <p>C. One Utility Allowance (OUA)</p>	HCUA Standard		Effective October 1, 2024 2025	\$578 594	BUA Standard		Effective October 1, 2024 2025	\$367 377		
HCUA Standard																	
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Title of Proposed Rule: SNAP Cost-of-living Adjustments (COLA) for FFY2026

CDHS Tracking #: 25-08-22-01

Office, Division, & Program:
Office of Economic Security,
Food and Energy Assistance
Division, SNAP

Rule Author: Brett Bustos

Phone: 720-760-2894

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		<p>B. Basic Utility Allowance (BUA)</p> <p>1. The Basic Utility Allowance (BUA) is mandated for any households that are not entitled to the HCUA and that incur at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.</p> <p>2. If more than one SNAP household shares in paying non-heating or non-cooling utility costs of the dwelling, the full BUA will be allowed for each assistance group sharing in the utility costs.</p> <p>3. The BUA standard is as follows:</p> <table border="1" data-bbox="499 971 913 1031"><tr><th colspan="2">BUA Standard</th></tr><tr><td>Effective October 1, 2024</td><td>\$367</td></tr></table> <p>C. One Utility Allowance (OUA)</p> <p>1. The OUA is mandated for any household that is not entitled to the HCUA or BUA but is responsible for only one (1) non-heating or one (1) non-cooling utility expense. The OUA is not allowed if the household's only utility expense is a telephone.</p> <p>2. If more than one (1) SNAP household shares in paying one (1) non-heating or one (1) non-cooling utility costs of the dwelling, the full OUA will be</p>	BUA Standard		Effective October 1, 2024	\$367	<p>1. The OUA is mandated for any household that is not entitled to the HCUA or BUA but is responsible for only one (1) non-heating or one (1) non-cooling utility expense. The OUA is not allowed if the household's only utility expense is a telephone.</p> <p>2. If more than one (1) SNAP household shares in paying one (1) non-heating or one (1) non-cooling utility cost of the dwelling, the full OUA will be allowed for each SNAP household assistance group sharing in the utility cost.</p> <p>3. The OUA standard is as follows:</p> <table border="1" data-bbox="982 857 1537 917"><tr><th colspan="2">OUA Standard</th></tr><tr><td>Effective October 1, 2024-2025</td><td>\$69 71</td></tr></table> <p>D. Telephone allowance</p> <p>1. The telephone allowance is available to households whose only utility cost is for a telephone. If more than SNAP household shares in paying the telephone costs and that is the only utility costs of the dwelling, the full phone standard will be allowed for each SNAP HOUSEHOLD assistance group sharing in the telephone costs.</p> <p>2. The telephone allowance is as follows:</p> <table border="1" data-bbox="982 1279 1537 1339"><tr><th colspan="2">Telephone Standard</th></tr><tr><td>Effective October 1, 2024-2025</td><td>\$94 97</td></tr></table>	OUA Standard		Effective October 1, 2024-2025	\$69 71	Telephone Standard		Effective October 1, 2024-2025	\$94 97		
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Title of Proposed Rule: SNAP Cost-of-living Adjustments (COLA) for FFY2026

CDHS Tracking #: 25-08-22-01

Office, Division, & Program: Rule Author: Brett Bustos
Office of Economic Security,
Food and Energy Assistance
Division, SNAP

Phone: 720-760-2894

E-Mail:

brett.bustos@state.co.us

allowed for each assistance group sharing in the utility costs.

3. The OUA standard is as follows:

OUA Standard	
Effective October 1, 2024	\$69

D. Telephone allowance

1. The telephone allowance is available to households whose only utility cost is for a telephone. If more than one SNAP household shares in paying the telephone costs and that is the only utility costs of the dwelling, the full phone standard will be allowed for each assistance group sharing in the telephone costs.

2. The telephone allowance is as follows:

Telephone Standard	
Effective October 1, 2024	\$94

Title of Proposed Rule: SNAP Cost-of-living Adjustments (COLA) for FFY2026

CDHS Tracking #: 25-08-22-01

Office, Division, & Program: Rule Author: Brett Bustos
Office of Economic Security,
Food and Energy Assistance
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STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

Office of Economic Security (OES) Sub-PAC, Colorado Blueprint to End Hunger

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

Office of Economic Security (OES) PAC, Finance Sub-PAC

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Name of Sub-PAC	Economic Security Sub-PAC		
Date presented	9/4/25 (E-vote finalized 9/22/25)		
What issues were raised?	Counties raised concerns over the increased cost to state and county budgets the COLA presents.		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	16	2	1
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

Yes No

Date presented	10/2/25		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

Title of Proposed Rule: SNAP Cost-of-living Adjustments (COLA) for FFY2026

CDHS Tracking #: 25-08-22-01

Office, Division, & Program: Rule Author: Brett Bustos
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Yes No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

DEPARTMENT OF HUMAN SERVICES

Supplemental Nutrition Assistance Program (SNAP)

RULE MANUAL VOLUME 4, SNAP

10 CCR 2506-1

4.207.3 Benefit Allotment

D. The SNAP maximum and minimum monthly benefit allotment tables will be adjusted as announced by the USDA, FNS.

Household Size	Maximum Monthly Allotment Effective October 1, 2024 2025
1	\$292 298
2	\$536 546
3	\$768 785
4	\$975 994
5	\$1,158 1,183
6	\$1,390 1,421
7	\$1,536 1,571
8	\$1,756 1,789
Each additional person	+\$220 218

Household Size	Minimum Monthly Allotment Effective October 1, 2024 2025
1-2	\$23 24

4.401.1 Gross Income Limits

Effective October 1, 2024 2025, the gross income levels for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size are as follows:

Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level
1	\$1,632 1,696	\$2,510 2,610	\$2,071 2,152
2	\$2,215 2,292	\$3,408 3,526	\$2,811 2,909
3	\$2,798 2,888	\$4,304 4,442	\$3,551 3,665
4	\$3,380 3,483	\$5,200 5,360	\$4,290 4,421
5	\$3,963 4,079	\$6,098 6,276	\$5,030 5,177
6	\$4,546 4,675	\$6,994 7,192	\$5,770 5,934
7	\$5,129 5,271	\$7,890 8,110	\$6,510 6,690
8	\$5,712 5,867	\$8,788 9,026	\$7,250 7,446
Each additional person	+\$583 596	+\$898 918	+\$740 757

4.401.2 Net Income Levels

Effective October 1, ~~2024~~ 2025, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:

Household Size	100% Net Income Level
1	\$1,255 1,305
2	\$1,704 1,763
3	\$2,152 2,221
4	\$2,600 2,680
5	\$3,049 3,138
6	\$3,497 3,596
7	\$3,945 4,055
8	\$4,394 4,513
Each additional person	+\$449 459

4.407.1 Standard Deduction

A standard deduction of 8.31% of the federal poverty income guidelines for the household size as described in Section 4.401.2 will be used to calculate the amount that is allowed to all households. The established standard amount will be adjusted annually as announced by FNS, USDA. The calculation of 8.31% of the federal poverty income guidelines for eligible members will be used for all households up to the household size of six (6). All households with six (6) or more eligible members will use the six (6) person standard deduction.

Standard Deduction Amount				
Household Size	1-3	4	5	6+
Effective October 1, 2024 2025	\$204 209	\$217 223	\$254 261	\$291 299

4.407.3 Excess Shelter Deduction

- B. A shelter deduction cap, as specified below, applies to households that do not contain a person who is aged sixty (60) and older or a person with a disability as defined in Section 4.000.1. Those households containing a person who is aged sixty (60) and older and/or a person with a disability shall receive an excess shelter deduction for the monthly cost of shelter that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions.

Shelter Deduction Cap	
Effective October 1, 2024 2025	\$712 744

- C. Households in which all individuals are experiencing homelessness and are not receiving free shelter throughout the calendar month shall be entitled to use a standard estimate of shelter expenses.

The FNS, USDA, provides an update of this estimated figure annually when the shelter cap for other households is adjusted. The Homeless Shelter Deduction is as follows:

Homeless Shelter Deduction		
Effective October 1, 2024	2025	\$198.99

4.407.31 Four-Tiered Mandatory Standard Utility Allowance

Effective October 1, 2008, a four-tiered mandatory standard utility allowance deduction was implemented in determining a household's excess shelter deduction. Households cannot claim actual utility expenses and are only entitled to one (1) of the four (4) utility allowances. The four (4) utility allowances shall be reviewed annually and adjusted each year, based on federal approval, to reflect Colorado's cost of utilities. No utility expenses can be allowed as an income exclusion for self-employed households when a mandatory utility allowance is given to the household.

When determining expedited eligibility, the appropriate utility allowance shall be applied when establishing the household's shelter costs.

The four (4) allowances are as follows:

A. Heating and Cooling Utility Allowance (HCUA)

1. "Cooling costs" are defined as utility costs relating to the operation of air conditioning systems, room air conditioners, swamp coolers, or evaporative coolers. Fans are not an allowable cooling cost. A heating and cooling utility allowance (HCUA) is available only to households ~~THAT~~ ~~which~~:
 - a. Incur or anticipate heating or cooling costs separate and apart from their rent or mortgage;
 - b. Received a Low-Income Energy Assistance Program (LEAP) or an Energy Electronic Benefit Transfer (E-EBT) payment within the previous twelve (12) month period, regardless of whether the individual is still residing at the address for which they received the LEAP or E-EBT payment;
 - c. Live in private rental housing and are billed by their landlords on the basis of individual usage or charged a flat rate separately from their rent for heating and cooling;
 - d. Share a residence and incur at least a portion of the heating or cooling cost, in which case each household will be entitled to the full HCUA; or,
 - e. Live in public housing and are responsible for excess heating and/or cooling costs.
2. A SNAP household, which incurs or anticipates heating or cooling costs on an irregular basis, may continue to receive the HCUA between billing periods.
3. ~~THE O~~peration of a space heater, electric blanket, heat lamp, cooking stove, and ~~SIMILAR APPLIANCES, the like when used~~ as a supplemental heating source, are allowable costs when determining eligibility for the basic utility allowance (BUA), but do not qualify a household for the HCUA.

4. The HCUA standard is as follows:

HCUA Standard	
Effective October 1, 2024-2025	\$578 594

B. Basic Utility Allowance (BUA)

1. The Basic Utility Allowance (BUA) is mandated for any households that are not entitled to the HCUA and that incur at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.
2. If more than one SNAP household shares in paying non-heating or non-cooling utility costs of the dwelling, the full BUA will be allowed for each **SNAP HOUSEHOLD** ~~assistance group~~ sharing in the utility costs.
3. The BUA standard is as follows:

BUA Standard	
Effective October 1, 2024-2025	\$367 377

C. One Utility Allowance (OUA)

1. The OUA is mandated for any household that is not entitled to the HCUA or BUA but is responsible for only one (1) non-heating or one (1) non-cooling utility expense. The OUA is not allowed if the household's only utility expense is a telephone.
2. If more than one (1) SNAP household shares in paying one (1) non-heating or one (1) non-cooling utility cost of the dwelling, the full OUA will be allowed for each **SNAP HOUSEHOLD** ~~assistance group~~ sharing in the utility cost.
3. The OUA standard is as follows:

OUA Standard	
Effective October 1, 2024-2025	\$69 71

D. Telephone allowance

1. The telephone allowance is available to households whose only utility cost is for a telephone. If more than one SNAP household shares in paying the telephone costs and that is the only utility costs of the dwelling, the full phone standard will be allowed for each **SNAP HOUSEHOLD** ~~assistance group~~ sharing in the telephone costs.
2. The telephone allowance is as follows:

Telephone Standard	
Effective October 1, 2024-2025	\$94 97



PHIL WEISER
Attorney General

NATALIE HANLON LEH
Chief Deputy Attorney General

SHANNON STEVENSON
Solicitor General

TANJA WHEELER
Associate Chief Deputy Attorney
General

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

Tracking number: 2025-00506

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Supplemental Nutrition Assistance Program (SNAP)**

on 10/03/2025

10 CCR 2506-1

RULE MANUAL VOLUME 4, SNAP

The above-referenced rules were submitted to this office on 10/10/2025 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

October 23, 2025 06:47:49

Philip J. Weiser
Attorney General
by Russell D. Johnson
Deputy Solicitor General

Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Filed on 10/27/2025

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)



PUBLIC NOTICE

November 10, 2025

The Department of Health Care Policy and Financing (the Department) intends to make the following Medicaid reimbursement rate changes:

Pharmacy Reimbursement

The proposed changes revise the reimbursement methodology for pharmaceutical services under Colorado's Medicaid program. The change incorporates the Maximum Allowable Cost (MAC) into the "lesser of" reimbursement calculation, which will now be the lesser of the Average Acquisition Cost (AAC), National Average Drug Acquisition Cost (NADAC), MAC, or Submitted Ingredient Cost (SIC). Previously, the MAC rate applied only when AAC or NADAC were unavailable. Including MAC in the "lesser of" methodology ensures more consistent and cost-effective reimbursement. The MAC is designed to function as a NADAC equivalency rate where applicable. In addition, based on the Department's most recent Cost of Dispensing Survey, the dispensing fees for the two lowest tiers (pharmacies with the highest annual prescription volumes) will be reduced from \$10.25 to \$9.93 and from \$9.31 to \$8.72.

The annual aggregate decrease in Pharmacy expenditures (including state funds and federal funds) is \$0 in FFY 2024-25 and (\$6,561,314) in FFY 2025-26.

General Information

A link to this notice will be posted on the [Department's website](#) starting on November 10, 2025. Written comments may be addressed to:

Director, Health Programs Office
Colorado Department of Health Care Policy and Financing
1570 Grant Street
Denver, CO 80203



Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Filed on 11/05/2025

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)



COLORADO

Department of Health Care
Policy & Financing

1570 Grant Street
Denver, CO 80203

Home and Community-Based Services (HCBS) Waiver Amendments

The Department of Health Care Policy and Financing (HCPF) intends to submit amendments for the following Home and Community-Based Services (HCBS) waivers:

- Brain Injury (BI)
- Children’s Extensive Supports (CES)
- Children’s Home and Community Based Services (CHCBS)
- Children’s Habilitation Residential Program (CHRP)
- Complementary and Integrative Health (CIH)
- Community Mental Health Supports (CMHS)
- Elderly, Blind, and Disabled (EBD)
- Supported Living Services (SLS)

HCPF intends to submit amendments to the Centers for Medicare and Medicaid Services (CMS) on December 12, 2025. HCPF will request an effective date of April 1, 2026, for the amendments.

HCPF will post the drafts of the waiver amendment applications for public notice from November 7, 2025, through December 6, 2025. HCPF will ask for an effective date of April 1, 2026, for the amendments.

The proposed waiver amendments give HCPF the ability to include the following changes:

- Community Connector Rate Reduction (CES, CHRP)
- Implement New Service Unit Limitations for Community Connector (CES, CHRP)
- Community Connector Guidelines (CES, CHRP)
- Annual Service Unit Limitation Cap (BI, CIH, CMHS, EBD, SLS, CES, CHCBS)
- Cap on Weekly Caregiving Hours (BI, CIH, CMHS, EBD, SLS, CES, CHCBS)
- Cap on Weekly Homemaker Hours for Legally Responsible Persons (LRP) (BI, CES, CHRP, CIH, CMHS, EBD, SLS)
- Reduce Movement Therapy to Align with Rate Methodology (CES, SLS, CHRP)
- Update to SLS Waiver with Individual Cost Limit (SLS)
- Update Mental Health Transitional Living Home (CMHS)

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.

www.colorado.gov/hcpf



For a more detailed summary of all changes, please go to HCPF's website <https://hcpf.colorado.gov/hcbs-public-comment> to view the full draft waivers and the waiver actions fact sheet. You may also obtain a paper or electronic copy by calling 303-866-3684 or by writing HCPF via 303 E 17th Street, Denver, CO 80203.

To provide public comment or request a paper or electronic copy of any materials, please contact Hcpf_LTSS.PublicComment@state.co.us; submit by phone at 303-866-3684; by fax at 303-866-2786 ATTN: HCBS Waiver Amendments; or in-person at 303 E 17th Street, Denver, CO 80203.

Public Comments will be accepted November 7, 2025, through December 6, 2025.

General Information

A link to this notice is posted on [HCPF's website](#). Written comments may be addressed to: Department of Health Care Policy & Financing, ATTN: HCBS Waiver Amendments, 303 E 17th Street, Denver, CO 80203.

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.

www.colorado.gov/hcpf



Departmental Regulatory Agendas

Department

Department of Education

DRAFT 2025-26 Regulatory Agenda for State Board of Education

Basis for Adoption	Purpose	Rule	SBE Approves Notice	Info Item on Board Agenda	Hearing Date	Tentative Adoption Date
S.B. 25-125 and H.B. 25-1320	Update to align with S.B. 25-125 (Rule Review) and H.B. 15-1320 (School Finance) and current practices	1 CCR 301-39 Administration of the School Finance Act	May 2025	June 2025	Aug 2025	Aug/Sept 2025
C.R.S. 22-44-206	Update references to Universal Preschool Program and Healthy School Meals Act	1 CCR 301-11 Accounting and Reporting	Aug 2025	N/A	Oct 2025	Oct/Nov 2025
C.R.S. 22-51-108	Update to align with current state statute, federal guidance and current practices	1 CCR 301-14 Public School Transportation Fund	Aug 2025	N/A	Oct 2025	Oct/Nov 2025
S.B. 25-315	NEW rules governing postsecondary and workforce start-up funding	1 CCR 301-116 Postsecondary and Workforce Readiness Start-up Funding	Sept 2025	Aug 2025	Nov 2025	Nov/Dec 2025
S.B. 25-154	Update to align with S.B. 25-154 (Access to Educator Pathways) and current practices	1 CCR 301-37 Educator Licensing Act	Sept 2025	N/A	Nov 2025	Nov/Dec 2025
C.R.S. 22-60.5-106 and 22-60.5-115	Update to align with current practices for educator preparation	1 CCR 301-101 Educator License Endorsements	Sept 2025	N/A	Nov 2025	Nov/Dec 2025
C.R.S. 22-91-104	Align grantee approval process with statute	1 CCR 301-74 School Counselor Corps Grant Program	Nov 2025	N/A	Jan 2026	Jan/Feb 2026
H.B. 25-1248	Update to align with H.B. 25-124 (Restraint & Seclusion)	1 CCR 301-45 Administration of the Protection of Persons from Restraint Act	Nov 2025	N/A	Jan 2026	Jan/Feb 2026

Please note that this document reflects the department’s intent but is subject to change.

Basis for Adoption	Purpose	Rule	SBE Approves Notice	Info Item on Board Agenda	Hearing Date	Tentative Adoption Date
H.B. 25-1274 and S.B. 25-214	Update to align with H.B. 25-1274 (HSMA) and S.B. 25-214 (HSMA) and Nov. ballot initiatives	1 CCR 301-114 Healthy School Meals for All Program	Jan 2026	N/A	March 2026	March/April 2026
S.B. 25-315	NEW rules governing postsecondary and workforce sustain funding	NEW Postsecondary and Workforce Readiness Sustain Funding	Feb 2026	March 2026	April 2026	April/May 2026
H.B. 25-1278	Phase I of updates to align with H.B. 25-1278	1 CCR 301-1 School and District Accountability	March 2026	April 2026	May 2026	May/June 2026
H.B. 25-1278	Update to align with H.B. 25-1278 (Education Accountability System); updates to truancy/mobility rate calculations	1 CCR 301-95 School Transformation Grant Program	March 2026	April 2026	May 2026	May/June 2026
S.B. 25-278	Update to align with S.B. 25-278 (Epinephrine Administration in Schools)	1 CCR 301-68 Administration of Medications	March 2026	N/A	May 2026	May/June 2026
C.R.S. 22-92-105(1)	Underlying statute has been repealed	REPEAL 1 CCR 301-85 Renewable Energy and Energy Efficiency for Schools Loan Program	April 2026	N/A	June 2026	June/July 2026
C.R.S. 22-98-103	Underlying statute automatically repealed July 1, 2022	REPEAL 1 CCR 301-102 Administration of the Retaining Teachers Grant Program	April 2026	N/A	June 2026	June/July 2026
S.B. 25-315	Underlying statute repealed by S.B. 25-315 (Postsecondary & Workforce Readiness Programs)	REPEAL 1 CCR 301-86 Administration of the Concurrent Enrollment Program	April 2026	N/A	June 2026	June/July 2026

Please note that this document reflects the department's intent but is subject to change.

Basis for Adoption	Purpose	Rule	SBE Approves Notice	Info Item on Board Agenda	Hearing Date	Tentative Adoption Date
S.B. 25-315	Underlying statute repealed by S.B. 25-315 (Postsecondary & Workforce Readiness Programs)	REPEAL 1 CCR 301-103 Administration of the Accelerated College Opportunity Exam Fee Grant Program	April 2026	N/A	June 2026	June/July 2026
S.B. 25-315	Underlying statute repealed by S.B. 25-315 (Postsecondary & Workforce Readiness Programs)	REPEAL 1 CCR 301-108 Administration of the John W. Buckner Automatic Enrollment in Advanced Courses Grant Program	April 2026	N/A	June 2026	June/July 2026
S.B. 25-315	Underlying statute repealed by S.B. 25-315 (Postsecondary & Workforce Readiness Programs)	REPEAL 1 CCR 301-110 Administration of the High School Innovative Learning Pilot Program	April 2026	N/A	June 2026	June/July 2026
C.R.S. 24-90-203	Remove obsolete language regarding format of reports	1 CCR 301-28 State Publications Depository and Distribution Center	June 2026	N/A	Aug 2026	Aug/Sept 2026
S.B. 25-200	Update to align with H.B. 25-200 (Dyslexia Screening and READ Act Requirements)	1 CCR 301-92 Administration of the READ Act	June 2026	N/A	Aug 2026	Aug/Sept 2026
C.R.S. 22-30.7-105 and 22-30.7-106	Align with rules for brick-and-mortar schools adopted in 2024 School Finance Rules	1 CCR 301-71 Rules for the Administration, Certification and Oversight of Colorado Online Programs	TBD			
C.R.S. 22-96-103	Extend grant duration from 3 to 4 years	1 CCR 301-97 School Health Professionals Grant	TBD			
C.R.S. 22-60.3-202	Adjust award maximum and other potential flexibilities, as allowed by statute	1 CCR 301-113 Rules for the Administration of the Educator Recruitment and Retention Program	TBD			

Please note that this document reflects the department’s intent but is subject to change.

Please note that this document reflects the department's intent but is subject to change.

Departmental Regulatory Agendas

Department

Department of Personnel and Administration

2026

Regulatory Agenda

Jan. 1, 2026 – Dec. 31, 2026



CO L O R A D O

Executive Director's Office

Department of Personnel & Administration



Overview

The Colorado Department of Personnel & Administration submits the following 2026 Regulatory Agenda (DRA) in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, this statement that all of the department's rules will be reviewed as part of the Department's "Regulatory Efficiencies Reviews" during 2026. The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department's web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its "SMART Act" hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(II).

The following constitutes the Department of Personnel & Administration's Regulatory Agenda for 2026 and is provided in accordance with Colo. Rev. Stat. §2-7-203(4):



Schedule	Rule Number	Rule Title	New rule, revision or repeal	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders
April 2026	1 CCR 104-1	Admin Courts Procedural Rules for General Services Hearings	Revised	24-4-103	Improve pre-hearing procedures; conform to current practice re: virtual hearings and electronic exhibits	DORA, DHS, HCPF, Dept of Education, AG's Office, litigants and attorneys involved in all cases
March 2026	1 CCR 104-3	Admin Courts Procedural Rules for Workers' Compensation Hearings	Revised	24-50.3-104(3)	To update workers' compensation procedural rules to address the use of AI, digital accessibility, and to confirm with current practices	Labor & Employment Division of Workers' Compensation, AG's Office, Workers' Comp bar, self-insured employers, and workers' comp insurance providers



Schedule	Rule Number	Rule Title	New rule, revision or repeal	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders
February 2026	4 CCR 801-1	Personnel Director's Procedures	Revised	Article XII, CO Constitution, 24-50-104	Update Chapter 3, Compensation and to comport with contemporary practices	State employees, State personnel professionals, employment bar, employee partner groups
July 2026	1 CCR 101-1	Colorado Fiscal and Procurement Rules	Revised	24-30-202(13) 24-102-101	Update rules with technical corrections, address any changes to statute or federal code, and comport with contemporary practices	State agencies, travel partners, fiscal and procurement professionals

Departmental Regulatory Agendas

Department

Department of Health Care Policy and Financing

2026

Regulatory Agenda



COLORADO
Department of Health Care
Policy & Financing

Overview

The Colorado Department of Health Care Policy and Financing submits the following 2026 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous Department Regulatory Agenda was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department’s “Regulatory Efficiencies Reviews” during 2025 (which are denoted as such in the “purpose” column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department’s web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its “SMART Act” hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III)(A).

Passage of the new federal law, H.R. 1, will require state rule adjustments as federal guidance is issued over the coming months and years. Those changes will be included in future regulatory agendas. The following constitutes Department of Health Care Policy and Financing’s DRA for 2025-2026 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
November 2025	10 CCR 2505-10 Section 8.470, Hospital Back Up Level of Care	Office of Community Living	Revision	42 CFR § 440.80 & Section § 25.5-5-303, C.R.S.		Adding three new criteria for Hospital Back Up; Complex Bariatric, Neurological Disorders, and Disorders of Consciousness. Also, clarifying some other language as needed.	Health First Colorado members, providers	December 2025

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
November 2025	10 CCR 2505-10 Section 8.7560, State Funded Supported Living Services (State SLS) Program	Office of Community Living	Revision	42 U.S.C. 1396n.		A revision to the current rule regarding the State SLS program is necessary to add CFC services including personal care, homemaker, personal care, homemaker, personal emergency response systems (PERS), medication reminders and remote supports as allowable services for State SLS members in need of ongoing supports who are not eligible for Health First Colorado Medicaid and does not meet the Level of Care eligibility to enroll in CFC services or HCBS waiver services.	Health First Colorado members, providers	December 2025

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
December 2025	10 CCR 2505-10 Section 8.200.7, Physician Services	Health Programs Office	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S.		Redesign of the non-FQHC Alternative Payment Model (APM 2) to achieve a more reliable rate to maintain budget neutrality.	Health First Colorado members, providers	January 2026
January 2026	10 CCR 2505-10 Section 8.950, Primary Care Fund	Finance Office	Revision	42 CFR §435.120; §435.909, Sec.1920(a)(10)(A)(i); Sec. 1619(b)(3)(B), Sec. 1920(a)(10)(A)(i), 42 CFR §435.603(k)(1), 42 CFR §435.831(c)H23:H 24		Updating information about funding and dispersing funds per changes in HB 25-1288.	Health First Colorado members, providers	February 2026

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
January 2026	10 CCR 2505-10 Section 8.7542, Individual Residential Service and Supports (IRSS)	Office of Community Living	Revision	42 CFR § 441.301(c)(1)(vi)		Rate Alignment. This proposal is to add and clearly define the way residential settings, specifically staffed settings are defined in current regulation under IRSS. The current rule defining residential settings is unclear, and does not account for the variety of settings available to Members receiving IRSS. This proposal is to add a definition to regulation for staffed homes. The rules implementing Individual Residential Service and Supports 10 C.C.R. 2505-10, Section 8.7542 and Section 8.7542.B.	Health First Colorado members, providers	February 2026

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
January 2026	10 CCR 2505-10 Section 8.700, Federally Qualified Health Centers	Health Programs Office	Revision	42 U.S.C.A § 1396a(bb)		This rule allows FQHCs to create subsidiaries that provide separate and distinct services eligible for fee-for-service reimbursement.	Health First Colorado members, providers	February 2026
January 2026	10 CCR 2505-10 Section 8.7546, Home and Community Based Services Outcome-Based Supported Employment Model	Office of Community Living	Revision	42 CFR § 441.301(c)(1)(vi)		Rewrite the rules to incorporate the new Outcome-based reimbursement methodology, approved in the 2025-26 Budget Request 11	Health First Colorado members, providers	February 2026

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
February 2026	10 CCR 2505-10 Section 8.5000, Hospital Community Benefit Accountability	Finance Office	Revision	26 C.F.R. § 1.501(r)-3 & Sections 25.5-1-702 through 25.5-1-704, C.R.S.		This rule outlines the requirements for reporting hospitals under Hospital Community Benefit Accountability, 25.5-1-701 C.R.S. With the passage of SB25-071, all HCBA reporting hospitals are now required to supply information regarding 340b drug savings. This revision adds those requirements to 8.5000.	Health First Colorado members, providers	March 2026
February 2026	10 CCR 2505-10 Sections 8.8.7500; 8.7600; 8.7203.A.4., Community First Choice	Office of Community Living		1915 (k) & Sections 25.5-6-1901 through 25.5-6-1905, C.R.S.		This rule revision will clean up existing formatting, citations, language, and other inconsistencies that exist in sections 8.7203, 8.7500, and 8.7600.	Health First Colorado members, providers	March 2026

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
February 2026	10 CCR 2505-10 Sections 8.8.7532, Mental Health Transitional Living Homes	Office of Community Living	Revision	42 CFR § 441.301(c)(1)(vi)		To revise the rule to change MHTL certification authority from the Colorado Department of Public Health and Environment (CDPHE) to the Behavioral Health Administration (BHA).	Health First Colorado members, providers	March 2026
February 2026	10 CCR 2505-10 Section 8.700, Federally Qualified Health Centers	Health Programs Office	Revision	42 U.S.C.A § 1396a(bb)		Changes to the Per Member Per Month (PMPM) rates will include updates to base data, the cost reporting period, estimated average visits, and inflationary factor. The current calculation methodology will still be used to calculate scores for Calendar Year 2025, but will not be in effect for performance in 2026.	Health First Colorado members, providers	March 2026

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision , or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
April 2026	10 CCR 2505-10 Section 8.440, Nursing Facility Benefits	Office of Community Living	Revision	42 CFR, Part 483, subpart B		Revisions are being made to Sections 8.440 - 8.449 after nursing facility stakeholder meetings were held to determine necessary changes to be made.	Health First Colorado members, providers	May 2026

2025 Regulatory Agenda Report

Date: November 1, 2025

Submitted to: Members of the Colorado General Assembly and Department of State



Overview

Pursuant to Colo. Rev. Stat. §2-7-203(4), the Department of Health Care Policy and Financing submits the following 2025 Regulatory Agenda Report. Pursuant to statutory requirements concerning the Department’s Regulatory Agenda, this Regulatory Agenda Report details the results of the past year’s rules review activity, including the results of mandatory rule reviews conducted under Colo. Rev. Stat. §24-4-103.3(4) as part of the Department’s “Regulatory Efficiencies Reviews.”

This report includes the following items:

1. “Rulemaking included in 2025 Regulatory Agenda,” providing an update of rules included in the Department’s 2025 Regulatory Agenda (filed on November 1, 2024).
2. “Results of Mandatory Rules Review,” providing a summary of the activities and outcomes associated with the Department’s mandatory rule reviews conducted under Colo. Rev. Stat. §24-4-103.3(4).
3. “Unplanned Rulemaking”, summarizing rule activity that was not neither part of mandatory regulatory efficiency review nor part of the Regulatory Agenda.

1. Rulemaking included in 2025 Regulatory Agenda

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
MSB 24-08-22-A	Office of Community Living	Revision	42 U.S.C. 1396n(b)(4)	The intention of this change to the CHRP waiver is to include Serious Emotional Disturbance (SED) within the CHRP targeting criteria for waiver eligibility. Children/youth must meet the nursing facility or an inpatient psychiatric hospital level of care. There will be no changes to the CHRP waiver benefits or providers through this change. This change will create alignment between BHA, CDHS and HCPF and create additional options in serving high-acuity youth.	Medicaid members and providers	Adopted December 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
MSB 24-09-09-A	Health Policy Office	Revision	42 C.F.R. Part 455, Subpart E & C.R.S. Section 25.5-4-105	<p>These revisions are being made to ensure alignment with other Department rules related to recently established provider types and Federal regulations regarding enrollment, screening of providers, and application fees. These rules include previously established provider types that are outlined in other sections of Department rules that have been adopted by the Medical Services Board (MSB). The proposed rule revisions in § 8.125 add the previously established provider types to the appropriate moderate or high categorical risk sections of the rule as established by the Centers for Medicare and Medicaid Services (CMS). Section 8.126 of the proposed rule revisions add definitions for the previously established provider types. Some services are being stricken from the rules due to programs ending or being renamed, or due to billing restructuring.</p>	Medicaid members and providers	Adopted December 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
MSB 24-09-05-A	Medicaid Operations Office	Revision	42 C.F.R. § 435.926 & C.R.S. 25.5-5-204.5	<p>The proposed rule change will amend requirements to expand the 12 months of continuous eligibility (CE) for children under the age of 19 in Medicaid and Child Health Plan Plus (CHP+). These requirements are to expand coverage according to Section 5112 of the Consolidated Appropriations Act, 2023 (CAA, 2023), which amended titles XIX and XXI of the Social Security Act (the Act). The updates to amend the requirements for continuous eligibility for children under the age of 19 will allow continuous coverage for children enrolled in the limited Family Planning Medical Assistance programs, as well as ensure that children who become incarcerated and who are later released will still be eligible for the remainder of their CE period if they have any of their 12 months of coverage left. These changes will also eliminate the 14-day no-fault period that applied at the initial application and eliminate the termination of children under 19 years of age for not meeting the reasonable compatibility income check after the child’s initial eligibility determination has been made. In addition, a child who moves to a higher benefit category during the CE period when changes are reported will start a new 12-month CE period (such as moving from CHP+ to Medicaid if the income decreases within Medicaid income levels). Changes will also allow a child’s eligibility to be terminated during a CE period for the allowable exception of when the Department determines that eligibility was erroneously granted at the most recent determination,</p>	Medicaid members and providers	Adopted January 2025

				redetermination, or renewal of eligibility because of agency error, fraud, or perjury attributed to the child or the child's representative.		
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Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
CHP 24-09-05-B	Medicaid Operations Office	Revision	42 C.F.R. § 457.342 & C.R.S. 25.5-5-204.5	The proposed rule change will amend requirements to expand the 12 months of continuous eligibility (CE) for children under the age of 19 in Medicaid and Child Health Plan Plus (CHP+). These requirements are to expand coverage according to Section 5112 of the Consolidated Appropriations Act, 2023 (CAA, 2023), which amended titles XIX and XXI of the Social Security Act (the Act). The updates to amend the requirements for continuous eligibility for CHP+ children under the age of 19 will allow continuous coverage for children who become incarcerated and who are later released to be still eligible for the remainder of their CE period if they have any of their 12 months of coverage left. These changes will also eliminate the 14-day no-fault period that applied at the initial application and eliminate the termination of children under the age of 19 for not meeting the reasonable compatibility income check after the child's initial eligibility determination has been made. In addition, a child will always move to a higher benefit category during the CE period when changes are reported (such as moving from CHP+ to Medicaid if the income decreases within Medicaid income levels). Changes will also allow a	Medicaid members and providers	Adopted January 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
				<p>child's eligibility to be terminated during a CE period for the allowable exception of when the Department determines that eligibility was erroneously granted at the most recent determination, redetermination, or renewal of eligibility because of agency error, fraud, or perjury attributed to the child or the child's representative. CHP+ updates will also remove the exception to end CE coverage due to obtaining other health insurance while in a CE period.</p>		
MSB 24-06-25-B	Office of Community Living	Revision	1915(c) waiver & Senate Bill 23-214	<p>The Wellness Education Benefit is a service that seeks to prevent hospitalization or movement into an institutional setting by assisting Home and Community-Based (HCBS) waiver members and their families in obtaining, processing, and understanding information that assists with managing health-related issues, promoting community living, and achieving goals identified in their Person-Centered Support Plans. This rule amendment expands eligibility for the benefit to all HCBS waiver members, removes the option to request an additional mailed unit due to returned mail, and updates language surrounding the use of the Person-Centered Support Plan for the Wellness Education Benefit.</p>	Medicaid members and providers	Adopted February 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision , or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
MSB 24-06-25-B	Office of Community Living	Revision	1915(c) waiver & Senate Bill 23-214	The Wellness Education Benefit is a service that seeks to prevent hospitalization or movement into an institutional setting by assisting Home and Community-Based (HCBS) waiver members and their families in obtaining, processing, and understanding information that assists with managing health-related issues, promoting community living, and achieving goals identified in their Person-Centered Support Plans. This rule amendment expands eligibility for the benefit to all HCBS waiver members, removes the option to request an additional mailed unit due to returned mail, and updates language surrounding the use of the Person-Centered Support Plan for the Wellness Education Benefit.	Medicaid members and providers	Adopted February 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
ED 25-03-28-A	Policy, Communications & Administration Office	Revision	42 CFR Part 431.50 and 2 CFR Part 200; Section 25.5-1-108, C.R.S. (2024); C.R.S.25-5-8-107, 25.5-1-108, 25.5-1-117, 25.5-1-118	These Rules were amended to improve member experience, address federal non-compliance, incorporating lessons learned from the Public Health Emergency (PHE) and PHE Unwind, modernizing fiscal rules, improving state compliance and oversight, streamlining administrative requirements and processes and incorporating sub regulatory guidance.	Medicaid members and providers	Adopted April 2025
MSB 24-12-31-A	Office of Community Living	Revision	42 CFR 456.6(a), 42 CFR 456.1(b)(1) & Section 25.5-6-113, C.R.S.	The proposed updates to the Home Health Rule are designed to align with the recently revised Private Duty Nursing (PDN) Rules. To maintain consistency between these benefits, many definitions and terms from the PDN Rules have been incorporated into the Home Health Rules.	Medicaid members and providers	Adopted May 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status
MSB 24-12-31-A	Office of Community Living	Revision	42 CFR 456.6(a), 42 CFR 456.1(b)(1) & Section 25.5-6-113, C.R.S.	The proposed updates to the Home Health Rule are designed to align with the recently revised Private Duty Nursing (PDN) Rules. To maintain consistency between these benefits, many definitions and terms from the PDN Rules have been incorporated into the Home Health Rules.	Medicaid members and providers	Adopted May 2025
MSB 24-07-11-C	Office of Community Living	Revision	42 U.S.C. 1396n	This rule amends existing CLLI eligibility criteria to reflect the new eligibility criteria for the CwCHN waiver, places the new CwCHN waiver requirements and regulations in rule, and changes the name of the CLLI waiver throughout rule to reflect the new name.	Medicaid members and providers	Adopted May 2025
MSB 24-07-11-A	Office of Community Living	Revision	1915 (k) & Sections 25.5-6-1901 through 25.5-6-1905, C.R.S.	This rule expands and streamlines existing legal authority, member rights, case management agency responsibilities, and provider agency requirements that exist within other Long-Term Services and Supports programs (LTSS), such as HCBS waivers, to include CFC. Changing eligibility from HCBS waivers to CFC, and makes necessary changes to services and provider requirements due to CFC. Finally, this rule creates a new section that outlines general provisions and eligibility for the CFC program.	Medicaid members and providers	Adopted May 2025

2. Results of Mandatory Rules Review

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 C.C.R. 2505-10 Section 8.130, Provider Participation	Health Information Office	42 CFR 431.17; 42 CFR 431.107; 42 CFR Part 1002 & 42 CFR 455.100-106	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.170, State Identification Number	Health Information Office	No regulatory authority is required to assign a unique identifier as a state identification number	August	N	N	N	Not Applicable as the rule remains the same
10 C.C.R. 2505-10 Section 8.180, Medical Identification Cards and Duration of Eligibility	Health Information Office	Social Security Handbook 2107.2 Social Security Act Section 1902 [42 U.S.C. 1396(a)] (a) (48) Some CFR references to "Medicaid Card": •42 CFR 435.121 •42 CFR 460.156	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.190, Acute Medical Benefits Determination	Health Programs Office	42 CFR 440.230(b) and 42 CFR 441.57	August	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 C.C.R. 2505-10 Section 8.300, Hospital Services	Health Programs Office	CRS § 25.5-5-102(1)(a); CRS § 25.5-5-102(1)(b)	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.310, Dialysis Treatment Centers	Health Programs Office	CRS § 25.5-5-301(2)(e)	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.390, Long-Term Care Single Entry Point System	Health Programs Office	C.R.S. 25.5-6-106	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.392, Financing of the Single-Entry Point System	Medicaid Operations Office	C.R.S. 25.5-6-107	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.800, Pharmacy	Pharmacy Office	CRS 25.5-5-501 - 507; 42 USC § 1396r-8 and Medicare Part D; 42 USC §1395w; 42 CFR Part 423; 42 CFR 456.700; 42 CFR 447.500 et seq.; 42 CFR 447.332 and 333.	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.900, Colorado Indigent Care Program	Finance Office	Part 1 of article 3 of title 25.5 C.R.S.	August	Y	N	N	Pending
10 C.C.R. 2505-10 Section 8.940, Old Age Pension Health Care Program	Finance Office	Part 1 of article 2 of title 25.5 C.R.S.	August	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 C.C.R. 2505-10 Section 8.950, Primary Care Fund	Finance Office	42 CFR §435.120; §435.909, Sec.1920(a)(10)(A)(i); Sec. 1619(b)(3)(B), Sec. 1920(a)(10)(A)(i), 42 CFR §435.603(k)(1), 42 CFR §435.831(c)H23:H24	August	Y	N	N	Pending
10 CCR 2505- 10 Section 8.1000, Medicare Modernization Act - Low-Income Subsidy Eligibility	Finance Office	42 CFR 423.772; 42 USC 1396u-5; 42 CFR 423.774(a); 42 CFR 423.904(a); 42 CFR 423.773	August	Y	N	N	Pending
10 CCR 2505- 10 Section 8.3000, Healthcare Affordability and Sustainability Fee	Finance Office	25.5-4-402.4(4)(b), (g), C.R.S.; 42 CFR 433.68 and 42 U.S.C. § 1396b(w)	August	Y	N	N	Pending
10 CCR 2505- 10 Section 8.4000, Hospital Expenditure Report Data Collection	Finance Office	Section 25.5-4-402.8(2)(b)(IV)(A)	August	Y	N	N	Pending

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
10 CCR 2505-10, Section 8.5000, Hospital Community Benefit Accountability	Finance Office	26 C.F.R. § 1.501(r)-3 & Sections 25.5-1-702 through 25.5-1-704, C.R.S.	August	Y	N	N	Pending
10 CCR 2505-10, Section 8.8000, Rural Provider Access and Affordability Stimulus Grant Program	Finance Office	American Rescue Plan Act of 2021 (ARPA), Public Law 117-2 & Section 25.5-1-207 (5), C.R.S.	August	Y	N	N	Pending

3. Unplanned Rulemaking

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-07-11-B	Policy Development and Implementation Section	Revision	42 C.F.R. § 440.130(c) & Colorado HB 22-1289	Revision to the Medical Assistance Rule Concerning Lactation Support Services, Sections 8.200.2.D & 8.732	October 2024	Health First Colorado members and Providers	Adopted October 2024
MSB 23-05-30-A	Office of Community Living	Revision	42 CFR § 441.301(c)(1)(vi), Sections 25.5-1-301-313; 25.5-5-305, 306(1); 25.5-6-401-411, 601-607, 701-706, 901, 13.01- 13.04, 1701, et seq.; 27-10.5-101-103, 401; and 27-10.5-102(11), C.R.S.	Revision to Case Management Redesign (CMRD) Case Management Agency and Waiver rules, Sections 8.400, 8.500 & 8.7000	October 2024	Health First Colorado members and Providers	Adopted October 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-04-18-A	Office of Community Living	Revision	42 C.F.R. § 441.301(c)(1)(vi), Sections 25.5-1-301-303-313, 25.5-5-306(1), 25.5-6-107, 25.5-6-401-411, 601-607, 701-706, 901, 13.01-13.04, 27-10.5-101-103, 27-10.5-401, C.R.S. (Revision to Case Management Redesign (CMRD) Member Rights, Provider Agency, and Benefits and Services Regulations, Sections 8.400, 8.500 & 8.7000	October 2024	Health First Colorado members and Providers	Adopted October 2024
MSB 24-08-21-A	Office of Community Living	Revision	Section 1915(b)(4) of the Social Security Act [42 U.S.C. 1396(n)(b)(4)] & Section 25.5-5-332, C.R.S.	Revision to the Medical Assistance Rule Concerning Hippotherapy, Section 8.7523	November 2024	Health First Colorado members and Providers	Adopted November 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-06-25-A	Eligibility Policy Section	Revision	C.R.S. Section 25.5-8-109	Revision of the Medical Assistance Rule Concerning Changes to Expand the Exception Criteria for Citizenship for New Population for Section Definitions, 8.100.3.G.1.g.viii, and 8.100.3.H.1.b.vii.	November 2024	Health First Colorado members and Providers	Adopted November 2024
CHP 24-07-18-A	Eligibility Policy Section	Revision	C.R.S. Section 25.5-8-109	Revision of CHP Rule concerning changes to expand the exception criteria for citizenship under Colorado House Bill 22-1289 Cover All Coloradans, Sections, 110.1.B and 110.1.C	November 2024	Health First Colorado members and Providers	Adopted November 2024
MSB 24-07-08-A	Medicaid Operations Office	Revision	Federal Register, Vol 88, No. 182, pages 65230-65271 published 11/17/2023 & C.R.S. 25.5-1-303((3)(c)	Revision to the Medical Assistance Eligibility Rules Concerning the Qualified Medicare Beneficiaries (QMB), Section 8.100.6.L.2	December 2024	Health First Colorado members and Providers	Adopted December 2024

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision , or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-06-03-A	Office of Community Living	Revision	42 C.F.R § 440-169	Revision to the Medical Assistance Act Rule concerning At-Risk Diversion for Case Management Agencies, Section 8.7200	December 2024	Health First Colorado members and Providers	Adopted December 2024
MSB 24-09-03-A	Policy Development and Implementation Section	Revision	42 CFR § 488.330; C.R.S. § 25.5-6-311 and C.R.S. § 25.5-6-201-210	Revision to the Medical Assistance Rule concerning Enforcement Remedies Related to Survey Deficiencies; Medical Leave from Nursing Facility; and Management of Personal Needs Funds by Other than Resident, Sections 8.435, 8.443 & 8.482	January 2025	Health First Colorado members and Providers	Adopted January 2025
MSB 24-09-24-A	Special Financing Division	Revision	Sections 25.5-3-501 through 25.5-3-507, C.R.S.	Revision to the Hospital Discounted Care Rule Concerning Hospital Discounted Care Updates Per 24-116, Section 8.920	January 2025	Health First Colorado members and Providers	Adopted January 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision , or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-10-01-A	Special Financing Division	Revision	42 CFR 433.68 and 42 U.S.C. § 1396b(w); 25.5-4-402.4(4)(b), (g), C.R.S.	Revision to the Medical Assistance Act Rule concerning Healthcare Affordability and Sustainability Provider Fees and Supplemental Payments, Section 8.3000	January 2025	Health First Colorado members and Providers	Adopted January 2025
MSB 24-10-15-A	Policy Development and Implementation Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Revision to the Revision to the Medical Assistance Act Rule concerning Remove Obsolete Section 8.212	February 2025	Health First Colorado members and Providers	Adopted February 2025
MSB 23-12-14-A	Policy Development & Implementation Section	Revision	C.R.S. Sections 25.5-5-801	Revision to the Medical Assistance Act Rule concerning Qualified Residential Treatment Program (QRTP) Reporting Requirements, 8.765.14	February 2025	Health First Colorado members and Providers	Adopted February 2025
MSB 23-12-19-A	Policy Development & Implementation Section	Revision	42 C.F.R. § 441 Subpart D; 42 C.F.R. § 483.374	Revision to the Medical Assistance Act Psychiatric Residential Treatment Facility (PRTF) Reporting Requirements, Section 8.765	February 2025	Health First Colorado members and Providers	Adopted February 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision , or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-10-28-A	Eligibility Policy Section	Revision	25.5-6-1405(1), C.R.S.	Revision to the Medical Assistance Eligibility Rules Concerning Return of Buy-in Monthly Premiums Collection, Section 8.100.6	February 2025	Health First Colorado members and Providers	Adopted February 2025
MSB 24-10-30-B	Policy Development and Implementation Section	Revision	42 C.F.R. § 440.70(b)(3) & C.R.S. § 25.5-5-102(1)(f)	Revision to the Medical Assistance Act Rule concerning Durable Medical Equipment Billing Clarification, Section 8.590	March 2025	Health First Colorado members and Providers	Adopted March 2025
MSB 24-11-12-A	Policy Development and Implementation Section	Revision	42 CFR 447.201(b) & Sections 25.5-5-102(1)(a-b), (d), C.R.S.	Revision to the Medical Assistance Act Rule concerning Out-of-State Hospital and Physician Services Rate Negotiation, Section 8.013	March 2025	Health First Colorado members and Providers	Adopted March 2025
MSB 24-07-08-B	Eligibility Policy Unit	Revision	42 U.S.C. 1396a(cc)(2)(A)	Revision to the Medical Assistance Eligibility Rules Concerning The Medicaid Buy-In Program for Children with Disabilities, Section 8.100.5	March 2025	Health First Colorado members and Providers	Adopted March 2025
MSB 24-10-30-C	Program Development and Implementation Section	Revision	42 C.F.R. § 455.440	Revision to the Medical Assistance Act Rule Concerning Vision Services Changes and Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Alignment	April 2025	Health First Colorado members and Providers	Adopted April 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision , or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-12-05-A	Program Development and Implementation Section	Revision	C.R.S. §§ 25.5-1-301 to 303 C.R.S. § 25.5-4-103 (25.7) C.R.S. § 25.5-5-321.5	Revision to the Medical Assistance Act Rule concerning eConsults Specialist to Specialist, Section 8.095	April 2025	Health First Colorado members and Providers	Adopted April 2025
MSB 23-12-09-B	Program Development and Implementation Section	Revision	U.S.C. § 1396a(10)(a)(i); C.F.R. §§ 42.435.301 et seq.; U.S.C. § 1397bb(b) & C.R.S. 25.5-2-104; 25.5-2-105; 25.5-5-201(6)(a)); C.R.S. 25.5-8-103(4)(a)(I) & (b)(1)	Revision to the Medical Assistance Act Rule concerning Cover All Coloradans Rule Clarifications, Sections 8.205 & 8.715	April 2025	Health First Colorado members and Providers	Adopted April 2025
MSB 24-11-05-A	Program Development and Implementation Section	Revision	42 C.F.R. § 438.408(b) & Section 25.5-5-406.1, C.R.S.	Revision to Medical Assistance Act Concerning Managed Care Grievance Resolution Timeline, Section 8.209	April 2025	Health First Colorado members and Providers	Adopted April 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision , or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-11-05-A	Program Development and Implementation Section	Revision	42 C.F.R. § 438.408(b) & Section 25.5-5-406.1, C.R.S.	Revision to Medical Assistance Act Concerning Managed Care Grievance Resolution Timeline, Section 8.209	April 2025	Health First Colorado members and Providers	Adopted April 2025
MSB 24-12-20-A	Office of Community Living	Revision	SB 16-192 & HB 16-1518	Revision to the Medical Services Board Act Rule Concerning Support Intensity Scale Assessment (SIS) and Interim Support Level Assessment (ISLA) Rule Revisions, Sections 8.612 & 8.7202.AA	April 2025	Health First Colorado members and Providers	Adopted April 2025
MSB 25-02-03-B	Rates Division	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Revision to CMS file names used for Inpatient Rebasing, Section 8.300	May 2025	Health First Colorado members and Providers	Adopted May 2025
MSB 25-01-06-A	Pharmacy Office	Revision	42 C.F.R. § 456.716 & C.R.S. § 25.5-5-506	Revision to the Medical Assistance Act concerning changes to the Drug Utilization Review Board and Pharmacy and Therapeutics Committee, Section 8.800.9.D	May 2025	Health First Colorado members and Providers	Adopted May 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision , or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 25-01-09-B	Special Financing Division	Revision	42 CFR 433.68 and 42 U.S.C. § 1396b(w); Sections 25.5-3-101 through 25.5-3-111, C.R.S. (2024); Sections 25.5-3-301 through 25.5-3-304, C.R.S. (2024); Sections 25.5-3-501 through 25.5-3-507, C.R.S. (2024); Sections 25.5-4-402.4(4)(b),(g), C.R.S.	Revision to the Special Financing Division Rules concerning Changes per HB 24- 1399, Sections 8.900 & 8.3000	May 2025	Health First Colorado members and Providers	Adopted May 2025
MSB 25-01-07-B	Program Development and Implementation Section	Revision	42 C.F.R. §§ 431.210, .230(a)(1)-(2), .231(a)-(b), and 42 C.F.R. § 435.923 & CRS § 25.5-4-207(1)(a)(II)	Revision to the Medical Assistance Act Rule concerning Member Appeals Rule	May 2025	Health First Colorado members and Providers	Adopted May 2025
MSB 24-12-31-B	Program Development and Implementation Section	Revision	C.R.S. 25.5-5-337 through 338	Revision to the Medical Assistance Act Rule concerning Remote Patient Monitoring, Section 8.096	May 2025	Health First Colorado members and Providers	Adopted May 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 25-02-12-B	Special Financing Division	Revision	25.5-3-401 through 25.5-3-406, C.R.S.	Revision to the Medical Assistance Special Financing Rule Concerning Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960	May 2025	Health First Colorado members and Providers	Adopted May 2025
MSB 24-11-07-A	Eligibility Policy Unit	Revision	42 CFR §435.916(b)(2) and 42 CFR §435.930(b) & C.R.S. 25.5-4-205.	Revision to the Medical Assistance Eligibility Rules Concerning Redetermination of Eligibility Section 8.100.3.P	May 2025	Health First Colorado members and Providers	Adopted May 2025
CHP 24-11-07-B	Eligibility Policy Unit	Revision	42 CFR §§ 457.343 and 42 CFR §435.930(b) & C.R.S. 25.5-4-205.	Revision to the Child Health Plan Plus Rules Concerning Redetermination of Eligibility, Section 140	May 2025	Health First Colorado members and Providers	Adopted May 2025
MSB 25-05-07-A	Special Financing Division	Revision	Sections 25.5-3-401 through 25.5-3-406, C.R.S.	Revision to the MA Rule Concerning Dental Health Care Program for Low-Income Seniors, Procedure Rate Increase on Schedule A for Fiscal Year 2025-26, Section 8.960	June 2025	Health First Colorado members and Providers	Adopted June 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 25-05-06-A	Rates Division	Revision	Senate Bill 21-205	Revision to the Medical Assistance Act Outpatient Hospital Payment Rule Regarding 340B Drug Pricing, Section 8.300.6.A.1.j	June 2025	Health First Colorado members and Providers	Adopted June 2025
MSB 24-10-30-A	Policy Development & Implementation Section	Revision	42 C.F.R. § 455.107	Revision to the Medical Assistance Act Rule concerning Provider Disclosures of Affiliations, Section 8.125.15	June 2025	Health First Colorado members and Providers	Adopted June 2025
MSB 25-02-14-A	Policy Development & Implementation Section	Repeal	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Repeal of Medical Assistance Rule Concerning General Provisions, Section 8.221	June 2025	Health First Colorado members and Providers	Adopted June 2025
MSB 25-01-09-A	Eligibility Policy Unit	Revision	42 CFR § 431.12(h)	Revision to the exemptions as income or resource section 8.100.5.F.6 for the Aged, Blind, and Disabled, Long Term Care and Medicare Savings Plan programs	June 2025	Health First Colorado members and Providers	Adopted June 2025
MSB 24-11-06-B	Policy Development & Implementation Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Revision to the Medical Assistance Act Rule concerning Adult Habilitative Services, Sections 8.017 and 8.200	June 2025	Health First Colorado members and Providers	Adopted June 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision , or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 25-01-30-A	Office of Community Living	Revision	42 CFR § 440.80 & Section § 25.5-5-303, C.R.S.	Revision to the Medical Assistance Act Rule concerning Private Duty Nursing, Section 8.540.	June 2025	Health First Colorado members and Providers	Adopted June 2025
MSB 25-02-04-A	Office of Community Living	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Revision to the Medical Assistance Rule concerning Community Connector Services, Section 8.7514	June 2025	Health First Colorado members and Providers	Adopted June 2025
MSB 24-11-04-A	Children & Families Division	Revision	42 U.S.C.A. § 1396d; 42 C.F.R §§ 440.225, 440.165, and 440.60; C.R.S. 25.5-4-401; 25.5-4-422; 25.5-4-425;	Revision to the Medical Assistance Act Rule concerning Home Births – Midwives, Sections 8.200.2.D & 8.732.4.H	June 2025	Health First Colorado members and Providers	Adopted June 2025
MSB 25-02-03-C	Program Development and Implementation Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Revision to the Medical Assistance Rule Concerning Vaccine and Mammography Updates, Section 8.731	July 2025	Health First Colorado members and Providers	Adopted July 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision , or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-12-09-A	Office of Community Living	Revision	6071 of the Deficit Reduction Act of 2005	Revision to the Medical Assistance Rule concerning Money Follows the Person Rule, Section 8.555	July 2025	Health First Colorado members and Providers	Adopted July 2025
MSB 25-02-07-A	Behavioral Health Initiatives and Coverage Office	Revision	C.R.S. §§ 25.5-1-303(1), (3)(a), (3)(c), and (3)(f); 25.5-4-401(1)(a) and (2)	Revision to the Medical Assistance Act concerning Mobile Crisis Response Crisis Professional, Section 8.020.A-D	July 2025	Health First Colorado members and Providers	Adopted July 2025
MSB 25-03-11-A	Behavioral Health Initiatives and Coverage Office	Revision	C.R.S. §§ 25.5-1-301 through 25.5-1-303	Revision to the Medical Assistance Act Rule Concerning Secure Transportation –Crisis Professional	July 2025	Health First Colorado members and Providers	Adopted July 2025
MSB 25-01-07-A	Pharmacy Office	Revision	SB25-206	Revision to the Medical Assistance Act concerning Update to Pharmacy Maximum Allowable Cost Rate, Section 8.800.13	July 2025	Health First Colorado members and Providers	Adopted July 2025
MSB 25-07-04-A	Program Development and Implementation Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Revision to the Medical Assistance Act Rule Concerning Vision Services Changes and Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Alignment	July 2025	Health First Colorado members and Providers	Adopted July 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision , or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 25-05-20-A	Program Development and Implementation Section	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Revision to the Medical Assistance Act Rule Concerning Vision Services Changes and Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Alignment	July 2025	Health First Colorado members and Providers	Adopted July 2025
MSB 25-07-28-A	Medicaid Operations Office	Revision	42 C.F.R. § 447.45)	Revision to the Medical Assistance Act Rule concerning Timely Filing, Section 8.043	August 2025	Health First Colorado members and Providers	Adopted August 2025
MSB 25-04-18-A	Program Development and Implementation Section	Repeal	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Repeal of Medical Assistance Rule Concerning Teen Pregnancy Prevention Pilot Program, Section 8.726	August 2025	Health First Colorado members and Providers	Adopted August 2025
MSB 25-04-02-A	Program Development and Implementation Section	Revision	42 C.F.R. § 440.170 & C.R.S. § 25.5-1-801	Revision to the Medical Assistance Act Rule concerning Non-Emergency Medical Transportation in Rural Communities, Section 8.014	August 2025	Health First Colorado members and Providers	Adopted August 2025
MSB 25-01-25-B	Office of Community Living	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Revision to the Medical Assistance Rule concerning Rapid Reintegration, Section 8.7200	August 2025	Health First Colorado members and Providers	Adopted August 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision , or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-10-15-C	Eligibility Policy Unit	Revision	20 CFR 416.1102 and 20 CFR 416.1130 & 25.5-6-103, C.R.S.; 15-14-412.8, C.R.S.; and 15-14-412.9, C.R.S.	Revision to the Medical Assistance Act Rule concerning updates to Omit Food from In-Kind Support and Maintenance, Sections 8.100.5.F.5.k, 8.100.7.E.6.b.i.m and 8.100.7.E.6.c.i.k	August 2025	Health First Colorado members and Providers	Adopted August 2025
MSB 25-02-27-B	Health Policy Office	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Revision to the Medical Assistance Act Rule concerning Bariatric Surgery, Section 8.300.C	August 2025	Health First Colorado members and Providers	Adopted August 2025
MSB 24-10-15-B	Health Policy Office	Revision	42 C.F.R. 440.70(b)(3) & 25.5-5-338, C.R.S.	Revision to the Medical Assistance Act Rule Concerning Continuous Glucose Monitors Reimbursement Methodology, Section 8.950	August 2025	Health First Colorado members and Providers	Adopted August 2025
MSB 25-04-15-A	Health Policy Office	Revision	42 CFR 440	Revision to the Medical Assistance Act Rule concerning Rural Health Clinics, Section 8.740.7	August 2025	Health First Colorado members and Providers	Adopted August 2025
MSB 25-06-15-A	Special Financing Division	Revision	CO SB 23-214 (2023 Long Bill)	Revision to the MA Rule Concerning Dental Health Care Program for Low-Income Seniors, Procedure Rate Increase on Schedule A for Fiscal Year 2025-26.	August 2025	Health First Colorado members and Providers	Adopted August 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 25-06-15-B	Rates Division	Revision	Senate Bill 21-205	Revision to the Medical Assistance Act Outpatient Hospital Payment Rule Regarding 340B Drug Pricing, Section 8.300.6.A.1.j.	August 2025	Health First Colorado members and Providers	Adopted August 2025
MSB 25-02-06-A	Office of Community Living	Revision	1915 (c) & C.R.S. 25.5-6-304, 307(1)(d), & 313(1); 25.5-6-606(2) & 25.5-6-704(2)(f), (4)(a), & (6); and 25.5-6-1303(2)(a), (3), & (4)	Revision to the HCBS Rule Concerning Home Modification, Section 8.7525.c	August 2025	Health First Colorado members and Providers	Adopted August 2025
MSB 25-09-03-A	Rates Division	Revision	Section 24-75-201.5	Revision to the Medical Assistance Act Rule concerning Hospital Rate Setting Authority, Sections 8.300.5, 8.300.6	September 2025	Health First Colorado members and Providers	Adopted September 2025
MSB 25-08-12-C	Special Financing Division	Revision	42 CFR 433.68 and 42 U.S.C. § 1396b(w) & 25.5-4-402.4(4)(b), (g), C.R.S.	Revision to the Medical Assistance Act Rule concerning Healthcare Affordability and Sustainability Provider Fees and Supplemental Payments, Section 8.3000	September 2025	Health First Colorado members and Providers	Adopted September 2025

Rule Number (CCR) and Title (or Description)	Division /Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
MSB 24-05-14-A	Special Financing Division	Revision	Social Security Act, Section 1115(a) (42 U.S.C. § 1315(a)) & C.R.S. § 25.5-5-338	Revision to the Medical Assistance Act Rule concerning Health-Related Social Needs.	September 2025	Health First Colorado members and Providers	Adopted September 2025
MSB 25-01-28-C	Health programs Office	Revision	42 CFR 440.130(c) & C.R.S. §25.5-5-334	Revision to the Medical Assistance Act Rule concerning Community Health Worker/Community Health Representative Services, Section 8.125, 8.126, 8.200.2.D & 8.799	September 2025	Health First Colorado members and Providers	Adopted September 2025
MSB 25-02-20-A	Program Development and Implementation Section	Revision	42 U.S.C. § 1396(a)(25), 42 C.F.R. § 441.50, et seq. & Colorado HB 22-1278	Rule Concerning Updating Safety Net Provider and Pediatric Residential Terminology	September 2025	Health First Colorado members and Providers	Adopted September 2025
MSB 25-04-17-A	Office of Community Living	Revision	Sections 25.5-1-301 through 25.5-1-303, C.R.S.	Revision to Alternative Care Facilities, Section 8.7403 and Section 8.7506.F	September 2024	Health First Colorado members and Providers	Adopted September 2024

Departmental Regulatory Agendas

Department

Department of Agriculture



COLORADO
Department of Agriculture

2026 Regulatory Agenda and 2025 Regulatory Report

This document contains information for the following:

- 2026 Regulatory Agenda: January 1, 2025-December 31, 2026
- 2025 Regulatory Report: January 1, 2024-December 31, 2025

Overview

The Colorado Department of Agriculture submits the following 2026 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat.

§2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;

- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department's "Regulatory Efficiencies Reviews" during 2025 (which are denoted as such in the "purpose" column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department's website, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its "SMART Act" hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(II).

The following constitutes the Department of Agriculture's Regulatory Agenda for 2026 and is provided in accordance with Colo. Rev. Stat. §2-7-203(2)(a)(IV).

The Colorado Department of Agriculture also submits the following 2025 Regulatory Agenda Report in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4), detailing the results of the past year's rules review activity.

2026 Regulatory Agenda

Anticipated Adoption Date	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders	Part of Mandatory Rule Review
TBD	8 CCR 1203-9	Administration and Enforcement of the Organic Certification Act	Revision	Title 35, Article 11.5	Update the fee schedule.	Organic producers	No
TBD	8 CCR 1203-23	Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act	Revision	Title 35, Article 61	Define and implement lab analysis fees, require evidence of FSA crop certification, and require evidence on crop disposal due to failure.	Hemp industry, help advisory committee, hemp registrants	No
March 2026	8 CCR 1202-2	Measurement Standards	Revision	Title 35, Article 14	Clarify and align with the current statutory language for which tags to apply to devices. Clarify and add definitions to terms not already defined in the rule or statute. Add requirements for scale technicians to be certified for the devices they intend to service and install to align with national standards. Clean up existing language to align with the new changes. Clarify the inspection and testing frequency of licensed devices to the license period as a result of the Weights and Measures Program	Licensed device service providers and certified weighers, Industrial Scale Association, Cannabis consulting businesses, Marijuana Enforcement Division, International Scale Association, Colorado Cattlemen Association, Fruits and	No

Anticipated Adoption Date	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders	Part of Mandatory Rule Review
					Performance Audit conducted in 2024/2025. Add language for software that has a metrological effect on devices for National Type Evaluation Program (NTEP) certification to align with national standards.	Vegetable Growers Association, Scale Manufacture Association, High Impact Operators/ Businesses	
March 2026	8 CCR 1202-6	Rules for Commercial Feed Under the Colorado Feed Law	Revision	Title 35, Article 60	To incorporate record-keeping requirements and good management practices, and to remove the prohibition on ingredients with a "tentative" Association of American Feed Control Officials (AAFCO) ingredient definition.	Colorado Cattlemen's Association, Rocky Mountain Agribusiness Association, Colorado Livestock Association, American Feed Industry Association, Pet Food Institute, National Grain and Feed Association, National Renderers' Association, Intermountain Farmers Association (IFA), Colorado Farm	No

Anticipated Adoption Date	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders	Part of Mandatory Rule Review
						Bureau, Companies Registered with the Department as Feed Manufacturers	
March 2026	8 CCR 1202-7	Rules for Pet Food Under the Colorado Feed Law	Revision	Title 35, Article 60	To incorporate labeling requirements under the Pet Food Label Modernization initiative. Incorporate record-keeping requirements and good management practices.	Colorado Cattlemen's Association, Rocky Mountain Agribusiness Association, Colorado Livestock Association, American Feed Industry Association, Pet Food Institute, National Grain and Feed Association, National Renderers' Association, Intermountain Farmers Association (IFA), Colorado Farm Bureau, Companies Registered with	No

Anticipated Adoption Date	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders	Part of Mandatory Rule Review
						the Department as Feed Manufacturers	
TBD	8 CCR 1202-17	Rules Pertaining to the Administration and Enforcement of the Produce Safety Act	Revision	Title 35, Article 77	Adjust the threshold limit for farms Exempt from the rule and change the incorporation by reference of the Code.	Produce Safety Committee, growers, industry trade organizations, allied trade organizations	No

2026 Regulatory Efficiency Reviews

Anticipated Adoption Date	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders	Part of Mandatory Rule Review
TBD	8 CCR 1201-13	Public Livestock Markets Veterinary Inspection	Revision	Title 35, Article 55	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Colorado Livestock Market Association, livestock market veterinarians, Colorado Cattlemen's Association, Colorado Livestock Association, livestock producers	Yes
TBD	8 CCR 1201-20	Live Bird Market Rule	Revision	Title 35, Article 50	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Colorado Poultry Association, commercial poultry producers, backyard poultry producers	Yes
TBD	8 CCR 1203-5	Rules Pertaining to the Administration and Enforcement of the Colorado Nursery Act	Revision	Title 35, Article 26	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Greenhouse and nursery industry	Yes

Anticipated Adoption Date	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders	Part of Mandatory Rule Review
TBD	8 CCR 1201-13	Public Livestock Markets Veterinary Inspection	Revision	Title 35, Article 55	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Colorado Livestock Market Association, livestock market veterinarians, Colorado Cattlemen's Association, Colorado Livestock Association, livestock producers	Yes
TBD	8 CCR 1203-18	Quarantine and Rules Against the Importation of Prunus Species into the San Luis Valley	Revision	Title 35, Article 4	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Potato growers, Colorado Potato Administrative Committee, nursery industry	Yes
TBD	8 CCR 1206-1	Water Quality Control Concerning Agricultural Chemicals and Ground Water	Revision	Title 25, Article 8	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Producers using agricultural chemicals, pesticide/ fertilizer applicators and dealers, and industry groups	Yes

Anticipated Adoption Date	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders	Part of Mandatory Rule Review
TBD	8 CCR 1201-13	Public Livestock Markets Veterinary Inspection	Revision	Title 35, Article 55	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Colorado Livestock Market Association, livestock market veterinarians, Colorado Cattlemen's Association, Colorado Livestock Association, livestock producers	Yes
TBD	8 CCR 1206-3	Administration and Enforcement of the Weed Free Forage Crop Certification Act	Revision	Title 35, Article 27.5	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Producers of weed-free forage or mulch, government agencies managing public land, the Colorado Department of Transportation, and industry groups	Yes
TBD	8 CCR 1206-4	Administration and Enforcement of the Colorado Chemigation Act	Revision	Title 35, Article 11	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Producers applying agricultural chemicals through a closed irrigation system,	Yes

Anticipated Adoption Date	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders	Part of Mandatory Rule Review
TBD	8 CCR 1201-13	Public Livestock Markets Veterinary Inspection	Revision	Title 35, Article 55	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Colorado Livestock Market Association, livestock market veterinarians, Colorado Cattlemen's Association, Colorado Livestock Association, livestock producers	Yes
						and industry groups	
TBD	8 CCR 1207-4	Rules Pertaining to Farm-to-Market Infrastructure Grants	Revision	Title 35, Article 1.2	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Farmers, ranchers, food processors, and manufacturers	Yes

2025 Regulatory Report

Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1205-2 Administration and Enforcement of the Alternative Livestock Act	State Board of Stock Inspection	Revision	Title 35, Article 41.5	To modify the fee structure, add a late fee, and correct spelling, grammar, and formatting errors.	State Board of Stock Inspection, Five Rivers Cattle Feeding, Colorado Farm Bureau, Colorado Horse Council, Colorado Cattlemen's Association, Colorado Livestock Association, Colorado Independent Cattle Grower's Association, Front Range Livestock Association, Fremont County Cattlemen's Association, Bent-Prowers Cattle & Horse Growers Association, LaPlata-Archuleta Cattlemen's Association, Weld County Livestock Association, Elbert-Douglas County Livestock	Adopted 7/15/2025	Text

Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
					Association, Northeast Colorado Cattlemen's Association, Middle Park Stockgrowers Association, Pikes Peak Cattlemen's Association, Pueblo Stockgrowers Association, Uncompahgre Cattlemen's Association, Moffat County Cattlemen's Association, Mesa County Cattlemen's Association		
8 CCR 1205-3 Rules Pertaining to the Annual Transportation Permit for Cattle	State Board of Stock Inspection	Revision	Title 35, Article 53	To modify the fee to reflect changes in 8 CCR 1205-6.	State Board of Stock Inspection, Five Rivers Cattle Feeding, Colorado Farm Bureau, Colorado Horse Council, Colorado Cattlemen's Association, Colorado Livestock	Adopted 7/15/2025	

Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
					Association, Colorado Independent Cattle Grower's Association, Front Range Livestock Association, Fremont County Cattlemen's Association, Bent-Prowers Cattle & Horse Growers Association, LaPlata-Archuleta Cattlemen's Association, Weld County Livestock Association, Elbert-Douglas County Livestock Association, Northeast Colorado Cattlemen's Association, Middle Park Stockgrowers Association, Pikes Peak Cattlemen's Association, Pueblo Stockgrowers		

Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
					Association, Uncompahgre Cattlemen's Association, Moffat County Cattlemen's Association, Mesa County Cattlemen's Association		
8 CCR 1205-4 Rules Pertaining to the Feedlot Certification Act	State Board of Stock Inspection	Revision	Title 35, Article 53.5	To modify the fee and correct spelling, grammar, and formatting errors.	State Board of Stock Inspection, Five Rivers Cattle Feeding, Colorado Farm Bureau, Colorado Horse Council, Colorado Cattlemen's Association, Colorado Livestock Association, Colorado Independent Cattle Grower's Association, Front Range Livestock Association, Fremont County Cattlemen's Association, Bent-Prowers Cattle & Horse	Adopted 7/15/2025	

Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
					Growers Association, LaPlata-Archuleta Cattlemen's Association, Weld County Livestock Association, Elbert-Douglas County Livestock Association, Northeast Colorado Cattlemen's Association, Middle Park Stockgrowers Association, Pikes Peak Cattlemen's Association, Pueblo Stockgrowers Association, Uncompahgre Cattlemen's Association, Moffat County Cattlemen's Association, Mesa County Cattlemen's Association		

Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1205-6 State Board of Stock Inspection Fees	State Board of Stock Inspection	Revision	Title 35, Article 41	To modify minimum fees, inspection fees, permanent travel card fees, licensing fees, certification fees, waiver permits, recording fees, and assessment fees.	State Board of Stock Inspection, Five Rivers Cattle Feeding, Colorado Farm Bureau, Colorado Horse Council, Colorado Cattlemen's Association, Colorado Livestock Association, Colorado Independent Cattle Grower's Association, Front Range Livestock Association, Fremont County Cattlemen's Association, Bent-Prowers Cattle & Horse Growers Association, LaPlata-Archuleta Cattlemen's Association, Weld County Livestock Association, Elbert-Douglas County Livestock Association, Northeast	Adopted 7/15/2025	

Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
					Colorado Cattlemen's Association, Middle Park Stockgrowers Association, Pikes Peak Cattlemen's Association, Pueblo Stockgrowers Association, Uncompahgre Cattlemen's Association, Moffat County Cattlemen's Association, Mesa County Cattlemen's Association		
8 CCR 1206-2 Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act	Conservation Services Division	Revision	Title 35, Article 5.5	To update and clarify definitions, differentiate requests to add management techniques, add species to list A, update species subset, and update management plans.	Noxious Weed Advisory Committee, county and municipal weed managers, advisory committee members, nursery and seed industry stakeholders	Adopted 3/19/2025	

Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1204-10 Rules Pertaining to the Small Food Business Recovery and Resiliency Tax Credit	Markets Division	Revision	Title 35, Article 22, Part 5	To update the order in which applications are reviewed and awarded, and to update definitions to ensure alignment with legislative intent.	State agencies with tax credit programs, eligible businesses, outreach, and technical assistance providers	Adopted 1/15/2025	
8 CCR 1202-15 Rules Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act	Animal Welfare Division - Pet Animal Care Facilities Act	Revision	Title 35, Article 80	To implement change from Senate Bill 24-045, which amended §35-80-106.4, C.R.S., and requires animal shelters and rescues to sterilize dogs and cats prior to adoption, and add new definitions and updates.	Groomers, boarding and training organizations, rescue and shelter organizations, pet handlers, dog and cat breeders, reptile and herptile breeders, aquatic pet care organizations, and pet transporters	Adopted 5/15/2025	
8 CCR 1203-2 Rules and Regulations Pertaining to the Administration and Enforcement of the Pesticide Applicators' Act	Plant Industry Division	Revision	Title 35, Article 10	To update materials incorporated by reference, update certificate requirements for unmanned aerial vehicles, add clarifications to federally designated restricted-use fumigants and e-notification timing, define e-notification,	Pesticide Advisory Committee, Pesticide Sensitive Registrants, and licensed commercial applicators	Adopted 7/16/2025	

Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
				and incorporate notification provisions.			
8 CCR 1206-5 Rules Pertaining to the Agricultural Stewardship Tax Credit	Conservation Services Division	New rule	Title 39, Article 22	To create an agricultural stewardship tax credit to encourage qualified stewardship practices on a farm or ranch, including any practice that increases soil health, improves water efficiency, or creates more diverse and beneficial ecosystems while maintaining the productivity of the farm or ranch.	Colorado Association of Conservation Districts, Routt County Conservation District, Yuma Conservation District, Lower Arkansas Watershed Association, Upper South Platte Watershed Association, Upper Arkansas Watershed Association, Republican River Watershed Association, Rocky Mountain Farmers Union, Colorado Farm Bureau, Colorado Cattlemen's Association, Colorado Corn, Colorado Potato Administration, Colorado Livestock	Adopted 5/15/2025	

Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
					Association, Colorado Dry Bean Committee		

2025 Results of Mandatory Rules Review

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Did review result in revisions to regulation?	Purpose of Proposed Rule (if applicable)	Did review result in repeal of entire CCR volume?	Did the review result in repeal of any part of the regulation?	Adoption date (if applicable)	Comments
8 CCR 1201-12 Rules Pertaining to the Control of Depredating Animals	Animal Health Division	Title 35, Article 40	No	N/A	No	No	N/A	N/A
8 CCR 1203-22 Rules and Regulations Pertaining to the Colorado Seed Potato Act	Division of Plant Industry	Title 35, Article 27.3	Yes	To update obsolete language, establish new sampling, testing, evaluation requirements, and standards, clarify the percentage of growers to be audited, and update the hourly inspection fee.	No	No	1/15/2025	N/A
8 CCR 1202-5 Storage and Handling of Anhydrous Ammonia	Inspection and Consumer Services Division	Title 35, Article 13	No	N/A	No	No	N/A	N/A

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Did review result in revisions to regulation?	Purpose of Proposed Rule (if applicable)	Did review result in repeal of entire CCR volume?	Did the review result in repeal of any part of the regulation?	Adoption date (if applicable)	Comments
8 CCR 1207-1 Rules and Regulations Pertaining to the Administration and Enforcement of § 35-45-109, C.R.S.	Commissioner's Office	Title 35, Article 45	No	N/A	No	No	N/A	N/A
8 CCR 1207-2 Rules Pertaining to Administrative Hearings Conducted within the Colorado Department of Agriculture and to Petitions for Declaratory Orders	Commissioner's Office	Title 35, Article 1	No	N/A	No	No	N/A	N/A

Departmental Regulatory Agendas

Department

Department of Corrections

2025

Regulatory Agenda Report



COLORADO
Department of Corrections

Overview

The Colorado Department of Corrections submits the following 2025-26 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colorado Revised Statute 2-7-203(4). Pursuant to state law, annually on November 1, executive branch agencies must file a Departmental Regulatory Agenda containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous Departmental Regulatory Agenda was filed.

The Departmental Regulatory Agenda also includes, pursuant to Colorado Revised Statute 24-4-103.3, rules to be reviewed as part of the Department “Regulatory Efficiency Reviews” during 2024-25 (which are denoted in the “purpose” column). The Departmental Regulatory Agenda is to be filed with the Legislative Council staff for distribution to Committee(s) of reference, posted on the department’s website, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its Departmental Regulatory Agenda as a part of its “Smart Act” hearing and presentation pursuant to the Colorado Revised Statute 2-7-203(2)(a)(III)(A).

The following constitutes Colorado Department of Corrections Departmental Regulatory Agenda for 2025-26 and is provided in accordance with Colorado Revised Statute 24-7-203(2)(a)(IV):

- *The term “ARs” are the Departmental Administrative Regulations.*

Schedule Month, Year	Rule Number and Title	Division	New rule, revision, or repeal	Statutory or Other Basis	Purpose / Detail	Stakeholders
October 1, 2025	700-30 Offender Health Care Co-Payment Program	Clinical	Revision	EO D25-007	Directing the Colorado Department of Corrections to Take Action Related to Health Care Copayments and Fees Policies	Offenders, Clinical Staff, Budget and Finance
November 1, 2025	100-39 Peace Officers 1450-05 Unlawful Discrimination/Discriminatory Harassment	Human Resources, Office of the Inspector General	Revision	HB 25-1031	Law Enforcement Whistleblower Protection	DOC staff
November 1, 2025	850-12 Telephone Regulations for Offenders	Prison Operations	Revision	HB 25-1049	Communications Rights for Persons in Custody	Offenders, DOC staff, Operational Staff, Friends and Family, Attorneys
October 1, 2025 November 1, 2025	625-01, Offender Release and Discharge 625-04 Court Services and Detainer Operations	Prison Operations	Revision	HB 25-1116	DOC Search Court Records Before Offender Release	Offenders, Offender services, DOC staff
November 1, 2025	900-03 Peer-Led Programming 700-42 Behavioral Health Peer Specialist Programming	Prison Operations and Clinical	Revision	HB 25-1129	DOC Peer Behavioral Health Services Reentry Program	Offenders, DOC staff, Clinical staff
IN PROGRESS	100-39 Peace Officers	Human Resources, Office of the Inspector General	Revision	HB 25-1136	Peace Officer Conduct Database	DOC POST certified staff, Human Resources

November 1,2025	250-69 Mandatory Reporters of Abuse or Neglect	Adult Parole	Revision	HB 25-1188	Mandatory Reporter Task Force Recommendations	Parole staff
November 1,2025	700-14 Practices Concerning Transgender, Gender Diverse, or Intersex Offenders	Clinical	Revision	HB 25-1309	Protect Access to Gender-Affirming Care	Offenders, Clinical Staff
New policy by 4/4/26	TBD	Policy and Legislative Affairs		SB 25-155	Legislation Inside Advisory Council	
November 1,2025	250-81 Special Needs Parole	Prison Operations	Revision	SB 25-190	Offender Release from Custody	Offenders, Clinical Staff, Special Needs Parole Staff, Parole and Parole Board
November 1,2025	250-03 Community Corrections Referral and Placement Process	Adult Parole	Revision	SB 25-209	Offender Refuse Community Corrections Placement	Offenders, Clinical Staff, Operational Staff, Parole and Parole Board
November 1,2025	150-01 Code of Penal Discipline (CPD) 200-02 Inmate Banking 300-01 Offender Visiting Program 300-17 Escorted Leave 300-56 Special Controls 600-05 Restriction of Offenders' Privileges in Correctional Facilities	Prison Operations	Revision	HB 25-1013	DOC Visitation Rights	Offenders, Operational Staff, Friends and Family, Attorneys

	600-09 Special Management and MCU Status 650-02 Protective Custody 650-03 Restrictive Housing 850-10 Emergency Notification 850-12 Telephone Regulations for Offenders					
October 1,2025	100-46 Immigration and Customs Enforcement Processes	Prison Operations	New	SB 25-276	Protect Civil Rights Violations Immigration Status	Offenders, Operational Staff, Legal, Office of the Inspector General

Departmental Regulatory Agendas

Department

Department of Transportation

2026

Regulatory Agenda



COLORADO
Department of Transportation

Overview of Regulatory Agenda Requirements

The Colorado Department of Transportation submits the following 2026 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. section 2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. section 24-4-103.3, rules to be reviewed as part of the Department's "Regulatory Efficiencies Reviews" during 2026. The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department's web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its "SMART Act" hearing and presentation pursuant to Colo. Rev. Stat. section 2-7-203(2)(a)(II).

The following constitutes Colorado Department of Transportation's Regulatory Agenda for 2026 and is provided in accordance with Colo. Rev. Stat. section 24-7-203(4).

Schedule (month)	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? X if yes	Purpose	Stakeholders	Anticipated Hearing Date
June	2 CCR 601-18	Revision	§ 43-1-228(6) C.R.S.	No	<p>To update the access to state highway rights-of-way to accommodate high voltage lines.</p> <p>The rules will:</p> <ul style="list-style-type: none"> (i) Clarify that longitudinal high voltage lines may be permitted in state highway rights-of-way if identified criteria are met; (ii) Create a process for transmission developers to submit a request to the department for a permit for state highway right-of-way to construct a high voltage line; (iii) Establish the process for the denial of a permit request submitted by a transmission developer for a high voltage line; and (iv) Set the surcharges for a transmission developer’s access to a state highway right-of-way. 	The Department will work with the following stakeholders: (1) cities, counties, and municipalities, (2) private companies affected, and (3) stakeholders from 2019 rulemaking	Summer 2026
October	2 CCR 601-14	Revision	§ 43-2-150(2)(f) C.R.S.	No	<p>To create a process for entities to provide roadside assistance by selling or applying chains to enable compliance with section 42-4-106.</p> <p>The rules will:</p> <ul style="list-style-type: none"> (i) Contain the requirements for issuing a permit and the applicant qualifications to be issued a permit; (ii) Explain the process for revoking a permit; and (iii) Explain reflective clothing requirements when installing chains. 	The Department will work with the following stakeholders: (1) qualified applicants for permits and (2) counties and cities affected	Winter 2026

Departmental Regulatory Agendas

Department

Office of the Governor



Colorado Energy Office 2026 Regulatory Agenda and 2025 Regulatory Report

October 27, 2025

Attention: Colorado Secretary of State

Pursuant to § 2-7-203, C.R.S., the Building Decarbonization Enterprise (the “Enterprise”) and the Community Access Enterprise (“CAE”), both housed within the Colorado Energy Office (“CEO”) submit this letter as their departmental regulatory agenda.

The Enterprise’s enabling statute required that the Enterprise begin collecting the fee on or before November 1, 2025. The Enterprise Board undertook an emergency rulemaking to ensure compliance with the November 1st deadline. On September 24, 2025, the Enterprise board of directors unanimously voted to establish an annual \$400 Building Decarbonization Enterprise Fee (the “fee”) through an emergency rulemaking hearing as permitted by § 24-4-103(6)(a), C.R.S. House Bill 25-1269 established that the fee will apply to all covered building owners subject to Air Quality Control Commission Regulation 28, commonly referred to as the Colorado Building Performance Standards program. Buildings subject to this regulation are 50,000 square feet or larger, but this fee does not apply to publicly owned covered buildings. The Board will hold a permanent rulemaking within 120 days as required by § 24-4-103(6)(a), C.R.S.

The Department of Revenue continues to aggregate the CAE, the Nonattainment Air Pollution Mitigation Enterprise, Clean Fleet Enterprise, Statewide Bridge and Tunnel Enterprise, and Clean Transit Enterprise’s individual retail delivery fees as one line item on consumer receipts, pursuant to § 43-4-218(4), C.R.S. The aggregated fee is a line item on each receipt described as “retail delivery fees” and the Department of Revenue ensures the appropriate portion of the aggregated fee is credited to CAE. CAE, with assistance from the Department of Revenue, annually adjusts the fee for inflation. This annual inflationary adjustment does not require any subsequent rulemaking. With the Department of Revenue’s input, the CAE Board passed a Resolution on March 13, 2025 to lower the CAE fee to five and sixty seven-hundredths cents (\$0.0567). The CAE Board has no plans to hold subsequent rulemakings and any future retail delivery fee adjustments will continue to occur through the Department of Revenue’s processes.





COLORADO
Energy Office

Sincerely,

Mike Salisbury

Board Administrator, Community Access Enterprise

DeLynne Southern

Board Administrator, Building Decarbonization Enterprise





2026 OIT Regulatory Agenda and 2025 Regulatory Report

Overview..... 1

2026 OIT Regulatory Agenda.....2

 8 CCR 1501-5, Rules in Support of the Colorado Information Security Act.....2

 8 CCR 1501-6, Rules in Support of the Office of Information Technology.....3

 8 CCR 1501-9, Colorado Rules Regarding Electronic Transactions by Colorado
 Governmental Agencies.....4

2026 OIT Regulatory Review..... 5

2025 OIT Summary of Rules Adopted after November 1, 2024..... 5

 8 CCR 1501-11, Rules Establishing Technology Accessibility Standards.....5

 8 CCR 1501-12, Information Technology Lifecycle Planning.....6

Overview

The Governor’s Office of Information Technology (OIT) presents the following 2026 Regulatory Agenda, containing planned rulemaking activities for the coming year and 2025 Regulatory Report, a summary of the past year’s rulemaking. OIT does not meet the standard establishing a requirement to submit an annual regulatory agenda in Colorado Revised Statutes §24-4-103.3(4) and §2-7-203(4) because OIT is not a principal department. In a commitment to transparency and open government, however, OIT shares the following agenda for the coming year and report of the past year’s rulemaking activity.

2026 OIT Regulatory Agenda

Rule Number	Rule Title	Action	Timing
8 CCR 1501-5	Rules in Support of the Colorado Information Security Act	Revise	Winter 2025 to Spring 2026
8 CCR 1501-6	Rules in Support of the Office of Information Technology	Repeal	Spring 2026



8 CCR 1501-9	Colorado Rules Regarding Electronic Transactions by Colorado Governmental Agencies	Revise	Spring 2026
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8 CCR 1501-5, Rules in Support of the Colorado Information Security Act

New Rule, Revision, or Repeal:

Revision

Statutory or Other Basis for Adoption or Change to Rule:

- §24-37.5-403(2)(b), C.R.S.

Purpose of Proposed Amendments:

The rules govern the process around the development and review of cybersecurity plans for state agencies. Revisions will clarify roles and expectations in order to focus on effective and actionable cybersecurity.

Stakeholders Who May Be Positively or Negatively Affected:

State executive and judicial branch agencies implement and bear the cost of the rule's requirements. State agencies, partners, and people living in the state and interacting with state services benefit by having secure and reliable information technology.

Anticipated Schedule:

Engage with stakeholders in rule development through the winter of 2025-26.
Tentative public hearing and adoption in spring 2026.



8 CCR 1501-6, Rules in Support of the Office of Information Technology

New Rule, Revision, or Repeal:

Repeal

Statutory or Other Basis for Adoption or Change to Rule:

- §24-37.5-105(8), C.R.S. (repealed)
- §24-37.5-106(4), C.R.S.

Purpose of Proposed Rule:

The rules were developed to govern the purchase of information technology related goods and services in emergency situations. Since their adoption, the Department of Personnel and Administration has amended the procurement code, procurement rules, and fiscal rules to incorporate the principles from these rules. These rules can be repealed because they are duplicative and no longer necessary.

Stakeholders Who May Be Positively or Negatively Affected:

The processes and requirements established by these rules are now addressed in the centralized purchasing and fiscal rules. Repealing these duplicative rules will result in no procedural change for stakeholders. State employees will benefit from a reduced potential for confusion by eliminating these outdated, duplicative rules.

Anticipated Schedule:

Anticipated rule repeal activities in spring 2026.



8 CCR 1501-9, Colorado Rules Regarding Electronic Transactions by Colorado Governmental Agencies

New Rule, Revision, or Repeal:

Revision

Statutory or Other Basis for Adoption or Change to Rule:

- §24-37.5-106(4), C.R.S.
- §§24-71.3-117, 24-71.3-118, 24-71.3-119, C.R.S.

Purpose of Proposed Rule:

The purpose of these rules is to promote the development and use of electronic records and electronic signatures by Colorado governmental agencies. These rules establish the criteria and process to identify authorized technologies for collecting electronic signatures. Electronic records and signatures created by an authorized technology are presumed valid. Revisions will clarify the rules and reflect statutory adjustments since the prior revisions.

Stakeholders Who May Be Positively or Negatively Affected:

State executive branch agencies bear the cost of compliance, but in return they gain the convenience and efficiency of electronic signatures and records. People working with state agencies also benefit from that convenience and efficiency.

Anticipated Schedule:

Anticipated rule revision activities in spring 2026.

2026 OIT Regulatory Review

During 2026 OIT will conduct a review of the following rules to assess the continuing need for and the appropriateness and cost-effectiveness of the rules to determine if



they should be continued in their current form, modified, or repealed.

- 8 CCR 1501-7, Rules in Support of Centralized IT Management and Creation of Enterprise Architecture Office and Data Management Program
- 8 CCR 1501-11, Rules Establishing Technology Accessibility Standards
- 8 CCR 1501-12, Information Technology Lifecycle Planning

2025 OIT Summary of Rules Adopted after November 1, 2024

Rule Number	Rule Title	Action	Adoption Date
8 CCR 1501-11	Rules Establishing Technology Accessibility Standards	Revised	May 9, 2025
8 CCR 1501-12	Information Technology Lifecycle Planning	New	November 21, 2024

8 CCR 1501-11, Rules Establishing Technology Accessibility Standards

New Rule, Revision, or Repeal:

Revision

Statutory or Other Basis for Adoption or Change to Rule:

- §24-37.5-106(4), C.R.S.
- §24-85-103, C.R.S.
- SB23-244

Purpose of Rule:

These rules establish the accessibility standards for individuals with a disability for information technology systems. The reason for the rules is to improve the



accessibility and usability of government information technology products and services in Colorado. The rule amendments emphasize progress over strict technical conformance for technology accessibility and more clearly align with federal laws.

Stakeholders Who May Be Positively or Negatively Affected:

Units of state and local government bear the costs. Individuals with disabilities and all users of Colorado government services, programs, and activities benefit.

Adoption Date:

May 9, 2025

8 CCR 1501-12, Information Technology Lifecycle Planning

New Rule, Revision, or Repeal:

New

Statutory or Other Basis for Adoption or Change to Rule:

- §24-37.5-106(4), C.R.S.
- §24-37.5-126, C.R.S.
- SB24-224

Purpose of Rule:

These rules ensure that the State of Colorado's information technology assets and systems are inventoried, categorized, and managed. This will allow the State to make well-informed decisions and develop effective strategies for growth, scalability, cost optimization, privacy, security, consistent workflows, stability, reliability, and customer experience.



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Information Technology**

These rules enable the State to plan for the orderly and predictable funding, acquisition, deployment, operation, maintenance, and decommissioning of IT assets.

Stakeholders Who May Be Positively or Negatively Affected:

State agencies bear the costs associated with complying with these rules. The State of Colorado and its residents and employees will benefit from improved government services resulting from better management of IT assets and systems. Specifically, the rules are intended to result in cost optimization, improved security and privacy, more consistent workflows, increased stability and reliability, and improved customer experience.

Adoption Date:

November 21, 2024

Departmental Regulatory Agendas

Department

Department of Public Safety



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Department of Public Safety

Executive Director's Office

2025 Regulatory Report

Overview

Pursuant to Section 2-7-203(4) of the Colorado Revised Statutes (C.R.S.), the Department of Public Safety (CDPS) submits the following 2025 Regulatory Report in accordance with Section 2-7-203(4) of the Colorado Revised Statutes. This Regulatory Report details the results of the past year's planned rulemaking as noted in the 2025 CDPS Regulatory Agenda, unplanned rulemaking, routine informal rule reviews (if any), and planned mandatory rule reviews conducted pursuant to the Administrative Procedure Act (§24-4-101 et seq., C.R.S.) and Section 24-4-103.3(4), C.R.S. in compliance with the Department's regulatory efficiency reviews.

Because this report is due November 1st, it includes the status of activities completed through October 31, 2025. Regulatory activities completed or scheduled between October 31, 2025, and December 31, 2025, will be reported, if planned, in the Department's 2026 Regulatory Agenda and in the year-end Department's 2026 Regulatory Report.

This report includes three sections:

1. Results of rulemaking activity included in the 2025 CDPS Regulatory Agenda
2. A more detailed look at outcomes of mandatory rules efficiency reviews
3. Results of unplanned rulemaking

Note: Several rules appear in both the planned agenda and mandatory rules efficiency reviews table; these rules were specifically added to the 2025 Regulatory Agenda with the knowledge that they were required to undergo a mandatory rules efficiency review in 2025.

Results of Planned Rulemaking Activity Included in the 2025 CDPS Regulatory Agenda

Rule Number	Rule Title (or Brief Description)	New rules, revision, review or repeal	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments
8 CCR 1507-30	Code Enforcement and Certification of Inspectors for Public Schools, Charter Schools & Junior Colleges	Revision	24-33.5-1203.5, C.R.S.	Raise fees to defray costs of the program, update title of delegated building inspector and clarifies the roles and duties, update the list of projects allowed under annual permits, update definitions and procedural requirements, and correct minor formatting errors.	Fire inspectors, building code officials, fire code officials, school boards, local governments, and state agencies	Adopted	11/12/2024 1/14/2025	Public hearing held 11/6/2024
8 CCR 1507-3	Firefighter and Hazardous Materials Responders Voluntary Certification Programs	Revision	24-33.5-1205, C.R.S.	Raise fees to defray costs of the programs, update the minimum time to submit certification applications and fees, increase the period for awarded certifications, update definitions and procedural requirements, and correct minor formatting errors.	Local governments, state agencies, Fire Chiefs, Fire Marshalls, Fire District officials, and the general public	Adopted	11/11/2024 1/1/2025	Public hearing held 11/8/2024

Rule Number	Rule Title (or Brief Description)	New rules, revision, review or repeal	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments
8 CCR 1507-1	Minimum Standards for the Operation of Commercial Vehicles (more commonly known as the Motor Carrier Rules)	Review/ Revision	42-4-235 (4)(a)(I), C.R.S.	Review and update for consistency with state statutes and CFRs; add new definition for “authorized enforcement official;” and update CMV chain law requirement references to better align with statute.	Members of the CMV industry, law enforcement, other government entities, CDOT, USDOT, and members of the insurance industry	Adopted	1/21/2025 4/1/2025	Public hearing held 1/17/2025
8 CCR 1507-25	Permitting, Routing and Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado	Review/ Revision	42-20-108, 42-20-403, 42-20-504, 42-20-508, 42-20-108.5, C.R.S.	Review and update for consistency with state statutes, CFRs, and CVSA OOS Criteria. Clarify/update information regarding HAZMAT routing and nuclear materials shipping processes through Colorado; add new HAZMAT route for the City of Delta, CO and update approved existing routes due to this addition; and update grammar and formatting.	Members of the CMV industry, law enforcement, other government entities, CDOT, USDOT	Adopted	1/21/2025 4/1/2025	Public hearing held 1/17/2025

Rule Number	Rule Title (or Brief Description)	New rules, revision, review or repeal	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments
8 CCR 1507-28	Port of Entry Rules for Commercial Motor Carrier Size, Weight & Clearance	Review/ Revision	42-8-104(1), C.R.S.	Review and update for consistency with state statutes and CFRs; update POE officer scope of authority to align with statute and clarify Ports of Entry scope of authority to maintain statutory alignment; and update grammar and formatting.	Local governments, state agencies, CMCA, other requesting parties, and members of the CMV industry	Adopted	1/21/2025 4/1/2025	Public hearing held 1/17/2025
8 CCR 1507-21	Rules and Regulations Concerning Criminal History Records of Volunteers and Employees of Charitable Organizations	Review/ Revision	24-33.5-305.3(2)(c)(I), C.R.S.	After mandatory rules review, it was determined that rulemaking was needed to update the procedures to request qualified entity status and for obtaining criminal history records checks; update divisional program and contact information; and update grammar and formatting.	Local governments, state agencies, and the general public	Adopted	04/02/2025 05/30/2025	Public hearing held 04/02/2025
8 CCR 1507-35	Death Benefits for Seasonal Wildland Firefighters	Review	24-33.5-1229, C.R.S.	After mandatory rules review, it was determined that no revisions or rulemaking were needed.	Seasonal wildland firefighters	Reviewed	N/A	No further action taken

Rule Number	Rule Title (or Brief Description)	New rules, revision, review or repeal	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments
8 CCR 1507-40	Continuity of State Government Operations (COOP)	Revision	24-33.5-1609, C.R.S.	After the mandatory rules review continuation from 2024 into 2025, the Division is revising the rules to update the processes to better align with current practices and mandates, including those due to changes in FEMA procedures, and to update obsolete statutorily noted reference material to be incorporated by reference in the rules. No statutory conflicts are created with this pending process.	Local governments, state agencies, emergency planning officials, and the general public	Pending	TBD	TBD Public hearing planned for late December 2025 to mid-February 2026
8 CCR 1507-27	Blue Alert Program	Revision	24-33.5-416.5(2), C.R.S.	The Division is revising these rules to update notification processes and communications media. No statutory conflicts are created with this pending process.	Local law enforcement, media, and the general public	Pending	TBD	TBD Public hearing planned for Spring 2026

Rule Number	Rule Title (or Brief Description)	New rules, revision, review or repeal	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments
8 CCR 1507-39	The Adoption of Minimum Codes and Standards for Hardening Structures and Reducing Fire Risk in the Defensible Space Surrounding Structures in the Wildland-Urban Interface	New rule	24-33.5-1236(4), C.R.S.	Pursuant to Section 24-33.5-1236, C.R.S. enacted in SB 23-166, these rules are adopted to establish minimum Codes and Standards to reduce fire risk in the defensible space surrounding structures in the wildland-urban interface, to reduce the risk to life and property from the effects of wildfires, identify the range of hazards and types of structures to which the codes apply, to establish modification petitions, and to establish criteria for exemption from the codes to align with statutes.	Local governments, state agencies, governing bodies, and the general public	Adopted	07/01/2025 08/30/2025	Public hearing held 07/01/2025
8 CCR 1507-61	Colorado Wildfire Resiliency Code Enforcement and Certification of Inspectors [tentative title]	New rule	24-33.5-1237(2)(b), C.R.S.	The Division is determining whether new rules are necessary or whether divisional rules already in place for codes inspections and enforcement comply with statute. No statutory conflicts are created by this pending decision.	Local governments, state agencies, governing bodies, and the general public	Pending	TBD	TBD 2026

Rule Number	Rule Title (or Brief Description)	New rules, revision, review or repeal	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments
8 CCR 1507-56	Motorcycle Operator Safety Training (MOST) Program	Review/revision	43-5-502(1)(III)(d), 43-5-503, 43-5-507, C.R.S.	A sunset review of the MOST program was conducted by the Department of Regulatory Agencies. The sunset review repealed the end date for the program and extended the program through September 1, 2030. The Division will hold rulemaking in 2026 to integrate the statutory changes to lower the required minimum age to be a MOST instructor to 18 and to align the placement with the MOST program within the Division rather than the Department of Transportation. No statutory conflicts are created by this deferral of rulemaking into 2026.	MOSAB, Local governments and state agencies, MOST instructors, vendors, students, and other interested parties	Reviewed and continued; rulemaking deferred until 2026	TBD	TBD Public hearing planned for last quarter 2026

Rule Number	Rule Title (or Brief Description)	New rules, revision, review or repeal	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments
8 CCR 1507-59	Catalytic Converter Identification and Theft Prevention (CCITP) Grant Program	Repeal	24-33.5-230, C.R.S.	Section 24-33.5-230, C.R.S. established the Catalytic Converter Identification and Theft Prevention (CCITP) grant fund was automatically repealed by statute, effective July 1, 2025. Rulemaking was held to repeal these rules pursuant to Section 24-33.5-230(6), C.R.S.	Anyone who may be affected by catalytic converter theft or who is interested in obtaining grant funding or information related to catalytic converter theft prevention	Repealed	5/09/2025 06/30/2025	Public hearing held 05/09/2025

Results of 2025 Mandatory Rules Efficiency Reviews

Schedule (month reviewed)	Rule Number	Rule Title (or Brief Description)	Statutory or other basis for adoption of rule	Did review result in revisions to regulation?	Did review result in repeal of any part of the regulation? If so, how many rules?	Did review result in repeal of entire CCR volume?	Adoption & Effective date (if applicable)	Comments (optional)
January 2025	8 CCR 1507-1	Minimum Standards for the Operation of Commercial Vehicles (more commonly known as the Motor Carrier Rules)	42-4-235(4)(a)(I), C.R.S.	Yes	No	No	1/21/2025 4/1/2025	Rules were reviewed and changes were deemed necessary to update rules for consistency with state statutes and CFRs.
January 2025	8 CCR 1507-25	Permitting, Routing and Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado	42-20-108, 42-20-403, 42-20-504, 42-20-508, 42-20-108.5, C.R.S.	Yes	No	No	1/21/2025 4/1/2025	Rules were reviewed and changes were deemed necessary to update rules for consistency with state statutes, CFTs, and CVSA OOS Criteria; clarify/update information regarding HAZMAT routing and nuclear materials shipping processes through Colorado.

January 2025	8 CCR 1507-28	Port of Entry Rules for Commercial Motor Carrier Size, Weight & Clearance	42-8-104, C.R.S.	Yes	No	No	1/21/2025 4/1/2025	Rules were reviewed and changes were deemed necessary to update for consistency with state statutes and CFRs, to update references to documentation from the FMCSA regarding High-Risk Motor Carriers, and to clarify and update grammar and formatting.
March 2025	8 CCR 1507-21	Rules and Regulations Concerning Criminal History Records of Volunteers and Employees of Charitable Organizations	24-72-305.3(2), C.R.S.	Yes	No	No	4/2/2025 5/30/2025	Rules were reviewed and changes were deemed necessary to update procedures to better align with statute, to update divisional program and contact information, and to update grammar and formatting.
March 2025	8 CCR 1507-35	Death Benefits for Seasonal Wildland Firefighters	24-33.5-1229, C.R.S.	No	No	No	N/A	Rules were reviewed and no changes were deemed necessary.
May 2025	8 CCR 1507-56	Motorcycle Operator Safety Training (MOST) Program	43-5-502.5(2), 43-5-502(1)(III)(d), C.R.S.	Yes	No	No	N/A	Rules were reviewed and the determination was made to pend rulemaking until 2026 to update rules provisions and to better align with statute. No statutory conflicts are created by this deferral of rulemaking into 2026.

May 2025	8 CCR 1507-58	CSP Third-Party Commercial Vehicle VIN Verification Program	42-1-232(7), C.R.S.	No	No	No	N/A	Rules were reviewed and no changes were deemed necessary to comply with statute; accessibility formatting and amendments to improve accessibility are deferred to the full mandatory efficiency review scheduled for December 2025 or January 2026.
May 2025	8 CCR 1507-59	Catalytic Converter Identification and Theft Prevention Grant Program	24-33.5- 230(2), C.R.S.	Yes	No	Yes	5/9/2025 6/30/2025	Rules were reviewed and due to statutory sunseting of the program, repeal of the entire CCR volume was deemed necessary.
May 2025	8 CCR 1507-50	Colorado Automobile Theft Prevention Authority (CATPA)	42-5- 112(3)(f), C.R.S.	No	No	No	N/A	Rules were reviewed and no changes deemed necessary.

2025 Unplanned Rulemaking - Not Part of Regulatory Agenda or Mandatory Rules Review

Rule Number	Rule Title (or Brief Description)	New rules, revision, repeal, or review?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments (including if result of rule review or legislation)
8 CCR 1507-82	Colorado Telecommunications Security Registration Program	Emergency new rules	24-33.5-1624, C.R.S.	Pursuant to Section 24-33.5-1624, C.R.S. enacted in SB 24-151, these rules were adopted to establish rules and to ensure registration processes were in place by January 15, 2025. The rules are promulgated to establish registration processes and fees with the Division and set forth relevant notification requirements for telecommunications providers planning to remove, discontinue, or replace telecommunications equipment from a federally banned entity.	Telecommunications providers that have infrastructure in the State of Colorado, local governments, state agencies, and political subdivisions within the State	Adopted	01/15/2025	Emergency rules adopted 01/15/2025

Rule Number	Rule Title (or Brief Description)	New rules, revision, repeal, or review?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments (including if result of rule review or legislation)
8 CCR 1507-82	Colorado Telecommunications Security Registration Program	Permanent new rule	24-33.5-1624, C.R.S.	The purpose of this rulemaking is to adopt emergency rules in effect as of January 15, 2025, as permanent rules. Pursuant to Section 24-33.5-1624, C.R.S. enacted in SB 24-151, these rules were adopted to establish rules and to ensure registration processes were in place by January 15, 2025. The rules are promulgated to establish registration processes and fees with the Division and set forth relevant notification requirements for telecommunications providers planning to remove, discontinue, or replace telecommunications equipment from a federally banned entity.	Telecommunications providers that have infrastructure in the State of Colorado, local governments, state agencies, and political subdivisions within the State	Adopted	3/30/2025 5/30/2025	Public hearing held 3/19/2025

Rule Number	Rule Title (or Brief Description)	New rules, revision, repeal, or review?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments (including if result of rule review or legislation)
8 CCR 1507-22	Claims for Reimbursement for the Costs of Response and Mitigation of Hazardous Substance Incidents	Review	29-22-104(6)(a), 29-22-104(6)(b), C.R.S.	A voluntary cursory rule review conducted for currency and alignment with statute. It was determined that no rulemaking is needed at this time.	Members of the CMV industry, law enforcement, other government entities, CDOT, USDOT, members of the insurance industry, and the general public	Reviewed	N/A	Rules were reviewed and no changes deemed necessary.

Rule Number	Rule Title (or Brief Description)	New rules, revision, repeal, or review?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments (including if result of rule review or legislation)
8 CCR 1507-31	Building, Fire, and Life Safety Code Enforcement and Certification of Inspectors for Health Facilities Licensed by the State of Colorado	Revision	24-33.5-1201, 24-33.5-1203, 24-33.5-1204.5, 24-33.5, 1206, C.R.S.	The purpose of this rulemaking is to address the Division's need to increase fees related to inspections and plan reviews under Rule 14, which is necessary to defray the anticipated cost of the program; adds the ability of the Division and other AHJs to allow the use of Special Inspectors to perform certain inspections when necessary and clarifies their duties; clarifies inspection roles related to licensed healthcare facilities in Colorado; clarifies the permit application process and mandatory reporting responsibilities; and updates the title of building inspectors to align with Article 10.1 of Division Rules 8 CCR 1507-30.	Local governments, state agencies, planning officials, private sector contractors, Fire Chiefs, Fire Marshalls, Fire District officials, health care facility operators and corporate owners, and the general public	Adoption pending further fee change review / Continuance filed 9/25/2025	TBD rulemaking continued to 10/31/2025	Public hearing held 09/17/2025

Rule Number	Rule Title (or Brief Description)	New rules, revision, repeal, or review?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments (including if result of rule review or legislation)
8 CCR 1507-75	First Responder Death Benefit	New rule	24-33.5-122(6), 24-33.5-122(4), C.R.S.	The purpose of this rulemaking is to adopt new rules necessary to establish death benefit eligibility, to administer the payment from the First Responder Death Benefit Fund, and to establish procedures necessary to determine whether Section 101(h) of the Federal Internal Revenue Code of 1986 applies to an awarded payment.	Local law enforcement agencies, political subdivisions, local governments, state agencies, Fire Districts, Emergency Medical Responders and relevant emergency medical response agencies, corporations, and businesses, and the general public	TBD	TBD - anticipated adoption 11/5/2025 Planned effective 1/1/2026	Public hearing scheduled 11/5/ 2025

Rule Number	Rule Title (or Brief Description)	New rules, revision, repeal, or review?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments (including if result of rule review or legislation)
8 CCR 1507-31	Building, Fire, and Life Safety Code Enforcement and Certification of Inspectors for Health Facilities Licensed by the State of Colorado	Continuance/Revision	24-33.5-1201, 24-33.5-1203, 24-33.5-1204.5, 24-33.5, 1206, C.R.S.	The purpose of this rulemaking continuance is to incorporate fee changes approved by the Office of State Planning and Budgeting after fiscal review and analysis of the proposed fee changes, which were still pending final approval by the Governor at the time of the first public hearing on 9/17/2025. The Division Director requested a continuance of rulemaking pending final approval of the proposed fee changes. Final approval was granted on 9/22/2025. No enterprise is created by these fee changes.	Local governments, state agencies, planning officials, private sector contractors, Fire Chiefs, Fire Marshalls, Fire District officials, health care facility operators and corporate owners, and the general public	Adopted	10/31/2025 12/30/2025	Public hearing held 10/31/2025

Rule Number	Rule Title (or Brief Description)	New rules, revision, repeal, or review?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption & Effective Date (if applicable)	Comments (including if result of rule review or legislation)
8 CCR 1507-101	Building and Fire Code Adoption and Certification of Inspectors for Fire & Life Safety Programs Administered by the State of Colorado	Revision	24-33.5-1203(1)(z), 24-33.5-1203.5, C.R.S.	The purpose of this rulemaking is to adopt minimum codes and standards for fire safety and prevention related to the operation of mobile food establishments for use by a local government.	Local governments, state agencies, planning officials, private sector contractors, mobile food establishment owner/operators, Fire Chiefs, Fire Marshalls, Fire District officials, and the general public	Adopted	10/30/2025 12/30/2025	Public hearing held 10/30/2025
8 CCR 1507-83	Compensation Benefits for Volunteer Civil Defense Workers Program [tentative title]	New rule	24-33.5-801 et seq., C.R.S.	The purpose of this rulemaking is to establish procedures to provide a means of compensating credentialed, eligible civil defense workers of the office of emergency management who may suffer an injury as a result of participation in civil defense service.	Local governments, state agencies, emergency planning officials, and the general public	Pending	TBD	TBD Public hearing planned for Spring 2026

2025 Additional Rule Actions Apart from Planned/Unplanned Rulemaking or Rule Review

Rule Number	Rule Title (or Brief Description)	Action	Statutory authority & SOS Tracking Number, if applicable	Comments
8 CCR 1507-37	Wildfire Resilient Homes Grant Program	Issue to be brought before the Committee on Legal Services (COLS)	24-33.5-1239, C.R.S. 2023-00766	<p>On July 3, 2024, the Office of Legislative Legal Services (OLLS) identified a conflict in the adopted rules promulgated by the Division of Fire Prevention and Control (effective 3/1/2024) between the definition of “homeowner” as defined in statute and as defined in the adopted rules. The OLLS found that the Division added a provision of “primary residence” to this definition that is not provided in statute, thereby adding limitation to the definition that in turn, affects the eligibility for grant requestors. The Division requested that the OLLS put forward to the COLS review hearing a request to not extend the rule with the Division taking a no contest position on the OLLS request.</p> <p>On November 13, 2024, the COLS hearing determined that the definition of “homeowner” in the adopted rules would not be extended in SB 25-125 Rule Review Bill, Section (1)(o), and this rule definition was expired in the adopted rules as scheduled in the State Administrative Procedure Act on May 15, 2025. The Administration Change by the Secretary of State was inserted into CCR and adopted on June 2, 2025.</p>



CO L O R A D O

Department of Public Safety

Executive Director's Office

2026 Regulatory Agenda

Overview

The Colorado Department of Public Safety submits the following 2026 Regulatory Agenda in accordance with Section 2-7-203(4) of the Colorado Revised Statutes (C.R.S.). This Regulatory Agenda contains:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- A list of stakeholders that may be affected by the rules; and
- The schedule for adoption of the rules, if known.

The Regulatory Agenda also includes rules to be reviewed as part of the Department's regulatory efficiencies reviews during 2026, pursuant to the provisions in the Administrative Procedure Act Section 24-4-103.3, C.R.S. These efficiency reviews are scheduled on a regular cycle between one (1) and four (4) years depending on the statutory provisions, stakeholder and department/divisional needs, and state and federal regulations and requirements informing the rule.

This agenda is filed with Legislative Council staff for distribution to committee(s) of reference and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its Regulatory Agenda as part of its SMART Act hearing and presentation pursuant to Section 2-7-203(2)(a)(II), C.R.S.

The Regulatory Agenda is due on November 1st each calendar year; therefore, this 2026 CDPS Regulatory Agenda includes regulatory activity that has been planned for November and December 2025 that may not have been included in the 2025 CDPS Regulatory Agenda.

The Department publishes the annual upcoming year's Regulatory Agenda, the annual concluding year's Regulatory Report, and the Rules Review Schedule on its public website. Colorado Department of Public Safety Divisions and the Offices administered within those divisions included in this agenda:

Colorado Bureau of Investigation (CBI)

- Forensic Services
- Investigative Services
- Support Services

Colorado State Patrol (CSP)

- Port of Entry (POE)
- Colorado Automobile Theft Prevention Authority (CATPA)

Division of Fire Prevention & Control (DFPC)

- Fire & Life Safety Section (FLS)
- Wildland Fire Management Section (WFMS)
- Wildfire Resiliency Code Board (WRCB)

Division of Homeland Security and Emergency Management (DHSEM)

- Office of Emergency Management (OEM)
- Office of Grants Management (OGM)
- Office of Public Safety Communications (OPSC)

Executive Director's Office (EDO)

- Compliance Office (CO)

Public Safety 2026 Regulatory Agenda

Planned calendar month	CCR Number	Title	Division, Office, Board, or Program	Status	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Anticipated Hearing &/ Effective Date
November 2025	8 CCR 1507-75	First Responder Death Benefit	EDO/ Compliance Office	New Rule	24-33.5-122(6), 24-33.5-122(4), C.R.S.	Adopt rules necessary to implement and administer the benefit payment to eligible recipients from the First Responder Death Benefit Fund and to establish procedures to determine whether Section 101(h) of the Federal Internal Revenue Code of 1986 applies to an awarded payment	Local law enforcement agencies, local governments, state agencies, Fire Districts, Emergency Medical Responders and relevant emergency medical response agencies, corporations, and businesses, and the general public	11/5/2025 1/1/2026
November 2025	8 CCR 1507-20	Implementation of the National Instant Criminal Background Check System with the Colorado Bureau of Investigation Serving as the Point of Contact	CBI/ Support Services	Review	24-33.5-424.7, C.R.S.	Review to determine if rulemaking is needed to update to integrate new relevant statutory provisions from SB 25-034	Local law enforcement agencies, Federal Firearms Licensees (FFLs)/gun dealers, and the general public	Unknown necessity/ TBD

Planned calendar month	CCR Number	Title	Division, Office, Board, or Program	Status	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Anticipated Hearing &/ Effective Date
January	8 CCR 1507-1	Minimum Standards for the Operation of Commercial Vehicles (more commonly known as the Motor Carrier Rules)	CSP	Review/ Revision	42-4-235(4)(a)(I), C.R.S.	Review and update for consistency with state statutes and CFRs	Members of the CMV industry, law enforcement, other government entities, CDOT, USDOT, members of the insurance industry, and the general public	TBD January or February 2026
January	8 CCR 1507-22	Claims for Reimbursement for the Costs of Response and Mitigation of Hazardous Substance Incidents	CSP	Revision	29-22-104(6)(a), 29-22-104(6)(b), C.R.S.	Update rules based on mandatory efficiency review determinations for consistency with state statutes, CFRs and CCRs, and industry practices.	Members of the CMV industry, law enforcement, other government entities, CDOT, USDOT, members of the insurance industry, and the general public	TBD January or February 2026

Planned calendar month	CCR Number	Title	Division, Office, Board, or Program	Status	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Anticipated Hearing &/ Effective Date
January	8 CCR 1507-25	Permitting, Routing and Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado	CSP	Review/ Revision	42-20-108, 42-20-403, 42-20-504, 42-20-508, 42-20-108.5, C.R.S.	Review and update for consistency with state statutes, CFRs, and CVSA OOS Criteria; clarify/update information regarding HAZMAT routing and nuclear materials shipping processes through Colorado	Members of the CMV industry, law enforcement, other government entities, CDOT, and USDOT	TBD January or February 2026
January	8 CCR 1507-28	Port of Entry Rules for Commercial Motor Carrier Size, Weight & Clearance	CSP/POE	Review/ Revision	42-8-104, C.R.S.	Review and determine necessity to update for consistency with state statutes and CFRs, to update references to documentation from the FMCSA regarding High-Risk Motor Carriers, and to clarify and update grammar and formatting	Local governments, state agencies, CMCA, other requesting parties, and members of the CMV industry	TBD January or February 2026

Planned calendar month	CCR Number	Title	Division, Office, Board, or Program	Status	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Anticipated Hearing &/ Effective Date
January	8 CCR 1507-58	Third Party VIN Inspection Program	CSP	Review/ Revision	42-1-232(7), C.R.S.	Scheduled rule review to determine if rule revisions are needed	Local governments, state agencies, members of the CMV industry, third-party civilian VIN verifiers	TBD January or February 2026
February	8 CCR 1507-83	Compensation Benefits for Civil Defense Volunteers	DHESM/ OEM	New Rule	24-33.5-801 et seq., C.R.S.	Adopt new rules to establish procedures to provide compensatory benefits for eligible volunteer Civil Defense workers in the Office of Emergency Management	Local governments, state agencies, emergency planning officials, and the general public	TBD February or March 2026
March	8 CCR 1507-32	Prescribed Burning in Colorado	DFPC/ WFMS	Review/ Revision	24-33.5-1217, 24-33.5-1240, C.R.S.	Scheduled rule review; update to integrate statutory provisions from SB 25-007	Local governments, state agencies, Fire Chiefs, Fire Marshalls, Fire District officials, and the general public	Unknown necessity/ TBD
March	8 CCR 1507-40	Continuity of Government Operations	DHSEM/ OEM	Revision	24-33.5-1609, C.R.S.	Update procedures to better align with stakeholder and divisional needs; revise outdated source material incorporated by reference	Local governments, state agencies, emergency planning officials, and the general public	TBD - March or April 2026

Planned calendar month	CCR Number	Title	Division, Office, Board, or Program	Status	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Anticipated Hearing &/ Effective Date
March	8 CCR 1507-48	Preventing Identity-Based Violence Grant Program	DHSEM/ Grants Management	Review	24-33.5-1620, C.R.S.	Scheduled rule review to determine if rule revisions are needed	Local govts and state agencies, American Indian tribes, law enforcement agencies, educational entities, community-based nonprofit organizations	Unknown necessity/ TBD
March	8 CCR 1507-80	Public Safety Communications Trust Fund	DHSEM/ OPSC	Review/ Revision	24-33.5-2505, 24-33.5-2510, C.R.S.	Review to determine if rule revisions are needed to integrate new statutory provision for use of the trust fund money in SB 25-256	Local governments, state agencies, and law enforcement agencies	Unknown necessity/ TBD
April	8 CCR 1507-23	Amber Alert Program	CBI/ Investigations	Review/ Revision	24-33.5-415.7, C.R.S.	Review and update notification procedures and align with all Alert programs rules	Local law enforcement, media, and the general public	TBD - Late Spring/Early Summer 2026
April	8 CCR 1507-27	Blue Alert Program	CBI/ Investigations	Revision	24.33.5-416.5, C.R.S.	Update notification procedures and align procedures across all Alert programs rules	Local law enforcement, media, and the general public	Unknown necessity/ TBD

Planned calendar month	CCR Number	Title	Division, Office, Board, or Program	Status	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Anticipated Hearing &/ Effective Date
April	8 CCR 1507-26	Missing Senior Citizen and Person with Developmental Disabilities Alert Program	CBI/ Investigations	Review/ Revision	24-33.5-415.8, C.R.S.	Review and update to align procedures across all Alert programs rules	Local law enforcement, media, and the general public	TBD - Late Spring/Early Summer 2026
April	8 CCR 1507-33	Medina Alert Program	CBI/ Investigations	Review/ Revision	24-33.5-416.7, C.R.S.	Review and update to align procedures across all Alert programs rules	Local law enforcement, media, and the general public	TBD - Late Spring/Early Summer 2026
April	8 CCR 1507-36	Missing Indigenous Persons Alert Program	CBI/ Investigations	Review/ Revision	24-33.5-431(2)(d), C.R.S.	Scheduled rules review; update to align procedures across all Alert programs rules	Local law enforcement, media, and the general public	TBD - Late Spring/Early Summer 2026
May	8 CCR 1507-61	Wildfire Resiliency Board Code Enforcement and Certification of Inspectors [tentative title]	DFPC/ FLS, WRCB	New Rule	24-33.5-1237, C.R.S.	Adopt rules for the enforcement of codes and standards established by the Wildfire Resiliency Code Board and adopted in 8 CCR 1507-39, including establishing the process for the certification of code inspectors and setting reasonable fees for inspections and code enforcement	Local governments, state agencies, fire protection districts, private sector contractors, insurance industry members, and the general public	TBD May 2025/ July 1, 2025

Planned calendar month	CCR Number	Title	Division, Office, Board, or Program	Status	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Anticipated Hearing &/ Effective Date
May	8 CCR 1507-50	Colorado Automobile Theft Prevention Authority (CATPA)	CSP/ CATPA	Review	42-5-112(3)(f), C.R.S.	Review to determine if rule revisions are needed	Law enforcement agencies, local governments and state agencies, and other requesting parties	Unknown necessity/ TBD
June	8 CCR 1507-29	Evidence Collection in Connection with Sexual Assaults	CBI/ Forensic Services	Review	24-33.5-113, C.R.S.	Scheduled rules review to determine if rule revisions are needed	Local law enforcement, district attorneys, victims of sexual assaults, hospitals and nurses, and the general public	Unknown necessity/ TBD
June	8 CCR 1507-31	Building, Fire, and Life Safety Code Enforcement and Certification of Inspectors for Health Facilities Licensed by the State of Colorado	DFPC/ FLS	Review	24-33.5-1201, 24-33.5-1203, 24-33.5-1204.5, 24-33.5, 1206, C.R.S.	Scheduled rules review to determine if rule revisions are needed	Local governments, state agencies, planning officials, private sector contractors, Fire Chiefs, Fire Marshalls, Fire District officials, health care facility operators and corporate owners, and the general public	Unknown necessity/ TBD

Planned calendar month	CCR Number	Title	Division, Office, Board, or Program	Status	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Anticipated Hearing &/ Effective Date
October	8 CCR 1507-56	Motorcycle Operator Safety Training (MOST) Program	CSP	Review/ Revision	43-5-502(1)(III)(d), 43-5-503, 43-5-507, C.R.S.	Review and revise to integrate the statutory changes to lower the required minimum age to be a MOST instructor to 18 and to align the placement with the MOST program within the Division rather than the Department of Transportation	MOSAB, Local governments and state agencies, MOST instructors, vendors, students, and other interested parties	TBD last quarter of 2026

Departmental Regulatory Agendas

Department

Department of Human Services



October 29, 2025

The Honorable Julie McCluskie
Speaker, Colorado House of Representatives

The Honorable James Coleman
President, Colorado Senate

Representative McCluskie and Senator Fenberg:

The Colorado Department of Human Services, in response to reporting requirements set forth in Section 2-7-203, C.R.S., respectfully submits the attached departmental regulatory agenda.

“(4) On November 1, 2013, and each November 1 thereafter, each department shall file a departmental regulatory agenda with the staff of the legislative council, who shall distribute the departmental regulatory agenda to the applicable committee of reference prior to the departmental presentations to the committee of reference. On November 1, 2013, and each November 1 thereafter, each department shall also post its departmental regulatory agenda on the department’s website and shall submit its departmental regulatory agenda to the secretary of state for publication in the Colorado register.”

If you have any questions, please contact CDHS’ State Board Administrator Kyle Zinth at 720.602.6807.

Sincerely,

Christina Beisel

Christina Beisel
Deputy Executive Director, Financial Services



2025

Regulatory Agenda **REPORT**

January 1, 2025-December 31, 2025



COLORADO
Department of Human Services

Overview

The Colorado Department of Human Services (CDHS) submits the following 2025 Regulatory Agenda Report and Results of Mandatory Review of Rules in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. § 2-7-203(4), detailing the results of the past year’s rules review activity and the results of its mandatory review of rules pursuant to Colo. Rev. Stat. § 24-4-103.3.

Hearing or Adoption Date	Status <i>Adopted/Not Adopted/Withdrawn/Ongoing</i>	Rule Title (CDHS Tracking)	CCR Number	SOS Tracking	New Rule, Revised, Reviewed or Repeal?	Statutory or Other Basis for Adoption of Rule	Purpose of Proposed Rule	High-Level Stakeholders
1/10/2025	Adopted	Adult Financial Cost of Living Adjustment (COLA) for 2025 (24-09-16-01)	9 CCR 2503-5	2024-00584	Revised	26-1-107, C.R.S., 26-1-111, C.R.S., 24-4-103, C.R.S., 26-2-114, C.R.S.	To update relevant grant amounts for 2025 to comply with Federal “pass through” requirements.	Sub-Policy Advisory Committees (PAC), PAC, Supplemental Nutrition Assistance Program (SNAP) recipients, Colorado Department of Health Care Policy and Financing (HCPF)
4/4/2025	Adopted	Child Placement Agency Response to Unregulated Child Custody Transfer (23-12-05-01)	12 CCR 2509-8	2025-00030	Revised	26-6-909, C.R.S., HB23-1157	To comply with HB23-1157 to provide guidance to licensed providers around steps to take when it is suspected that an unregulated child custody transfer has occurred.	Providers, county departments of human services, Potential Adoptive Parents
4/4/2025	Adopted	County Department Response to Unregulated Custody Transfer of a Child/Youth (24-01-24-01)	12 CCR 2509-2	2025-00029	Revised	26-1-107, C.R.S. and 26-1-111, C.R.S., HB23-1157	To update Volume 7 to align with the requirements of HB23-1157 regarding unregulated custody transfer. Outlines prohibited custody transfer and county departments of human services’ authority.	County departments of human services and child placement agencies
4/4/2025	Adopted	County Department Response to Unregulated	12 CCR 2509-01	2025-00028	New	26-1-107, C.R.S., 26-1-11 C.R.S.	To update Volume 7 to align with the requirements of HB23-1157 regarding unregulated custody transfer.	County departments of human services and child placement agencies

Hearing or Adoption Date	Status <i>Adopted/Not Adopted/Withdrawn/Ongoing</i>	Rule Title (CDHS Tracking)	CCR Number	SOS Tracking	New Rule, Revised, Reviewed or Repeal?	Statutory or Other Basis for Adoption of Rule	Purpose of Proposed Rule	High-Level Stakeholders
		Custody Transfer of a Child/Youth (24-08-30-01)					Outlines prohibited custody transfer and county departments of human services' authority.	
5/9/2025	Adopted	Reimbursement for non-certified kinship care and kinship foster care (24-06-26-01)	12 CCR 2509-5	2025-00083	New	26-6-904.5 C.R.S., 26-1-107 C.R.S., 26-1-109 C.R.S., 26-1-111 C.R.S., SB24-008	To comply with SB24-008 to include non-certified kinship care. This rule change outlines related reimbursement requirements.	County Human Services Departments, child placement agencies, kinship caregivers, CDHS Administrative Review Division, and Office of Economic Security.
5/9/2025	Adopted	Kinship Care Rule Revision (24-04-25-01)	12 CCR 2509-4	2025-00084	New, Revised, Repeal	26-1-107, C.R.S and 26-1-111, C.R.S, HB23-1024	To comply with statutory requirements outlined in HB23-1024 concerning measures to increase family resiliency through providing greater supports and protections for children/youth placed with kin, including relatives.	County Human Services Departments, child placement agencies, kinship caregivers, CDHS Administrative Review Division, and Office of Economic Security.
5/9/2025	Adopted	House Bill 22-1259 Colorado Works Cost of Living Adjustment 2025 (24-12-20-01)	9 CCR 2503-6	2025-00081	Revised	26-2-709(1)(b)(I) , C.R.S.	To comply with HB22-1259, which requires an increase to the Colorado Works monthly grant standard. Additionally, to update the name of the Employment and Benefits Division to Division of Economic and Workforce Support.	County departments of human services, recipients of Colorado Works Basic Cash Assistance (BCA), HCPF, Supplemental Nutrition Assistance Program (SNAP), and advocacy organizations.
5/9/2025	Adopted	General Rules for Child Care Facilities (Rule	12 CCR 2509-8	2024-00552	New, Revised, Repealed	26-6-909, C.R.S.	To remove the Colorado Department of Early Childhood (CDEC) language that was removed when CDEC	CDEC, Licensed 24-hour child care providers, counties serving youth who

Hearing or Adoption Date	Status Adopted/Not Adopted/Withdrawn/Ongoing	Rule Title (CDHS Tracking)	CCR Number	SOS Tracking	New Rule, Revised, Reviewed or Repeal?	Statutory or Other Basis for Adoption of Rule	Purpose of Proposed Rule	High-Level Stakeholders
		Revisions for 12 CCR 2509-8; 7.701, 7.705, & 7.714) (23-11-06-01)					split from CDHS. To provide for adjustments to the fee schedules to adjust for inflation, as well as adding language removed from other sections in 12 CCR 2509-8 that apply to most facility types.	are in out-of-home certified and licensed placement
6/6/2025	Adopted	Behavioral Health Administrative Rules (25-01-31-01)	2 CCR 502-6	2025-00144	New, Revised	27-50-405(4), C.R.S., 27-50-402, C.R.S., 27-64.5-102(2), C.R.S., 27-67-106, C.R.S., 27-67-107, C.R.S., and 27-80-108, C.R.S.	To establish how programs, initiatives, and services overseen by The Behavioral Health Administration (BHA) are applied for and accessed.	HCPF, CDHS, Colorado Department of Education (CDE), substance use disorder providers, mental health providers, community mental health centers, community mental health clinics, hospitals, patient advocacy agencies, individuals and families with lived experience, Administrative Service Organizations, Regional Accountable Entities, County departments of human services
6/6/2025	Adopted	Controlled Substance Licensing and Safety Net Approval Updates 2 CCR 502-1 (23-01-26-01)	2 CCR 502-1	2025-00142	Revised	26-1-107, C.R.S.; 26-1-109, C.R.S.; 26-1-111, C.R.S.; 18-18-301, C.R.S.;	To align with recent federal changes, to align with state statutes and partner agencies, to reduce licensee applicant burden within the Safety Net system, and to align the remaining legacy	Partner state agencies, Recovery Support Services Organizations, licensed providers

Hearing or Adoption Date	Status <i>Adopted/Not Adopted/Withdrawn/Ongoing</i>	Rule Title (CDHS Tracking)	CCR Number	SOS Tracking	New Rule, Revised, Reviewed or Repeal?	Statutory or Other Basis for Adoption of Rule	Purpose of Proposed Rule	High-Level Stakeholders
						27-80-108 C.R.S., 27-50-107 C.R.S.	chapters with the current rule formatting.	
7/11/2025	Adopted	Colorado Provider Training Academy (CPTA) Rules (24-09-04-01)	12 CCR 2509-8	2025-00179	New, Revised, Repealed	26-6-923, C.R.S. and 26-6-909, C.R.S., HB24-1038	To comply with HB24-1038, which legislatively mandated the creation of a residential child care provider training academy by the state department.	Licensed residential child care facilities
8/8/2025	Adopted	Receipt of Referral, Additional Demographic Information to be Gathered Rule Revisions (24-07-25-02)	12 CCR 2509-2	2025-00240	New	26-5-111, C.R.S., HB24-1046	To incorporate HB24-1046 and to update relevant sections to gather better information at referral and provide guidance in rules about the criteria for assignment.	Domestic Violence Prevention organizations/experts , Child Protection Ombudsman (CPO), county partners, and those with lived experience
9/5/2025	Adopted	2025-2026 LEAP Rule changes (25-04-14-01)	9 CCR 2503-7	2025-00296	Revised	26-1-107, C.R.S., 40-8.5-101. § 40-8.5-101, C.R.S., § 40-8.7-109, C.R.S.	To update federal citations to the new federal income guidelines requirements according to current years state medium income as well as deleting a duplicate rule.	Administering agencies and recipients of the program
9/5/2025	Adopted	Child Welfare Staff Decertification (24-03-19-01)	12 CCR 2509-7	2025-00298	New	§ 26-5-109, C.R.S. and § 26-1-118(2), C.R.S.	To add a decertification process to the section outlining Child Welfare Qualification, and Certification Requirements pertaining to falsifications.	County departments of human services, DCW, Administrative Review Division (ARD), Office of the Respondent Parents' Counsel (ORPC); Office of the Child's Representative (OCR), and CPO

Hearing or Adoption Date	Status <i>Adopted/Not Adopted/Withdrawn/Ongoing</i>	Rule Title (CDHS Tracking)	CCR Number	SOS Tracking	New Rule, Revised, Reviewed or Repeal?	Statutory or Other Basis for Adoption of Rule	Purpose of Proposed Rule	High-Level Stakeholders
10/3/2025	Adopted	Aligning kinship related definitions with statute (25-06-12-01)	12 CCR 2509-1	2025-00355	New, Revised	26-1-107(5)(b), C.R.S., 26-6-911(1), C.R.S., 19-3-406(9), C.R.S., HB23-1043 and SB24-008	To align the definitions used in Volume 7 with the current statute. HB23-1043 and SB24-008 revised several terms used in Volume 7 regarding foster care, kinship foster care, and related background checks.	ORPC, OCR, community agency staff, county attorneys and county staff
10/3/2025 (Emergency) 11/7/2025 (Permanent)	Adopted (Emergency) Pending (Permanent)	SNAP Cost-of-living Adjustments (COLA) for FFY2026 (25-08-22-01)	10 CCR 2506-1	2025-00506 (Emer) 2025-00474 (Perm)	Revised	26-1-107, C.R.S., 26-1-109, C.R.S., 26-1-111(1), (2)(a), and (2)(h), C.R.S., 26-2-301, C.R.S., 26-2-302, C.R.S., Agricultural Act of 2014), 26-2-104(2)(b), C.R.S.	To revise rule to reflect annual adjustments in income poverty guidelines and cost-of-living increases to determine appropriate adjustments to income eligibility standards, benefit allotments, and deductions for the upcoming federal fiscal year (FFY).	Program recipients, county departments of social services
11/7/2025	Scheduled for Adoption	County Inspired Adult Financial Service Improvements 2026 (24-12-30-01)	9 CCR 2503-5	2025-00414	Revised	26-1-107, C.R.S., 26-1-109, C.R.S., 26-1-111, C.R.S.	To reduce interview frequency, allow client statement to be acceptable for certain verifications, change the Aid to the Needy Disabled State Only certification periods to 6 months or 12 months, update names, correct grammatical errors, clarify language describing resources, remove the disability navigator program, and add language to allow the use of Colorado Works and SNAP eligibility determination forms.	State and county departments of human services, recipients of Adult Financial programs, HCPF, Supplemental Nutrition Assistance Program (SNAP), and advocate organizations
11/7/2025	Scheduled for Adoption	Designation of Facilities Providing Eating	2 CCR 502-1	2025-00415	New	26-1-107, C.R.S., 27-65-128, C.R.S., SB24-117	To comply with SB24-117, which requires the BHA to require all eating disorder treatment and recovery	Biweekly Eating Disorder Treatment and Recovery (EDTR)

Hearing or Adoption Date	Status <i>Adopted/Not Adopted/Withdrawn/Ongoing</i>	Rule Title (CDHS Tracking)	CCR Number	SOS Tracking	New Rule, Revised, Reviewed or Repeal?	Statutory or Other Basis for Adoption of Rule	Purpose of Proposed Rule	High-Level Stakeholders
		Disorder Treatment and Recovery Services (25-04-30-01)					facilities (treatment facilities) to hold an appropriate designation based on the level of care the treatment facility provides.	Task Group, providers, members of the public
12/5/2025	Scheduled for Adoption	Secondary Caseworker Assignment (25-05-14-01)	12 CCR 2509-3	2025-00475	New, Repealed	26-1-107(5)(b), C.R.S., 26-1-109, C.R.S., 26-1-111, C.R.S., 26-1-107(5), C.R.S., 26-5-102(1)(a), C.R.S.	To reflect current language of what is happening in child welfare practice. Due to a technology systems' issue, it is not accurately reflected as valid in the data.	County Department of Human Services, Clients served by the child welfare system across Colorado, Administrative Review Division
12/5/2025	Scheduled for Adoption	Unregulated Custody Transfer of a child/youth (25-06-25-02)	12 CCR 2509-2	2025-00482	Revise	§ 26-1-107(5)(b), C.R.S., § 26-1-109(3), C.R.S., § 26-1-111(2)(a), C.R.S., § 26-5-102(1)(a), C.R.S.	To better align with statute and to resolve a potential issue identified by the Office of Legislative and Legal Services.	Child Welfare Sub-PAC, Office of Legislative Legal Services

2025

Results of Mandatory Review of Rules



2024 Results of Mandatory Review of Rules

Number (CCR) and Title (or Description)	Office	Identified Sections With Rules For Potential or Enacted Repeal, Revision, or Amendment	Did Review Result in Repeal of Entire CCR Volume?	Adoption Date (if applicable)
2 CCR 502-1 BEHAVIORAL HEALTH	Behavioral Health Administration (BHA)	1.1 - 2.5.1; 2.9 - 2.13.2; 2.15 - 2.26; 3.1 - 4.1; 4.3 - 5.5.5; 5.8 - 21.000; 21.4 - 21.400.3; 21.410; 21.500 - 21.500.41 (Revise) 4.2 - 4.2.4; 5.6 - 5.7.4; 21.100 - 21.290.58; 21.400.4 - 21.400.6; 21.700 (Repeal) NOTE: In addition to this rule review, BHA has been undergoing lengthy reviews and rewrites of its rules (to include this and below-referenced CCR rule series). This is expected to continue in the coming years as well.	No	N/A
2 CCR 502-5 BEHAVIORAL HEALTH EXECUTIVE DIRECTOR RULES	BHA	20.100 - 20.200.3 (Repeal)	No	N/A

Number (CCR) and Title (or Description)	Office	Identified Sections With Rules For Potential or Enacted Repeal, Revision, or Amendment	Did Review Result in Repeal of Entire CCR Volume?	Adoption Date (if applicable)
		Note: It's anticipated that BHA will repeal and replace the entirety of this rule section between 2026 and 2028.		
2 CCR 502-6 BEHAVIORAL HEALTH ADMINISTRATIVE RULES	BHA	1.2; 3.2; 4.4 - 4.5 (Revise)	No	N/A
2 CCR 504-1 PARENTAL FEE ASSESSMENT	Office of Children, Youth & Families	N/A	No	N/A
2 CCR 505-1 CIVIL AND FORENSIC MENTAL HEALTH	Office of Civil and Forensic Mental Health	21.900 - 21.931; 21.940 - 21-950 (Revise/Potential Repeal) 21.932 (Repeal)	No	N/A
9 CCR 2501-1 RULE MANUAL VOLUME 1, GENERAL POLICIES AND ADMINISTRATION	Office of Community Partnerships (OCP)	1.110; 1.130; 1.142; 1.151; 1.152 (Revise) 1.141 (Repeal)	No	N/A
9 CCR 2502-1 RULE MANUAL VOLUME 2, COUNTY PERSONNEL RULES	OCP	N/A NOTE: Entire section was reviewed and revised in 2024.	No	N/A

2026

Regulatory **Agenda**

January 1, 2026 - December 31, 2026



COLORADO
Department of Human Services

Overview

The Colorado Department of Human Services (CDHS) submits the following 2026 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. § 2-7-203(4). Pursuant to state law, annually by November 1, executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules; and
- An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department’s web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its “SMART Act” hearing and presentation pursuant to Colo. Rev. Stat. § 2-7-203(2)(a)(III)(A).

The following constitutes the Department of Human Services’ DRA for 2025 and is provided in accordance with Colo. Rev. Stat. § 24-7-203(2)(a)(IV):

Anticipated First Hearing Date	Office	Rule Title / CDHS Tracking Number (if applicable)	Purpose of Proposed Rule	Stakeholders	Bill (if applicable)	Statutory or other basis for adoption or change to rule	CCR
Adopted in January 2026 Note: CDHS has two “reads” for rules, the second is typically where rules are adopted.	Office of Children Youth & Families (OCYF)	Repeal of Colorado Department of Early Childhood (CDEC) Regulations (25-06-17-01)	To remove duplicative and obsolete rules from the 12 CCR 2509-8. Pursuant to statute, CDHS and CDEC were split into two separate agencies in 2022. CDEC subsequently promulgated relevant rules into 8 CCR 1402-1, thus making 12 CCR 2509-8 duplicative and obsolete.	CDEC is the only stakeholder.	HB22-1295	26-6-909(1), C.R.S.	12 CCR 2509-8
March 2026	Office of Adult, Aging, and Disability Services	Adult Protective Services (APS) Certification (24-11-18-01)	To align rules pertaining to decertification of county staff due to verified incidents of falsification between APS and the Division of Child Welfare.	APS County Programs and related advisory groups such as APS Policy Task Group and Aging and Adult Sub-PAC.		26-3.1-108, C.R.S.	12 CCR 2518-1

Anticipated First Hearing Date	Office	Rule Title / CDHS Tracking Number (if applicable)	Purpose of Proposed Rule	Stakeholders	Bill (if applicable)	Statutory or other basis for adoption or change to rule	CCR
	(OAADS)						
Adopted in January 2026	OAADS	Updates to the Colorado Long-Term Care Ombudsman Program (25-07-11-01)	To align rules with updates to the Federal Older Americans Act, which was updated in 2024. Additionally, this portion of Volume 10 has not been updated since 2016.	The Area Agencies on Aging, Colorado Department of Public Health (CDPHE), long-term care facilities, Aging Policy Advisory Committee (APAC).		26-1-101 – 26-24-101, C.R.S.	12 CCR 2510-1
Adopted in January 2026	OCYF	Facilities Contracted for Residential Services (22-07-15-01)	To revise rule so that persons found to be responsible for incidents of abuse and/or neglect who were under the age of 18 at the time of the incident do not have records released as part of the Background Investigation Unit (BIU)'s checks, impacting the person's opportunities for employment as an adult.	Child Welfare Sub-PAC, Child Protection Task Group (CPTG), Division of Child Welfare (DCW), County Departments of human services		26-1-111, C.R.S.	12 CCR 2509-05
Adopted in January 2026	OCYF	Revised Definition of Abuse and Neglect for Substance Exposed Newborns (12 CCR 2509-1) (25-06-30-01)	To align rules with a May 2025 Colorado Supreme Court decision regarding a dependency and neglect action, and a subsequent recommendation from the Colorado Attorney General's Office relating to rules defining "affected by" and "threatened by" alcohol or substance exposure in the context of substance exposed newborns.	County human service departments; families and children impacted by prenatal substance exposure and involved with the child welfare system		19-3-216, C.R.S.	12 CCR 2509-1
Adopted in January 2026 (Permanent)	Office of Economic Security (OES)	Adult Financial (AF): Annual Cost of Living Adjustment and Payment Floor Standard Setting 2026 (25-05-02-01)	To update the AF grant and payment floor standard to comply with the Social Security Administration's pass-along agreement with the State of Colorado.	Clients, counties, SNAP, HCPF		Statutory & federal regulations	9 CCR 2503-5
Adopted in January 2026	OCYF	Foster Youth Bill of Rights Casework Rules (25-01-09-01)	To expand and add language to ensure compliance with the Bill of Rights for Youth in Foster Care, HB24-1017, specifically requiring counties to provide the specific form created by the Office of the Child's Representative (OCR) to children and youth 5 years or older upon	Children and Youth in foster care or formerly in foster care, OCR, County Departments of Human Services	HB24-1017	26-1-107(5)(a), C.R.S.; 26-1-111(2)(a), C.R.S.	12 CCR 2509-4

Anticipated First Hearing Date	Office	Rule Title / CDHS Tracking Number (if applicable)	Purpose of Proposed Rule	Stakeholders	Bill (if applicable)	Statutory or other basis for adoption or change to rule	CCR
			placement in foster care, upon any placement change, and annually until they are no longer in care.				
February 2026	OCYF	Update to Colorado Fostering Success Voucher Program Rule (25-04-22-02)	To update rules to define the "imminent risk of homelessness" definition.	Foster youth, Chafee Programs, county Departments of Human Services, and Division of Youth Services		C.R.S. 19-7-315	12 CCR 2509-4
February 2026	OCYF	Connecting Reports to Existing Referral Identification Numbers (25-06-25-01)	To align rules with HB25-1188 which makes it permissible for county departments or the child abuse reporting hotline system to provide reporting parties with an existing referral identification number from an earlier report and not generate a new referral if the incident has previously been reported.	Child Welfare Sub-PAC, CPTG	HB25-1188	26-5-102(1)(a), C.R.S.; HB25-1188	12 CCR 2509-2
March 2026	OES	Implementation of H.R.1 Supplemental Nutrition Assistance Program (SNAP) Changes	To implement the federally required SNAP changes due to the passage of HR 1 in July 2025.	County Departments, Colorado Center on Law and Policy (CCLP), SNAP advocates	HR1	Federal Regulation	10 CCR 2506-1
March 2026	OCYF	County responsibilities for kinship foster care (24-06-26-02)	To reduce certification requirements, specifically the home study process, for kinship foster care homes.	County departments of human services, kinship caregivers, traditional foster care homes, and the Administrative Review Division		26-1-107 C.R.S.; 26-1-109 C.R.S.; 26-1-111 C.R.S.	12 CCR 2509-6
March 2026	OCYF	Bill of Rights for Youth in Foster Care (24-10-21-01)	To update rules due to recent statutory changes. DCW is doing this in collaboration with OCR.	OCR, ORPC, Providers, Counties, other Departments - there will be at least three public stakeholder meetings in the future for feedback	HB24-1017	26-6-909, C.R.S.	12 CCR 2509-8
March 2026	OCYF	Kinship Foster Care Certification Requirements (24-06-26-03)	To remove the waiver of non-safety certification standards and replace with kinship foster care requirements. Establishes certification requirements including but not limited to training, physical requirements, and home study assessment for kinship foster care certification.	County departments of human services, child placement agencies, kinship foster care parents, Provider Services Unit and Administrative Review Division		26-1-107 C.R.S.; 26-1-109 C.R.S.; 26-1-111 C.R.S.	12 CCR 2509-8

Anticipated First Hearing Date	Office	Rule Title / CDHS Tracking Number (if applicable)	Purpose of Proposed Rule	Stakeholders	Bill (if applicable)	Statutory or other basis for adoption or change to rule	CCR
March 2026	OCYF	State-Owned Psychiatric Residential Treatment Facilities (PRTF) Secure Fence Proposed Regulations (25-08-06-01)	To align with changes required by HB25-1172 to promulgate regulations related to secure facilities as well as regulations specific to admission to and operation of the state-owned and locked PRTF.	Stakeholders will include Health Care Policy & Finance (HCPF), CDPHE, CDHS, Division of Youth Services (DYS), and all PRTF.	HB25-1172	26-6-909, C.R.S.	12 CCR 2509-8
March 2026	Behavioral Health Administration (BHA)	Provider Rule Alignment with American Society of Addiction Medicine (ASAM) 4th Edition Standards (24-04-22-01)	To align behavioral health services with the Fourth Edition of the American Society of Addiction Medicine (ASAM) Criteria, which became the national standard in late 2023.	Providers of Behavioral Health Services (crisis and treatment continuum)		27-50-107, C.R.S.	2 CCR 502-1
May 2026	OES	Update to Eligible SNAP Food Products	To update the description of eligible SNAP foods due to the adoption of the Food Restriction/Healthy Choice Waiver.	County departments of human services, CCLP, SNAP advocates, Food Retailers, SNAP Recipients		Waiver of Federal Rule	10 CCR 2016-1
June 2026	OES	Colorado Works: Updates to Self Employment Standard Deduction Calculation	Align new self-employment deduction calculation methodology with SNAP to reduce payment error rates.	SNAP, HCPF, clients, county departments of human services		26-1-107(5)(b), C.R.S.	9 CCR 2503-6
June 2026	OES	Adult Financial: Updates to Self Employment Standard Deduction	To align Adult Financial rules with SNAP rule.	SNAP program recipients, HCPF, county departments of human services		26-1-107(5)(b), C.R.S.	9 CCR 2503-5
June 2026	OCYF	Colorado State Indian Child Welfare Act (25-08-07-01)	To align existing rules with revised statutory requirements as mandated in HB25-1204.	Tribes, county departments of human services, community partners, other state agencies including Office of the Child's Representative, Office of Respondent Parent Council, Judicial partners, American Indian and Alaskan Native children and families. We plan to provide a minimum of 3 public shareholder meetings in addition to a public shareholder meeting at the Permanency Task Group and the Child Protection Task Group	HB25-1204H	26-1-107(5)(b), C.R.S.	12 CCR 2509-4
July 2026	OES	Colorado Works: Annual Cost of Living Adjustment 2026	To comply with the requirement implemented in HB22-1259 to adjust the basic cash assistance grant annually.	SNAP, Colorado Works clients, county departments	HB22-1259	HB22-1259 requirement	9 CCR 2503-6
July 2026	OCYF	Assessment Notice of Rights and Remedies (24-10-09-01)	To expand the Volume 7.601.31 rule to include county responsibility to utilize a state prescribed "Assessment Notice of	Administrative Review Division, DCW, county departments of human, Office of the Respondent Parents' Counsel; Office of the Child's		§ 26-5-102 (1), (2)(a)-(g), C.R.S.	12 CCR 2509-7

Anticipated First Hearing Date	Office	Rule Title / CDHS Tracking Number (if applicable)	Purpose of Proposed Rule	Stakeholders	Bill (if applicable)	Statutory or other basis for adoption or change to rule	CCR
			Rights and Remedies for Families" for Program Area 5 Child Protection and Program Area 4 Youth in Conflict assessments.	Representative; and, the Office of the Child Protection Ombudsman			
August 2026	OCYF	Rules and Regulations for Child Placement Agencies + Foster Care Home Rules (24-08-16-01)	To update rules to ensure they are more reflective of current practice, interpretation and expectations.	Child Placement Agencies, Foster Applicants/Parents, Adoptive Applicants/Parents, Specialized Group Facilities, County Departments		26-1-107, C.R.S.	12 CCR 2509-8
September 2026	OCYF	Respite Child Care Center (21-08-18-01)	To align rules with statute relating to respite child care centers.	Foster and kinship care providers, regional accountable entities, potential child care center operators		26-6-102 (5) and (33.5)	12 CCR 2509-8
October 2026	OES	Cost of Living Adjustment for Federal Fiscal Year 2027	To implement Annual Cost of Living adjustments based on federal guidance.	County Departments, CCLP, SNAP advocates		Federal SNAP Regulation	10 CCR 2506-1
October 2026	OCYF	Day Treatment Regulations (25-06-02-01)	To update regulations align with regulations updated to current practice as well as potentially a carve out for day treatment facilities who are providing Applied Behavior Analysis (ABA) therapy services	All day treatment providers, all ABA therapy providers offering day treatment services, licensed providers, children/youth with autism utilizing these services, their families, Colorado Association for Behavior Analysis (COABA), OCR, DCW, CDPHE, HCPF		26-6-900, C.R.S.	12 CCR 2509-8
December 2026	OCYF	Best Interest Determination (BID) Casework Rules (25-02-26-01)	To add more inclusive language to two portions of this rule.	County departments of human services, Guardian ad litem (GAL)/Client-Directed Counsel for Youth's, school districts	HB 23-1089	26-1-107(5)(a) , C.R.S.; 26-1-111(2)(a) , C.R.S.	12 CCR 2509-4
December 2026	OCYF	Host Homes for homeless youth (24-09-09-01)	To bring rules into alignment with the requirements of SB24-191, specifically as it relates to 7.721.	Homeless youth providers, CPA's, County Departments, community partners	SB24-191	26-5.7-110 (10)	12 CCR 2509-8
TBD	OES	County Inspired Colorado Works Improvements 2026	Updates to Colorado Works to reduce admin burden.	Counties, clients, SNAP program/recipients, HCPF		26-1-107(5)(b) , C.R.S.	9 CCR 2503-6

Departmental Regulatory Agendas

Department

Department of Regulatory Agencies



November 1, 2025

The Honorable Members of the General Assembly c/o
the Staff of the Legislative Council
State Capitol Building
200 East Colfax Denver, CO 80203

Dear Members of the General Assembly:

I am pleased to submit the Department of Regulatory Agencies (DORA) 2026 Regulatory Agenda and the 2025 Regulatory Report, in compliance with §2-7-203, C.R.S. The Department's Regulatory Agenda has also been submitted to the Colorado Secretary of State for publication in the Colorado Register. The Regulatory Agenda and Regulatory Report are posted on our website at <https://dora.colorado.gov/legislative-services>.

The Agenda provides a summary of rules under consideration for review, revision, repeal, or creation in the upcoming calendar year. The Report summarizes all permanent, temporary, and emergency rules that were or are being revised, created, or repealed and the results of the mandatory review of regulations per the Department's Rule Review Schedule in the current calendar year. As reflected in the Report, all permanent regulations adopted by the Department involved early stakeholder engagement, as outlined on the Department's website.

According to §2-7-203(2)(a)(II), C.R.S., the Department will be prepared to discuss the Agenda and Report with the Department's Joint Committee of Reference during our upcoming SMART Act presentation.

Sincerely,

A handwritten signature in cursive script that reads 'Patty Salazar'.

Patty Salazar
Executive Director

2026 Regulatory Agenda



Overview

The Colorado Department of Regulatory Agencies submits the following 2026 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory

Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department's "Regulatory Efficiencies Reviews" (which are denoted as such in the "purpose" column). The DRA is to be filed with the Legislative Council staff for distribution to the committee(s) of reference, posted on the department's web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its "SMART Act" hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(II).

REF #	Division	Anticipated Hearing or Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
1	Banking	October 16, 2025	3 CCR 701-5 EFT1	Definitions	Repeal	<p>The Division is proposing the repeal of Banking Board Rule 3 CCR 701-5 Electronic Funds Act, in its entirety, due to the rule being governed by other regulations and a standalone rule is unnecessary.</p> <p>The Division finds the repeal of this rule is necessary due to: Electronic funds transfers (EFTs) are regulated by the Code of Federal Regulations Title 12 - Banks and Banking, Chapter II - Federal Reserve System, Subchapter A - Board of Governors of the Federal Reserve System, Part 205 Electronic Fund Transfers (Regulation E). Consumer protection pertaining to EFTs is outlined in Section 11-105-208, C.R.S.</p>	Yes	The purpose of the rule is to set forth definitions pertaining to electronic funds transfers, as well as requirements for liability of unauthorized use and liability of the bank of account.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
2	Banking	October 16, 2025	3 CCR 701-5 EFT9	Liability for Unauthorized Use	Repeal	<p>The Division is proposing the repeal of Banking Board Rule 3 CCR 701-5 Electronic Funds Act, in its entirety, due to the rule being governed by other regulations and a standalone rule is unnecessary.</p> <p>The Division finds the repeal of this rule is necessary due to: Electronic funds transfers (EFTs) are regulated by the Code of Federal Regulations Title 12 - Banks and Banking, Chapter II - Federal Reserve System, Subchapter A - Board of Governors of the Federal Reserve System, Part 205 Electronic Fund Transfers (Regulation E). Consumer protection pertaining to EFTs is outlined in Section 11-105-208, C.R.S.</p>	Yes	The purpose of the rule is to set forth definitions pertaining to electronic funds transfers, as well as requirements for liability of unauthorized use and liability of the bank of account.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
3	Banking	October 16, 2025	3 CCR 701-5 EFT13	Liability of the Bank of Account	Repeal	<p>The Division is proposing the repeal of Banking Board Rule 3 CCR 701-5 Electronic Funds Act, in its entirety, due to the rule being governed by other regulations and a standalone rule is unnecessary.</p> <p>The Division finds the repeal of this rule is necessary due to: Electronic funds transfers (EFTs) are regulated by the Code of Federal Regulations Title 12 - Banks and Banking, Chapter II - Federal Reserve System, Subchapter A - Board of Governors of the Federal Reserve System, Part 205 Electronic Fund Transfers (Regulation E). Consumer protection pertaining to EFTs is outlined in Section 11-105-208, C.R.S.</p>	Yes	The purpose of the rule is to set forth definitions pertaining to electronic funds transfers, as well as requirements for liability of unauthorized use and liability of the bank of account.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
4	Banking	January 15, 2026	3 CCR 701-7 MO2	Permissible Investments	Revision	Remove outdated language pertaining to permissible investments, and their ownership, to align with the MTMA. Remove requirements that are now codified in the MTMA, Sections 11-110-1003 and 1004, C.R.S. Update statutory references to align with the MTMA, Sections 11-110-1003 and 1004, C.R.S.	Yes	The purpose of this rule is to set forth requirements pertaining to permissible investments.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients

REF #	Division	Anticipated Hearing or Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
5	Banking	January 15, 2026	3 CCR 701-7 MO9	Calculating Tangible Net Worth, Parent Companies, and Audit Standards	New	Disallow certain assets that may impair a licensee's financial condition, examine the financial condition of a parent company and/or affiliate when necessary, assess the adequacy and independence of audits, and take necessary enforcement action	No	The purpose of this proposed rule is to strengthen the Colorado Division of Banking's supervisory authority of licensed money transmitters by addressing risks posed by certain assets, a weak parent company, and/or inadequate or unreliable financial audits.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
6	Banking	January 15, 2026	3 CCR 701-6 TC#	TBD	New	To clarify number of minimum board of directors for trust companies.	No	To clarify number of minimum board of directors for trust companies.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
7	Banking	May 21, 2026	3 CCR 701-4 PDP1	Capital Standards for Eligible Public Depositories	TBD	TBD	Yes	TBD	Colorado Eligible Public Depositories, Colorado Escrow Banks, and Sunshine List Recipients
8	Banking	May 21, 2026	3 CCR 701-4 PDP2	Revocation, Suspension, or Restriction of Designation and Certification as an Eligible Public Depository	TBD	TBD	Yes	TBD	Colorado Eligible Public Depositories, Colorado Escrow Banks, and Sunshine List Recipients
9	Banking	May 21, 2026	3 CCR 701-4 PDP3	List of Approved Eligible Collateral Instruments and Obligations	TBD	TBD	Yes	TBD	Colorado Eligible Public Depositories, Colorado Escrow Banks, and Sunshine List Recipients
10	Banking	May 21, 2026	3 CCR 701-4 PDP4	Standards for Establishing Current Market Value of Eligible Collateral	TBD	TBD	Yes	TBD	Colorado Eligible Public Depositories, Colorado Escrow Banks, and Sunshine List Recipients
11	Banking	May 21, 2026	3 CCR 701-4 PDP5	Criteria and Procedures for Reducing/Removing Uninsured Public Deposits From a Bank, or Increasing Collateral Requirements, if the Eligible Public Depository Fails to Comply With Minimum Capital Standards or Safety and Soundness Standards	TBD	TBD	Yes	TBD	Colorado Eligible Public Depositories, Colorado Escrow Banks, and Sunshine List Recipients
12	Banking	May 21, 2026	3 CCR 701-4 PDP6	Requirements for Holding Pledged Collateral in Escrow Under the Public Deposit Protection Act	TBD	TBD	Yes	TBD	Colorado Eligible Public Depositories, Colorado Escrow Banks, and Sunshine List Recipients
13	Banking	May 21, 2026	3 CCR 701-4 PDP7	Reporting Requirements	TBD	TBD	Yes	TBD	Colorado Eligible Public Depositories, Colorado Escrow Banks, and Sunshine List Recipients
14	Banking	May 21, 2026	3 CCR 701-4 PDP8	Directors' Examination of Public Deposits	TBD	TBD	Yes	TBD	Colorado Eligible Public Depositories, Colorado Escrow Banks, and Sunshine List Recipients
15	Banking	May 21, 2026	3 CCR 701-4 PDP9	Assessments and Fees	TBD	TBD	Yes	TBD	Colorado Eligible Public Depositories, Colorado Escrow Banks, and Sunshine List Recipients
16	Banking	May 21, 2026	3 CCR 701-4 PDP11	Qualifications for Certification as an Eligible Public Depository	TBD	TBD	Yes	TBD	Colorado Eligible Public Depositories, Colorado Escrow Banks, and Sunshine List Recipients

REF #	Division	Anticipated Hearing or Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
17	DOI	Fall 2025	1-1-XX	Concerning Criteria for Approval of a Value-Added Product or Service	New	§§ 10-1-108(7), 10-1-109 and 10-3-1104(2.5)(b)(II), C.R.S.	No	The purpose of this regulation is to provide standards for review and approval of value-added products or services offered by an insurer. This regulation also establishes a maximum noncash gift, item or service value that insurers or insurance producers may offer a customer per policy year.	Insurers
18	DOI	Ongoing in 2026	2-1-1	Concerning the Financial Responsibility Requirements for Health Care Institutions	Revision	§§ 10-1-109, and 13-64-301(1)(b), C.R.S.	Yes	The purpose of amending this regulation is to clarify for the applicant the documents and information that are acceptable to the Commissioner to establish financial responsibility in compliance with § 13-64-301(1) (b), (c), (d) and (e), C.R.S.	Insurers
19	DOI	Ongoing in 2026	2-1-3	Concerning the Financial Responsibility Requirements for Health Care Professionals	Revision	§§ 10-1-109, 13-64-301, and 12-40-126, C.R.S.	Yes	The purpose of amending this regulation is to clarify for the applicant the documents and information that are acceptable to the Commissioner to establish financial responsibility in compliance with § 13-64-301(1)(a),(a.5),(c), (d) and (e), C.R.S. and 12-40-126(1)(b), (c) and (d), C.R.S.	Insurers
20	DOI	Ongoing in 2026	2-1-11	Viatical Settlements	Revision	§§ 10-1-109 and 10-7-615, C.R.S.	Yes	The purpose of this regulation is to implement the Viatical Settlements Act, part 6, article 7, title 10, C.R.S. which governs viatical settlements and licensing requirements of viatical settlement providers and protects the rights of a life insurance policyowner seeking a viatical settlement.	Insurers
21	DOI	Ongoing in 2026	3-1-1	Fidelity Bond Requirement	Revision	§§ 10-1-108(7), 10-1-109, 10-6-129, 10-14-505 and 10-16-109, C.R.S.	Yes	The purpose of this regulation is to prescribe the minimum amount of fidelity coverage required to be maintained by insurers for money or other property, which may be lost because of theft or dishonest acts of its officers, directors and employees.	Insurers
22	DOI	Ongoing in 2026	3-1-5	Concerning Enterprise Zone Credit Against Premium Tax	Revision	§§ 10-1-109, and 39-30-108(2), C.R.S.	Yes	The purpose of this regulation is to assure the orderly implementation of the premium tax credit provisions set forth in the Urban and Rural Enterprise Zone Act. This regulation sets forth the criteria for filing and documenting a claim for credit or refund of premium tax	Insurers

REF #	Division	Anticipated Hearing or Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
23	DOI	Ongoing in 2026	3-1-15	Premium Deficiency Reserve Standards for Individual and Group Health Benefit Plans	Revision	§§ 10-1-108, 10-1-109, 10-3-109, 10-3-208, 10-16-109, and 10-16-220, C.R.S.	Yes	The purpose of this regulation is to establish minimum standards for determining when a Premium Deficiency Reserve is necessary, for companies providing individual and group health coverage, and to implement rules for calculating the reserve.	Health insurers
24	DOI	Ongoing in 2026	3-3-1	Assumption Reinsurance Agreements	Revision	§§ 10-1-108(7) and 10-1-109, C.R.S.	Yes	The purpose of this regulation is to clarify the filing and other requirements regarding insurers gaining approval to reinsure risks through the transfer and novation of contracts of notice and disclosure insurance by way of assumption reinsurance. It defines assumption reinsurance and establishes notice and disclosure requirements which protect and define the rights and obligations of policyholders, regulators and the parties to assumption reinsurance agreements.	Insurers
25	DOI	Ongoing in 2026	3-3-4	Life and Health Reinsurance Agreements	Revision	§§ 10-1-108(7), 10-1-109(1), 10-3-529(4), 10-3-705, 10-3-1110, 10-6-129, 10-14-505 and 10-16-109, C.R.S.	Yes	The Colorado Division of Insurance recognizes that licensed insurers routinely enter into reinsurance agreements for many legitimate purposes. These purposes can include relief to the ceding insurer from strain to surplus.	Life and health insurers
26	DOI	Ongoing in 2026	3-3-5	Property and Casualty Reinsurance Programs	Revision	§§ 10-1-108(7), 10-1-109(1), 10-3-529(4), 10-3-705, 10-6-129, 8-44-205(9), C.R.S.	Yes	The Colorado Division of Insurance recognizes that licensed insurers routinely enter into reinsurance agreements for many legitimate purposes. These purposes can include relief to the ceding insurer from strain to surplus, and may legitimately limit the amount of risk transferred from the ceding company to the assuming company.	Property and casualty insurers

REF #	Division	Anticipated Hearing or Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
27	DOI	Ongoing in 2026	4-1-7	For Recognizing a New Annuity Mortality Table for Use in Determining Liabilities for Annuities	Revision	§§ 10-1-109 and 10-7-309(2)(a), C.R.S.	Yes	The purpose of this regulation is to recognize the following mortality tables for use in determining the minimum standard of valuation for annuity and pure endowment contracts: the 1983 Table "a," the 1983 Group Annuity Mortality (1983 GAM) Table, the Annuity 2000 Mortality Table, 2012 IAR Mortality Table (2012 IAR) and the 1994 Group Annuity Reserving (1994 GAR) Table.	Insurers
28	DOI	Ongoing in 2026	4-2-6	Concerning the Definition of the Term "Complications of Pregnancy" for Use in Accident and health Insurance Contracts and Certificates	Revision	§§ 10-1-109, 10-3-1110 and 10-16-109 and, C.R.S.	Yes	The purpose of this regulation is to standardize the definition of the term "complications of pregnancy" as used in sickness and accident insurance policies covering residents of this state consistent with the commonly perceived connotation of this term by the general public.	Health insurers

REF #	Division	Anticipated Hearing or Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
29	DOI	October 2025	4-2-17	Prompt Investigation of Health Claims Involving Utilization Review and Denial of Benefits and Rules Related to Internal Claims and Appeals Processes	Revision	§§ 10-1-109, 10-3-1110, 10-16-109, and 10-16-113(2) and (10), C.R.S.	Yes	<p>The purpose of this regulation is to set forth guidelines for carrier compliance with the provisions of §§ 10-3-1104(1)(h), 10-16-409(1)(a), and 10-16-113, C.R.S., in situations involving utilization review and certain denials of benefits for treatment, as well as rescission, cancellation, or denial of coverage based on an eligibility determination, as described herein. Among other things, § 10-3-1104(1)(h), C.R.S., requires carriers to adopt and implement reasonable standards for the prompt investigation of claims arising from health coverage plans; promptly provide a reasonable explanation of the basis in the health coverage plan in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement; and refrain from denying a claim without conducting a reasonable investigation based upon all available information.</p> <p>This regulation is designed to provide minimum standards for handling appeals and grievances involving utilization review determinations, certain denials of benefits for treatments excluded by health coverage plans, and as otherwise required by § 10-16-113, C.R.S.</p>	Health insurers

REF #	Division	Anticipated Hearing or Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
30	DOI	Ongoing in 2026	4-2-20	Concerning the Colorado Supplement to the Summary of Benefits and Coverage Form	Revision	§§ 10-1-109, 10-16-108.5(11)(b), and 10-16-109, C.R.S.	Yes	The purpose of this regulation is to coordinate the requirements of § 10-16-108.5(11), C.R.S. and certain provisions of the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, 124 Stat. 119 (2010) and the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029 (2010), together referred to as the "Affordable Care Act" (ACA). This regulation also sets out procedures for carriers to make available the required Summary of Benefits and Coverage (SBC) and a Colorado Supplement to the Summary of Benefits and Coverage (COSSBC) Form for each policy, contract, and plan of health benefits that either covers a Colorado resident or is marketed to a Colorado resident or such resident's employer.	Health insurers
31	DOI	Ongoing in 2026	4-2-31	Annual Health Reporting and Data Retention Requirements	Revision	§§ 10-1-109, 10-3-109, 10-16-109 and 10-16-111(4), C.R.S.	Yes	The purpose of this regulation is to define uniform reporting, filing and data retention requirements for the hospital reimbursement rate report and the Annual Cost Report.	Health insurers
32	DOI	Ongoing in 2026	4-2-38	Contraceptive Benefits	Revision	§§ 10-1-109 and 10-16-104(3)(a)(l) C.R.S.	Yes	The purpose of this regulation is to implement Colorado insurance law and ensure carriers are providing coverage for contraception in policies in the same manner as any other sickness, injury, disease or condition is otherwise covered under the policy or contract.	Health insurers
33	DOI	Ongoing in 2026	4-2-46	Concerning Premium Rate Setting for Grandfathered Individual, Small Group, and Large Group Health Benefit Plans and Student Health Coverage	Revision	§§ 10-1-109(1), 10-16-107 and 10-16-109, C.R.S. (2012).	Yes	The purpose of this regulation is to establish and implement rules for setting premiums for grandfathered individual, small group and large group plans. Article 16, as it existed prior to the effective date of HB 13-1266, applies to grandfathered health benefit plans, unless grandfathered health benefit plans are specifically addressed in Article 16 as amended by House Bill 13-1266.	Health insurers

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34	DOI	Ongoing in 2026	4-2-47	Concerning the Required Benefit for Applied Behavior Analysis Therapy for the Treatment of Autism Spectrum Disorder	Revision	§§ 10-1-109, 10-16-104(1.4)(b) and 10-16-109, C.R.S.	Yes	The purpose of this regulation is to establish the requirements for the benefit provided by carriers for applied behavior analysis (ABA) therapy for the treatment of autism spectrum disorders in children.	Health insurers
35	DOI	Ongoing in 2026	4-2-71	Concerning Carrier Care Management Protocols for the Colorado Reinsurance Program	Revision	§§ 10-1-109(1), 10-16-109, and 10-16-1105(5), C.R.S.	Yes	The purpose of this regulation is to amend the carrier submission requirements for the Reinsurance Program Care Management Protocols, pursuant to § 10-16-1105(5), C.R.S. Care Management Protocols are intended to promote more cost-effective health care and to be fair to federal taxpayers by restraining growth in federal health care spending commitments. Eligible Carriers are required to submit Care Management Protocols to confirm their strategies for managing claims within the Colorado Reinsurance Program Payment Parameters.	Health insurers
36	DOI	Ongoing in 2026	4-2-75	Concerning Requirements for Reporting Medication Assisted Treatment Coverage	Revision	§§ 10-1-109, 10-16-109, and 10-16-710, C.R.S.	Yes	The purpose of this regulation is to establish the data reporting requirements for carriers concerning the coverage of medication-assisted treatment as required by § 10-16-710, C.R.S.	Health insurers
37	DOI	Ongoing in 2026	4-2-76	Concerning the Health Insurance Affordability Fee Assessment and Collection Process	Revision	§§ 10-1-108(7), 10-1-109, 10-16-109, 10-16-1205(1)(a)(l), and 10-16-1207(5), C.R.S.	Yes	The purpose of this regulation is to establish the process by which the Health Insurance Affordability Enterprise will assess and collect the Health Insurance Affordability Fee annually from carriers, pursuant to § 10-16-1205(1)(a)(l), C.R.S. This regulation replaces Emergency Regulation 21-E-01 in its entirety.	Health insurers
38	DOI	Ongoing in 2026	4-2-77	Concerning Payments to Carriers for the Colorado Reinsurance Program	Revision	§§ 10-16-1104(1)(i), 10-16-1105(1)(d); 10-16-1105(1)(e); 10-16-1105(3)(c); and 10-16-1105(4)(d), C.R.S.	Yes	The purpose of this regulation is to establish the process and timeline by which the Division of Insurance will notify carriers and disburse reinsurance payments to carriers for the applicable benefit year.	Health insurers

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39	DOI	March 2026	4-2-81	Concerning the Methodology Colorado Option Standardized Health Benefit Plans	Revision	§§ 10-1-108(7), 10-1-109(1), 10-16-109, and 10-16-1312, C.R.S.	No	The purpose of this regulation is to establish rules for the required bronze, silver, and gold Standardized plans to be offered by all carriers offering individual and small group health benefits plans issued or renewed on or after January 1, 2026	Health insurers
40	DOI	March 2026	4-2-85	Concerning the Methodology for Calculating Premium Rate Reductions for Colorado Option Standardized Health Benefit Plans	Revision	§§ 10-1-108(7), 10-1-109(1), 10-16-109, 10-16-1304, 10-16-1305, 10-16-1306, and 10-16-1312, C.R.S.	No	The purpose of this regulation is to establish rules for the required premium reduction methodology for the Colorado Option standardized bronze, silver and gold health benefit plans to be offered by all carriers offering individual and small group health benefits plans issued or renewed on or after January 1, 2026.	Health insurers
41	DOI	Ongoing in 2026	4-3-1	Minimum Standards for Medicare Supplement Policies	Revision	§§ 10-18-103(2), 10-18-104, 10-18-106 and 10-1-109, C.R.S.	Yes	The purpose of this regulation is to provide for the reasonable standardization of coverage and simplification of terms and benefits of Medicare supplement policies; to facilitate public understanding and comparison of such policies; to eliminate provisions contained in such policies which may be misleading or confusing in connection with the purchase of such policies or with the settlement of claims; to provide for full disclosure in the sale of accident and sickness insurance coverage to persons eligible for Medicare; and to comply with the mandate of the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) which prohibit the sale of Medicare supplement benefit policies that cover Medicare Part B deductibles to "newly eligible" Medicare beneficiaries defined as those individuals who become eligible for Medicare due to age, disability or end-stage renal disease, on or after January 1, 2020.	Medicare insurers

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42	DOI	Ongoing in 2026	4-4-1	Concerning Requirements for Long-term Care Insurance	Revision	§§ 10-1-109(1), 10-7-113(3), 10-16-107(1), 10-19-106, 10-19-113.7 and 10-3-1110(1), C.R.S.	Yes	The purpose of this regulation is to promote the public interest and the availability of long-term care insurance policies, to protect applicants for long-term care insurance, as defined, from unfair or deceptive sales or enrollment practices, to establish standards for long-term care insurance, to facilitate public understanding and comparison of long-term care insurance coverages, and to facilitate flexibility and innovation in the development of long-term care coverage.	Long term care insurers
43	DOI	Ongoing in 2026	4-4-4	Concerning Long-term Care Partnership Program	Revision	§ 10-1-109, C.R.S.	Yes	The purpose of this regulation is to implement rules and assist in the development of the Colorado Long Term Care Partnership (LTCP) Program in Colorado.	Long term care insurers
44	DOI	Ongoing in 2026	5-1-15	Notification of Additional Insureds Whose Interests are Affected by a Claim Under a General Liability Policy	Revision	§§ 10-1-109 and 10-1-131, C.R.S	Yes	The purpose of this regulation is to implement rules concerning notification to additional insureds whose interests are affected by a claim on a general liability policy.	Property and casualty insurers
45	DOI	Ongoing in 2026	5-1-20	Rate capping and transition plan practices for property and casualty insurance	Revision	§§ 10-1-109, 10-3-1104(1)(f)(II), 10-3-1110, 10-4-403, and 10-4-404.5, C.R.S.	Yes	The purpose of this regulation is to address the filings of property and casualty insurers instituting any practice involving rate change limitations (caps, ceilings and/or floors) to new and/or existing policyholders in order to facilitate the transition to rate parity between policyholders of the same class and hazard and avoid unfairly discriminatory rating.	Property and casualty insurers
46	DOI	Fall 2025	5-1-XX	Concerning Insurer Notification of Available Premium Reduction Options Related to Mitigation Actions Taken to Reduce Wildfire Risk at an Individual Parcel or Community Level	New	§§ 10-1-109(1) and 10-4-124, C.R.S.	No	The purpose of this regulation is to establish rules concerning public information and policyholder notifications related to premium reductions as a result of wildfire mitigation.	Property and casualty insurers
47	DOI	Fall 2025	5-1-XX	Concerning Requests for Commercial or Personal Automobile Policy Information from a Claimant or Claimant's Attorney and Policyholder's Requests for a Certified Copy of the Homeowner Policy	New	§§ 10-1-109(1), 10-3-1117 AND 10-4-110.8(10), C.R.S.	No	The purpose of this regulation is to establish rules concerning requests for policy information pursuant to §§ 10-3-1117 and 10-4-110.8 (10), C.R.S.	Property and casualty insurers

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48	DOI	Ongoing in 2026	6-3-1	Concerning the Use of Independent Contractors for Informal Investigations and Appeal Process for Expenses	Revision	§§ 10-1-109 and 10-1-208, C.R.S.	Yes	This regulation sets the requirements for using independent contractors for informal investigations, and provides a process to appeal the expenses and fees charged by such independent contractors.	Insurers
49	DOS	11/17/2025	3-704-1 Rules 51-3.34-36 and Forms DT-1 and DT-2	Digital Token Act	repeal	11-51-704, C.R.S.	No	These rules and forms will be repealed as their purpose was to implement the Digital Token Act, which the legislature passed in 2018 and repealed in 2024. The DTA was repealed by the Legislature and approved by the Governor on May 17, 2024 (See SB24-180).	The Division will not work with stakeholders on this repeal as the current rules and forms serve no legal purpose.
50	DOS	11/17/2025	3-704-1 Rule 51-4.3	Qualifications to be Licensed as a Broker Dealer Sales Representative - Exam Validity	revision	11-51-704, C.R.S.	No	This rule will be amended to clarify that sales representatives must pass an examination required by FINRA or be licensed by any state within 2 years preceding the date of application, to be licensed. The rule will also be amended to adopt the FINRA Maintaining Qualifications Program (MQP) to extend the validity of qualifying licensing examinations to a maximum of five years (from two years) if the representative meets certain criteria. The MQP rule is based on a NASAA Model Rule.	Licensed broker dealer firms and individual sales representatives; FINRA, NASAA, and securities industry associations.
51	DOS	11/17/2025	3-704-1 Rule 51-4.4(IA)	Qualifications to be Licensed as an Investment Adviser Representative - Professional Designation	revision	11-51-704, C.R.S.	No	This rule will be amended to add the Certified Investment Management Analyst (CIMA) designation and remove the Chartered Investment Counselor (CIC) designation from the alternative qualifications that meet the investment adviser representative examination requirements. This rule is based on a NASAA Model Rule and the CIC designation is no longer active.	Licensed investment adviser firms and individual investment adviser representatives; FINRA, NASAA, and securities industry associations.
52	DOS	11/17/2025	3-704-1 Rule 51-4.4.2(IA)	Qualifications to be Licensed as an Investment Adviser Representative - Exam Validity	revision	11-51-704, C.R.S.	No	This rule was amended to adopt the NASAA investment adviser representative exam validity extension program (EVEP) to extend the validity of qualifying licensing examinations to a maximum of five years (from two years) if the representative meets certain criteria. This rule is based on a NASAA Model Rule.	Licensed investment adviser firms and individual investment adviser representatives; FINRA, NASAA, and securities industry associations.

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53	DPO	FY26	Colorado Office of Acupuncture Licensure	§ 1.11 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
54	DPO	FY26	Colorado Office of Acupuncture Licensure	Appendix "A" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
55	DPO	FY26	Colorado Office of Athletic Trainer Licensure	§ 1.11 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
56	DPO	FY26	Colorado Office of Athletic Trainer Licensure	Appendix "A" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
57	DPO	FY26	Colorado Office of Hearing Aid Provider Licensure	§ 1.11 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider		C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
58	DPO	FY26	Colorado Office of Hearing Aid Provider Licensure	Appendix "A" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
59	DPO	FY26	Colorado Office of Massage Therapy Licensure	§ 1.13 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
60	DPO	FY26	Colorado Office of Massage Therapy Licensure	Appendix "A" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
61	DPO	FY26	Colorado Office of Direct-Entry Midwifery Registration	§ 1.23 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders

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62	DPO	FY26	Colorado Office of Direct-Entry Midwifery Registration	Appendix "A" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
63	DPO	FY26	Office of Direct-Entry Midwifery Registration	1.17 ADMINISTRATION OF MEDICATIONS	Revision	§ 12-20-204 § 12-225-104(5) § 12-30-112	No	The purpose of this proposed new rule is to expand midwife medication authority to include TXA, an antihemorrhagic drug.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
64	DPO	FY26	Colorado Office of Naturopathic Doctor Registration	§ 1.17 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
65	DPO	FY26	Colorado Office of Naturopathic Doctor Registration	Appendix "C" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
66	DPO	FY26	Colorado Office of Naturopathic Doctor Registration	1.7 Medicines and devices used in the practice of naturopathic medicine	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	Placeholder for the possibility that ongoing discussions regarding the naturopathic doctor formulary will result in consideration of substances to be added.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
67	DPO	FY26	Colorado Office of Occupational Therapy	§ 1.20 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
68	DPO	FY26	Colorado Office of Occupational Therapy	Appendix "A" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
69	DPO	FY26	Office of Occupational Therapy	Rules and Regulations for Multistate Occupational Therapy and Occupational Therapy Assistant Licensure	New Rule	12-270-119.5 (2)(b); 12-20-202; 24-60-4101 et. seq.	No	The purpose of the proposed rule is to implement the Occupational Therapy Licensure Interstate Compact.	Licensees, professional associations, state agencies, and other key stakeholders
70	DPO	FY26	Colorado Office of Respiratory Therapy Licensure	§ 1.10 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders

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71	DPO	FY26	Colorado Office of Respiratory Therapy Licensure	Appendix "A" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
72	DPO	FY26	Colorado Office of Speech-Language Pathology Certification	§1.25 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
73	DPO	FY26	Colorado Office of Speech-Language Pathology Certification	Appendix "A" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
74	DPO	FY26	Colorado Office of Surgical Assistant and Surgical Technologist Registration	§ 1.9 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
75	DPO	FY26	Colorado Office of Surgical Assistant and Surgical Technologist Registration	Appendix "A" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
76	DPO	FY26	Colorado State Board of Addiction Counselor Examiners	§1.24 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
77	DPO	FY26	Colorado State Board of Addiction Counselor Examiners	Appendix "B" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
78	DPO	FY26	Colorado State Board of Addiction Counselor Examiners	Rule 1.12 - OCCUPATIONAL CREDENTIAL PORTABILITY PROGRAM (C.R.S. §§ 12-245-207, 12-20-202(3)). The purpose is to clarify that the jurisprudence examination is required for both licensure and candidate registration applicants	Revision	C.R.S. §§ 12-245-207, 12-20-202(3)	NO	The purpose is to clarify that the jurisprudence examination is required for both licensure and candidate registration applicants	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders

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79	DPO	FY26	Colorado State Board of Addiction Counselor Examiners	Rule 1.15 - LICENSURE BY EXAMINATION	Revision	C.R.S. § 12-245-804	NO	The purpose is to adopt by reference specific sections of the Colorado State Board of Human Services' Rule 2 CCR 502-1, "Behavioral Health", last amended January 1, 2024.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
80	DPO	FY26	Colorado State Board of Addiction Counselor Examiners	Rule 1.15(C)(3)(a)(3)	Revision/correction	C.R.S. § 12-245-804	NO	The reference to the Colorado State Board of Human Services as the location for consumers to obtain a copy of the rule adopted by reference will be changed to the Colorado Department of Regulatory Agencies at 1560 Broadway, Denver, CO 80202	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
81	DPO	FY26	Colorado State Board of Social Worker Examiners	§ 1.25 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
82	DPO	FY26	Colorado State Board of Social Worker Examiners	Appendix "B" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
83	DPO	FY26	Colorado State Board of Social Work Examiners	Rules and Regulations for Multistate Social Work Licensure	New Rule	C.R.S. §§ 12-245-411 (2)(c); 12-20-202; 24-60-4601 et. seq.	No	The purpose of the proposed rule is to implement the Social Work Licensure Compact.	Licensees, professional associations, state agencies, and other key stakeholders
84	DPO	FY26	Colorado State Board of Marriage and Family Therapist Examiners	§ 1.23 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
85	DPO	FY26	Colorado State Board of Marriage and Family Therapist Examiners	Appendix "B" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
86	DPO	FY26	Colorado State Board of Licensed Professional Counselor Examiners	§ 1.24 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders

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87	DPO	FY26	Colorado State Board of Licensed Professional Counselor Examiners	Appendix "B" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
88	DPO	FY26	Colorado State Board of Licensed Professional Counselor Examiners	Rules and Regulations for Multistate Professional Counselor Licensure	New Rule	C.R.S. §§ 12-245-607 (2)(c); 12-20-202; 24-60-4301 et. seq.	No	The purpose of the proposed rule is to implement the Interstate Licensed Professional Counselors Compact.	Licenses, professional associations, state agencies, and other key stakeholders
89	DPO	FY26	Colorado State Board of Psychologist Examiners	§ 1.23 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
90	DPO	FY26	Colorado State Board of Psychologist Examiners	Appendix "B" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
91	DPO	FY26	Colorado State Board of Psychologist Examiners	Rules 1.12 and 1.14 related to the jurisprudence examination requirements	Revision	C.R.S. 12-245-207; 12-245-202; 12-245-304	NO	Applicants for licensure and candidate registration as a psychologist in Colorado	
92	DPO	FY26	Colorado State Board of Unlicensed Psychotherapists	§ 1.17 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
93	DPO	FY26	Colorado State Board of Unlicensed Psychotherapists	Appendix "B" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
94	DPO	FY26	Colorado Board of Nursing	§ 1.27 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
95	DPO	FY26	Colorado Board of Nursing	Appendix "B" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders

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96	DPO	FY26	Colorado Board of Nursing	1.11 RULES AND REGULATIONS FOR APPROVAL OF NURSE AIDE TRAINING PROGRAMS	Revision	12-255-107 (1)(j)	No	The purpose of the proposed rule change is to incorporate the -new Colorado Nurse Aide Skills exam into the Board approved training programs	
97	DPO	F26	Colorado Board of Nursing	1.19 RULES AND REGULATIONS FOR MULTISTATE NURSE LICENSURE	Revision	12-20-0204	No	The purpose of the proposed rule change is to come into compliance with the Nurse Licensure Compact 2024	
98	DPO	FY26	Colorado Board of Nursing	Section 1.26, "Rules Regarding the Use of Benzodiazepine"	Revision	12-30-109(1)(b) and 12-280-404(4) C.R.S.	NO	The purpose is to remove language related to a "second fill" of a benzodiazepine	Healthcare prescribers
99	DPO	FY26	Colorado Board of Examiners of Nursing Home Administrators	§ 1.16 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
100	DPO	FY26	Colorado Board of Examiners of Nursing Home Administrators	Appendix "A" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
101	DPO	FY26	Colorado State Board of Optometry	§ 1.28 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
102	DPO	FY26	Colorado State Board of Optometry	Appendix "B" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
103	DPO	FY26	Colorado Podiatry Board	§ 1.20 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
104	DPO	FY26	Colorado Podiatry Board	Appendix "B" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
105	DPO	FY26	Colorado Podiatry Board	Sunset Report	Revision	Sections 12-20-204, 12-290-102(3), and 12-290-106(1)(a), C.R.S	No	To be consistent with the finding of the Sunset Report	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders

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106	DPO	FY26	Colorado Podiatry Board	Section 1.18, "Rules Regarding the Use of Benzodiazepine"	Revision	12-30-109(1)(b) and 12-280-404(4) C.R.S.	NO	The purpose is to remove language related to a "second fill" of a benzodiazepine	Healthcare prescribers
107	DPO	FY26	Office of Audiology Licensure	Rules and Regulations for Multistate Audiology Licensure	New Rule	C.R.S. §§ 12-210-109.5; 12-20-202; 24-60-4101 et. seq.	No	The purpose of the proposed rule is to implement the Audiology and Speech Language Pathology Interstate Compact.	Licensees, professional associations, state agencies, and other key stakeholders
108	DPO	FY26	Office of Audiology Licensure	Rule 1.12 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	NO	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
109	DPO	FY26	Office of Audiology Licensure	Appendix A – New balance billing notice and billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	NO	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
110	DPO	FY26	Office of Speech-Language Pathology Certification	§1.25 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider	New Rule	C.R.S. §§ 12-305-115.5; 12-20-202; 24-60-4101 et. seq.	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Licensees, professional associations, state agencies, and other key stakeholders
111	DPO	FY26	Office of Speech-Language Pathology Certification	Appendix "A" New balance billing notice & billing advisement notice	New Rule	C.R.S. §§ 12-305-115.5; 12-20-202; 24-60-4101 et. seq.	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Licensees, professional associations, state agencies, and other key stakeholders
112	DPO	FY26	Office of Speech-Language Pathology Certification	Rules and Regulations for Multistate Speech-Language Pathology Licensure	New Rule	C.R.S. §§ 12-305-115.5; 12-20-202; 24-60-4101 et. seq.	No	The purpose of the proposed rule is to implement the Audiology and Speech Language Pathology Interstate Compact.	Licensees, professional associations, state agencies, and other key stakeholders
113	DPO	FY26	Office of Barber and Cosmetology Licensure	Multiple	Revision	12-105-104 (7)(8)(c),(11)	No	Clarify massage as it relates to the practice for the licensee	Licensees, professional associations, relevant state agencies, and other key stakeholders
114	DPO	FY26	Office of Barber and Cosmetology Licensure	Prohibited Acts and Scope of Practice 1.8, 1.A.c, G, ADDITIONAL PRACTICES AND TRAINING REQUIREMENTS 1.9.E.2	Revision	C.R.S. §§ 12-105-106(1)(c);	No	The Practice Act will be reviewed by the legislature in 2026 through the Sunset Review and rulemaking may be required to implement any legislation. Currently due to the MediAesthetics a revision will need to occur based on implement requirements of medical professionals to disclose certain information to patients if the medical professional delegates medical-aesthetic services to an individual who is not a licensed health-care provider. Delegation rules will need to be updated.	Licensees, professional associations, state agencies, and other key stakeholders

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115	DPO	FY26	Office of Barber and Cosmetology Licensure	4 CCR 731-1 Rules and Regulations for Barber and Cosmetology Licensure	Revisions related to Sunset Review	Section 12-105-101, et. seq., of the Colorado Revised Statutes	No	The Practice Act will be reviewed by the legislature in 2026 through the Sunset Review and rulemaking may be required to implement any legislation.	Licensees, professional associations, state agencies, and other key stakeholders
116	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.7)	Application for licensure	Revision	§ 12-115-110 § 12-20-204	No	The purpose of the proposed revision is for the Board to authorize delegated action regarding the 288 education hours requirement for applicants meeting the required qualifications.	Licensees, professional associations, relevant state agencies, and other key stakeholders
117	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.7(E))	License by Endorsement	Revision	§ 12-115-113 § 12-20-202(3)	No	The purpose of the proposed revision is to remove Occupational Credential Portability Program in section 12-20-202(3) as electrical is exempt from this program and to clarify credentials and qualifications that are substantially equivalent to requirements in Colorado pursuant to 12-115-113.	Licensees, professional associations, relevant state agencies, and other key stakeholders
118	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.10)	Enforcement	New Rule, Revision	§ 12-20-204	No	The purpose of the proposed new rule or revision is to implement SB25-165 regarding specified violations for Photovoltaic Installers.	Licensees, professional associations, relevant state agencies, and other key stakeholders
119	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.13)	Renewal and Reinstatement	New Rule	§ 12-20-204 § 12-115-103(7.7)	No	The purpose of the proposed revision is to implement SB25-165 to require PV installers upon registration to provide their NABCEP PV Installation Professionals NABCEP certification.	Licensees, professional associations, relevant state agencies, and other key stakeholders
120	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.13(B))	Renewal and Reinstatement	New Rule	§ 12-20-204	No	The purpose of the proposed new rule is to allow advanced licenses to reinstate lower licenses.	Licensees, professional associations, relevant state agencies, and other key stakeholders
121	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.5)	Incorporation by Reference	Revision	§ 12-20-204 § 12-115-103(8) § 12-115-107(a)(I)	No	The purpose of the proposed revision is the adoption of the National Electric Code, 2026.	Licensees, professional associations, relevant state agencies, and other key stakeholders
122	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.9)	Permits, Inspections, and Verification of Licenses and Registration	Revision	§ 12-20-204 § 12-115-103(7.7)	No	The purpose of the proposed revision is to implement SB25-165 to add NABCEP PV Installation Professional and PV installer.	Licensees, professional associations, relevant state agencies, and other key stakeholders

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123	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.7(B)&(E))	Experience	New Rule or Revision	§ 12-20-204 § 12-115-119(1) § 12-115-107(2)(a)	No	1. In an effort to support apprentices becoming licensed, consider limiting how old their qualifying experience can be. Requirement for recent experience. AND/OR Consider possible revisions to allow for company letters to count for experience (accounting for older exp & employers out-of-biz [perhaps for RW/JP seeking higher licensure]). 2. Consider requirements for EC to provide Affidavits for licensees (currently required for apprentices).	Licensees, professional associations, relevant state agencies, and other key stakeholders
124	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.7(D))	Apprentice Training Requirements	New Rule, Revision, Repeal	§ 12-20-204 § 12-115-119(1) § 12-115-107(2)(a)	No	The statute, section 12-115-110(2)(a)(III), C.R.S., within the rule does not allow for grandfathering and it does not seem to meet the intent that applicants for the JW should have current training on the NEC. The purpose of the proposed revisions are to clarify in rule that section 12-115-110(2)(b)(I), C.R.S. The Board would like to consider whether 288 hr requirement can be w/i degree earned within required time period.	Licensees, professional associations, relevant state agencies, and other key stakeholders
125	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.4)	Definitions	Revision	§ 12-20-204 § 12-115-110(7)	No	The purpose of the proposed revision are to implement SB25-165 to define "agent" and add photovoltaic installer to the definition of registrant.	Licensees, professional associations, relevant state agencies, and other key stakeholders
126	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.6)	Apprentice Registration and Recordkeeping	New Rule or Revision	§ 12-20-204 § 12-115-119(1) § 12-115-107(2)(a)	No	Consider if Board can better clarify in rule the requirement for an EC for who work is performed must provide Affidavit of Experience (allowing a non-supervision EC to register the APE). Add agent to rule 1 and photovoltaic installer to rule B and C. Also, add a timeframe to rule C.	Licensees, professional associations, relevant state agencies, and other key stakeholders
127	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.6(B))	Apprentice Registration and Recordkeeping	Revision	§ 12-20-204 § 12-115-107(f)(I)	No	The purpose of the proposed revisions are to implement SB25-165 regarding PV installers and PV installation experience.	Licensees, professional associations, relevant state agencies, and other key stakeholders
128	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.7)	Application for licensure	New Rule	§ 12-20-204 § 12-115-110(b)(II)	No	The purpose of the proposed revisions are to implement SB25-165 regarding PV installation training and to clarify this training.	Licensees, professional associations, relevant state agencies, and other key stakeholders

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129	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.7(B))	Application for licensure	New Rule	§ 12-20-204 § 12-115-110(6)(a)(III)	No	The purpose of the proposed revisions are to implement SB25-165 to clarify earning practical experience in PV installation electrical work.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
130	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.7(D)(1))	Application for licensure	Revision	§ 12-20-204 § 12-115-110(2)(III)	No	The purpose of the proposed revisions are to implement SB25-165 regarding the updates to training requirements.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
131	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.7(B)(2)(b))	Application for licensure	Revision	§ 12-20-204 § 12-115-110(6)(a) § 12-115-110(6)(b)	No	The purpose of the proposed revisions are to implement SB25-165 regarding PV installation experience.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
132	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.7(B)(2)(c))	Application for licensure	Revision	§ 12-20-204 § 12-115-110(9.3)	No	The purpose of the proposed revisions are to implement SB25-165 regarding PV installers and PV installer agents.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
133	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.13(A))	Renewal and Reinstatement	Revision	§ 12-20-204 § 12-115-107	No	The purpose of the proposed revisions are to implement SB25-165 regarding PV installers.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
134	DPO	FY26	State Electrical Board 3 CCR 710-1 (Rule 1.13(H)(1))	Renewal and Reinstatement	Revision	§ 12-20-204 § 12-115-107	No	The purpose of the proposed revisions are to implement SB25-165 regarding PV installers.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
135	DPO	FY26	State Plumbing Board 3 CCR 720-1 (Rule 1.3)	Apprentice Registration and Recordkeeping	Revision	§ 12-20-204	No	The purpose of the proposed revision is to have experience hours verified on affidavit of experience forms provided by the board.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
136	DPO	FY26	State Plumbing Board 3 CCR 720-1 (Rule 1.4)	Applications and Licensing	New Rule	§ 12-20-204	No	The purpose of the proposed new rule is to allow advanced licenses to reinstate lower licenses.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
137	DPO	FY26	State Plumbing Board 3 CCR 720-1 (Rule 1.2)	Standards	Revision	§ 12-20-204 § 12-155	No	The purpose of the proposed revisions is to implement the new international plumbing code, fuel gas code, and international residential code.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
138	DPO	FY26	State Plumbing Board 3 CCR 720-1 (Rule 1.4(E)(3)(K))	Standards	Revision	§ 12-20-204 § 12-155-105(1)(f)	No	The purpose of the proposed revisions are to correct drafting error. Board Rules (E)(3)(k) should be IFGC Section 411.1 (not 411.1.1).	Licenseses, professional associations, relevant state agencies, and other key stakeholders
139	DPO	FY26	State Plumbing Board 3 CCR 720-1 (Rule 1.4(3))	Applications and Licensing	Revision	§ 12-20-204 § 12-155-103(3)	No	The purpose of the proposed revisions are to implement HB24-1344 regarding changing journeyman to journeyworker.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
140	DPO	FY26	State Plumbing Board 3 CCR 720-1 (Rule 1.2(D)(10))	Standards	Repeal	§ 12-20-204 § 12-155-118(4)	No	The purpose of the proposed repeal is to implement HB25-1077 regarding removing licensure requirement for individuals who inspect, test, or repair devices.	Licenseses, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Anticipated Hearing or Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
141	DPO	FY26	State Plumbing Board 3 CCR 720-1 (Rule 1.4(3)(a))	Applications and Licensing	Revision	§ 12-20-204 § 12-155-103(3)	No	The purpose of the proposed revision is to address the use of forms approved by the Board for experience verifications.	Licensees, professional associations, relevant state agencies, and other key stakeholders
142	DPO	FY26	State Plumbing Board 3 CCR 720-1 (Rule 1.2(E)(3)(l))	Standards	New Rule	§ 12-20-204 § 12-155-124(3.5)(a)(l)	No	The purpose of the proposed revision is to provide guidance that engineered UL-1738 vent systems do not require the pressure test required by the rule addition to IFGC Section 503.4.1 as long as they are properly installed per the manufacturer's instructions.	Licensees, professional associations, relevant state agencies, and other key stakeholders
143	DPO	FY26	State Plumbing Board	Continuing Education Requirements	Revision	12-155-112	NO	The purpose is to clarify continuing education requirements in order to renew or reinstate a license.	Licensees, professional associations, relevant state agencies, and other key stakeholders
144	DPO	FY26	Colorado State Board of Pharmacy	§ 32.00.00 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
145	DPO	FY26	Colorado State Board of Pharmacy	Appendix "F" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
146	DPO	October 2, 2025	State Board of Pharmacy 3 CCR 719-1 (Rule 3.00.00)	DISPENSING	Revision and Repeal	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 3 are to align dispensing Rules with the updated Drug Donation Program in statute as new legislative requirement of the Drug Donation Program from HB25-289. Additionally, changes to reflect the new changes in Rule 19 around vaccinations.	All Pharmacy Stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)
147	DPO	October 2, 2025	State Board of Pharmacy 3 CCR 719-1 (Rule 5.01.31)	OUTLETS	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 5 are to revise and align stakeholder requests with countertop dimensions of compounding and dispensing areas of pharmacies.	All Pharmacy Stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)
148	DPO	October 2, 2025	State Board of Pharmacy 3 CCR 719-1 (Rule 5.00.00)	OUTLETS	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 5 are to implement HB25-1222 regarding new allowances and requirements around rural pharmacies.	All Pharmacy Stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)

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149	DPO	October 2, 2025	State Board of Pharmacy 3 CCR 719-1 (Rule 8.00.00)	ADVERTISING	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 8 are to align with current times and requests of stakeholders to remove outdated rules around Prescription Order Forms and sheets of paper used for orders.	All Pharmacy Stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)
150	DPO	October 2, 2025	State Board of Pharmacy 3 CCR 719-1 (Rule 11.00.00)	RECORDS AND RECORDKEEPING	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 11 are to clarify hardcopy storage requirements.	All Pharmacy Stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)
151	DPO	October 2, 2025	State Board of Pharmacy 3 CCR 719-1 (Rule 15.00.00)	WHOLESALEERS	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 15 are to clarify and revise the ownership change timeline to align with realistic expectations in ownership changes in the private sector.	All Pharmacy Stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)
152	DPO	October 2, 2025	State Board of Pharmacy 3 CCR 719-1 (Rule 19.00.00)	ADMINISTRATION	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 19 are to clarify and expand the patient populations that can receive vaccinations to better align with FDA approved labeling on vaccinations.	All Pharmacy Stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)
153	DPO	November 20, 2025	State Board of Pharmacy Rule Appendix "G" Medications for Opioid Use Disorders	Rule Appendix G Medications for Opioid Use Disorder"	New rule	§ 12-20-204 § 12-280-101 § 12-280-107(2)	NO	The purpose is to implement the original Bill and add language to require a unique license type for these prescribing individuals.	All Pharmacy Stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)
154	DPO	FY26	Office of Outfitter Registraion	Multiple	Revision	C.R.S. 12-145-103 C.R.S. 12-145-104 C.R.S. 12-145-108	No	The purpose of the proposed rules are to clarify and update definitions and language based on SB25-174 and to revise rules based on advisory committee requests.	Licensees, professional associations, relevant state agencies, and other key stakeholders
155	DPO	FY26	Colorado Office of Funeral and Mortuary Science Services	1.5 RULES AND REGULATIONS FOR THE LICENSURE OF FUNERAL DIRECTORS; 1.6 RULES AND REGULATIONS FOR THE LICENSURE OF MORTUARY SCIENCE PRACTITIONERS; 1.7 RULES AND REGULATIONS FOR THE LICENSURE OF EMBALMERS; 1.8 RULES AND REGULATIONS FOR THE LICENSURE OF CREMATIONISTS AND NATURAL REDUCTIONISTS	Revision	C.R.S. §§ 12-135-502; 12-20-204, 12-135-501(2), 12-135-501(4), 12-135-401(6)(a), 12-135-703(1), 12-135-803(1), 12-135-903(1), 12-135-903(2)	No	The purpose of this proposed revision is to clarify requirements for criminal history record checks.	Licensees, professional associations, state agencies, and other key stakeholders
156	DPO	FY26	Colorado Office of Funeral and Mortuary Science Services	1.26 Rules Respecting Satellite Offices	Revision	§ 12-20-204 § 12-135-401(6)(a)	No	The purpose of the proposed rule is to further clarify the needs and requirements for satellite offices.	All funeral and mortuary science services stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)

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157	DPO	FY26	Colorado Office of Funeral and Mortuary Science Services	Multiple	Revision	§ 12-20-204 § 12-135-401(6)(a)	No	Multiple rule clean up and clarification.	All funeral and mortuary science services stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)
158	DPO	FY26	Colorado Office of Funeral and Mortuary Science Services	1.22 and 1.23	Revision	§ 12-20-204 § 12-135-401(6)(a)	No	Need to revise the rule to clarify the requirements for decedent logs and refrigeration logs to allow for electronic records as long as they are accessible during inspections.	All funeral and mortuary science services stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)
159	DPO	FY26	Colorado Board of Veterinary Medicine	Rules 1.2; 1.3; 1.4; 1.5; 1.6; 1.7; 1.8; 1.9; 1.10; 1.12; 1.19; and 1.20 (repeal),	Revisions and new rules	Sections 12-20-204, 12-315-106(5)(g), 24-4-103, and 24-4-103(6)(a)	NO	Implementation of HB 24-1047 and Proposition 129 establishing a veterinary professional associate	Licensees, professional associations, relevant state agencies, and other key stakeholders
160	DPO	FY26	Colorado Board of Veterinary Medicine	HB25-1285 Implementation	New Rules and Revisions		No	To implement HB 25-1285	Licensees, professional associations, relevant state agencies, and other key stakeholders
161	DPO	FY26	Colorado Board of Accountancy	Mobility	Revision		No		Licensees, professional associations, relevant state agencies, and other key stakeholders
162	DPO	FY26	Colorado Office of Radon Professionals		Revision	12-20-0204		Consideration is this program will be undergoing sunset FY26	Licensees, professional associations, relevant state agencies, and other key stakeholders
163	DPO	FY26	Colorado Combative Sports Commission	Sunset Review	Potential revision and new rules	TBD	No	Purpose will be to comply with recommendations from a sunset report.	
164	DPO	FY26	Colorado Combative Sports Commission	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.3)	Applicability	Revision	§ 12-110-102(3) § 12-110-107 § 12-110-110(3)	The purpose of this proposed revision is to update the incorporation by reference date.	Licensees, professional associations, relevant state agencies, and other key stakeholders
165	DPO	FY26	Colorado Combative Sports Commission	Combative Sports 4 CCR 740-1 (Rule 1.5E)	Weigh-ins and Fight Appearance	Revision	§ 12-20-105 § 12-20-202(1) § 12-110-107	The purpose of this proposed revision is to update the incorporation by reference date.	Licensees, professional associations, relevant state agencies, and other key stakeholders
166	DPO	FY26	Colorado Combative Sports Commission	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.6 E)	Post Fight Suspensions	New	§ 12-110-108	The purpose of this proposed revision is to update the incorporation by reference date.	Licensees, professional associations, relevant state agencies, and other key stakeholders
167	DPO	FY26	Colorado Combative Sports Commission	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.10 A)	Requirements for Professional Mixed Martial Arts	Revision	§ 12-110-107	The purpose of this proposed revision is to update the incorporation by reference date.	Licensees, professional associations, relevant state agencies, and other key stakeholders
168	DPO	FY26	Colorado Combative Sports Commission	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.16d)	Requirements for Elimination Bouts	Revision	§ 12-20-204 § 12-110-107	The purpose of this proposed revision is to update the incorporation by reference date.	Licensees, professional associations, relevant state agencies, and other key stakeholders
169	DPO	FY26	Colorado Combative Sports Commission	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.16(h)4)	Elimination Rules for Boxing, Kickboxing and Mixed Martial Arts	Revision	§ 12-20-204 § 12-110-107	The purpose of this proposed revision is to update the incorporation by reference date.	Licensees, professional associations, relevant state agencies, and other key stakeholders

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170	DPO	FY26	Colorado Physical Therapy Board	4 CCR 732-1 (Rule 1.3)	Revision - Inclusivity for student PTAs	Revision	No	The current language is not inclusive of PTA students and feedback was received from PTA students and the PTA schools that it needs changed. "The provisions of this section shall be applicable to the practice of physical therapy by physical therapists, physical therapist assistants, and student physical therapists and student physical therapist assistants in Colorado."	Licensees, professional associations, relevant state agencies, and other key stakeholders
171	DPO	FY26	Colorado Physical Therapy Board	4 CCR 732-1 (Rule 1.5)	Revision - Clarification of who may perform dry needling	Revision	No	PTs in Colorado and their employers have had disagreements about interpretation of the current rules. Some believe the statement that needling may not be delegated means that it may not be performed by PT students or those with provisional licenses.	Licensees, professional associations, relevant state agencies, and other key stakeholders
172	DPO	FY26	Colorado Physical Therapy Board	4 CCR 732-1 (Rule 1.5)	Revision - PTA Supervision	Revision	No	The PTA is an extension of the PT and is subject to general supervision. As a direct extension of the PT, the PTA provides direct supervision of the student PTA, thus meeting the statutory requirement detailed in 12-285-117(a). It is impractical to expect PTs to provide direct supervision of all PTA students as they are typically trained by PTA's.	Licensees, professional associations, relevant state agencies, and other key stakeholders
173	DPO	FY26	Colorado Physical Therapy Board	4 CCR 732-1 (Rule 1.4)	Revision - Eliminate the term immediate supervision	Revision	No	The rules and Regulations must not be in conflict with the Practice Act. Additionally, this is the language and level of supervision recommended by the APTA hour of delegates and the FSBPT Model Practice Act.	Licensees, professional associations, relevant state agencies, and other key stakeholders
174	DPO	FY26	Colorado Physical Therapy Board	4 CCR 732-1 New Rule	New rule - Pessary fitting management and physical therapist specializing in pelvic floor therapy	New	No	New rule - Pessary fitting management and physical therapist specializing in pelvic floor therapy	Licensees, professional associations, relevant state agencies, and other key stakeholders
175	DPO	FY26	Colorado State Physical Therapy Board	§ 1.8 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders

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176	DPO	FY26	Colorado State Physical Therapy Board	Appendix "B" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
177	DPO	FY26	Colorado Board of Chiropractic Examiners	3 CCR 701 -1 (Rule 1.9(B)(5)(d) & (e))	Revision - Rule is inherently illogical; the bar for being deemed competent is substantially higher for licensed chiropractors who do hold acupuncture certification.	Revision	No	We therefore request the Board to consider a rulemaking or policy change to make plain that the Board does not intend to strip licensed chiropractors of their ability to perform dry needling simply because they choose to obtain additional expertise via acupuncture certification.	Licenses, professional associations, relevant state agencies, and other key stakeholders
178	DPO	FY26	Colorado Board of Chiropractic Examiners	3 CCR 701 -1	New rule regarding pelvic floor work/exams	New Rule	No	Requesting a rule to define if pelvic floor exams and work are with in the scope of practice	Licenses, professional associations, relevant state agencies, and other key stakeholders
179	DPO	FY26	Colorado Board of Chiropractic Examiners	3 CCR 701 -1 (Rule 1.10(k))	Revision - Continuing education through distance learning	Revision	No	Rule needs to be defined as to what constitutes distance learning	Licenses, professional associations, relevant state agencies, and other key stakeholders
180	DPO	FY26	Colorado Board of Chiropractic Examiners	§ 1.31 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
181	DPO	FY26	Colorado Board of Chiropractic Examiners	Appendix "A" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
182	DPO	FY26	Colorado Dental Board	3 CCR 709 - 1 (Sunset Rule Making)	Revision to Multiple Rules resulting from 2025 Sunset	Revisions related to SB 25-194 concerning the continuation of the Dental Practice Act	No	Revision to Multiple Rules resulting from 2025 Sunset	Licenses, professional associations, relevant state agencies, and other key stakeholders
183	DPO	FY26	Colorado Dental Board	3 CCR 709 - 1 (New Rule) Regulation of Dental Service Organization	New Rule	§ 12-220-105 § 12-110-106	No	Clarify relationship between DSO and dental offices and what tasks are regulated by DSO's	Licenses, professional associations, relevant state agencies, and other key stakeholders
184	DPO	FY26	Colorado Dental Board	New rule related to fingerprint-based criminal history record check prior to licensure	New Rule	SB 25-146	No	Implement the provisions of this new statute	Licenses, professional associations, relevant state agencies, and other key stakeholders
185	DPO	FY26	Colorado Dental Board	Rules and Regulations for Multistate Dental and Dental Hygienist Licensure	New Rule	C.R.S. §§ 12-220-109 (2)(c); 12-20-202; 24-60-4801 et. seq.	No	The purpose of the proposed rule is to implement the Dentist and Dental Hygienist Compact.	Licenses, professional associations, state agencies, and other key stakeholders

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186	DPO	FY26	Colorado Dental Board	§ 1.30 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
187	DPO	FY26	Colorado Dental Board	Appendix "B" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
188	DPO	Summer 2026	State Board of Landscape Architects 4 CCR 729-1 (Rule 1.6)	Rules of Administrative Procedure	New Rule, Revision, Repeal	§ 12-20-204 § 12-20-202(3)	No	2025-07(jjy) continuing the rulemaking from FY25 2024-11 (jjy) from FY25 rulemaking - HOLD for FY26 Regulatory Agenda based on most current work of the ICOR (Interorganizational Council on Regulation) address/define incidental or cross-over practice between engineers and architects, and landscape architects	Licensees, professional associations, relevant state agencies, and other key stakeholders
189	DPO	Summer 2026	State Board of Landscape Architects 4 CCR 729-1 (Rule 1.6)	Rules of Administrative Procedure	New Rule, Revision, Repeal	§ 12-20-204 § 12-20-202(3)	No	Adopt Board Policy 40.3 into Board Rule: Verification of Recent Experience. An applicant must include verification of work experience within the twelve months prior to submittal of the application in addition to any landscape architecture experience for which the applicant desires credit toward qualification for licensure.	
190	DPO	Winter 2025/2026	State Board of Landscape Architects 4 CCR 729-1 (Rule 1.6)	Rules of Administrative Procedure	New Rule, Revision, Repeal	§ 12-20-204 § 12-20-202(3)	No	2025-07(jjy) continuing the rulemaking from FY25 The purpose of these potential new rules, revisions, and or repeals is to consider any needed revisions when the Board reviews Council of Landscape Architect Registration Boards new Uniform Standards.	Licensees, professional associations, relevant state agencies, and other key stakeholders

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191	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (Rules 1.4)	Rules of Administrative Procedure	Revision, Repeal	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	2025-07(jjy) Continue to monitor the rules revised in FY25 to ensure rules properly address the following or if additional change will need to be considered. The purpose of these proposed revisions and/or repeals are to repeal sections of the rule that may not be necessary because of direct testing for examinations, which requires candidates to take and pass all examinations before they can submit an application (including the State Specific PLS Exam).	Licensees, professional associations, relevant state agencies, and other key stakeholders
192	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (Rule 1.4(I))	Rules of Administrative Procedure Licensing Renewal of Licenses - Architects	Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of revision are to improve the CE rules for Architects that were learned during the drafting of the new PLS CE rules drafting; including but not limited to allowing credit for service on a professional board.	Licensees, professional associations, relevant state agencies, and other key stakeholders
193	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (Rule 1.4(I))	Rules of Administrative Procedure Licensing Renewal of Licenses - Professional Land Surveyors	Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is regarding continuing education for architects and for the Board to consider whether to add service on a state licensing Board as a way of earning continuing education credit.	Licensees, professional associations, relevant state agencies, and other key stakeholders
194	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (Rule 1.4(D)(H))	Rules of Administrative Procedure	Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of revision are to replace lingering references to the NCARB (ational Council of Architect Registration Board) IDP (Intern Development Program) which has changed to the AXP (Architectural Experience Program)	Licensees, professional associations, relevant state agencies, and other key stakeholders

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195	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 1.4(I)(1)(a)(1) and (b)(1)	Rules of Administrative Procedure	Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of revision are to consider revisions to the reinstatement requirements to make submission of CEH materials a requirement verses just attesting the applicant obtained the required CEH to reinstate: Board is seeing REIN apps where the ARC has not been able to prove they have the required CE prior to making application. The rules language for under 2 year REIN, that don't go to the Board, states the applicant must "attest" to completing the CE. The over 2 yr REINs don't have same language. As the PA tries to address through application revisions, it may be necessary to remove the attesting language and replace w/ the over 2 yr language or require submission of the CE certs.	Licensees, professional associations, relevant state agencies, and other key stakeholders
196	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 1.4(H)	Rules of Administrative Procedure	New, Revise	§ 12-20-204(1) § 12-120-104	No	With the upcoming new national Public Land Surveying System (PLSS) the Board may need to name and address this new exam in rule. Revisions will depend on the release date for the PLSS exam. AND Consider revising the validation date of the CO State specific Land Surveying Examination from two years to five years.	Licensees, professional associations, relevant state agencies, and other key stakeholders
197	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 1.4(G)(2)	Rules of Administrative Procedure	Revise	§ 12-20-204(1) § 12-120-104	No	Board Rule 1.4(G)(2)(e) may need to be updated since the experience only requirement has been repealed – see blue highlight below. However, 12-120-313(3) states: "The board may allow an applicant to substitute for one year of experience the satisfactory completion of one academic year in a curriculum approved by the Board. The substitution of education for experience shall not exceed three years. For LSI, 12-120-311(3)(b)(I)(B) allows for a maximum of one year of education credit to be substituted if applying with experience only.	Licensees, professional associations, relevant state agencies, and other key stakeholders

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198	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 1.6	Rules of Professional Land Surveying Practice	Revise	§ 12-20-204(1) § 12-120-104	No	During the FY25 rulemaking, stakeholder asked the Board to consider revisions to this rules. Specifically: "Could there be consideration requiring either a lat long or state plane / UTM coordinates required for Tie sheets ? So many monuments have a Tie sheets and none of them have known coordinates which would make finding them 1000 times easier and perpetuating their evidence almost permanent."	Licensees, professional associations, relevant state agencies, and other key stakeholders
199	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 1.3(A)	Rules of Conduct	Revise	§ 12-20-204(1) § 12-120-104	No	The purpose is to consider 1. Incorporate new CRS reference re responding to Bd. 2. Add part "4" as the recodification renumbered the referenced CRS to 4 parts. 3. Add language noting "failure to respond in a material fashion" in order to capture licensees who do not provide sufficient info to the Board during their consideration of cases.	Licensees, professional associations, relevant state agencies, and other key stakeholders
200	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1	Application for Licensure	Revise	§ 12-20-204(1) § 12-120-104	No	Consideration of proposed amendments that would require applicants to complete examinations prior to application for licensure	Licensees, professional associations, relevant state agencies, and other key stakeholders
201	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 1.4(C)	Rules of Administrative Procedure	Revise	§ 12-20-204(1) § 12-120-104	No	1. Consider revision 1.4(C)(2) to note that approved application will be retained per the guidance within the State Archives schedule (currently one year); after one year, incomplete applications may be expired 2. Renumber this section to remove repealed paras.	Licensees, professional associations, relevant state agencies, and other key stakeholders
202	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1	TBD	New Rule, Revision, Repeal	§ 12-20-204 § 12-20-202(3)	No	Consider any revisions to capture the work of the ICOR (Interorganizational Council on Regulation) in address/define incidental or cross-over practice between engineers and architects, and landscape architects	Licensees, professional associations, relevant state agencies, and other key stakeholders
203	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1	TBD	New, Revise	§ 12-20-204(1) § 12-120-104(1)(a)	No	Consider rules for recognition of Mutual Recognition Agreements, including those est by National Council of Examinations of Engineers and Surveyors and National Council of Architect Registration Boards.	Licensees, professional associations, relevant state agencies, and other key stakeholders

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204	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	TBD	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	At the Annual meeting of the National Council of Architect Registration Board, of which Colorado is a member, the membership will consider major revision to the NCARB model laws. Once adopted by the membership, Colorado, along with other states will consider these revisions against our rules to ensure improvements in licensure mobility and consistency in enforcement are gained where practicable.	Licensees, professional associations, relevant state agencies, and other key stakeholders
205	DPO	Spring/Summer 2026	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	TBD	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	At the Annual meeting of the National Council of Examiners for Engineers and Surveyors, of which Colorado is a member, the membership consider revision to the NCEES model laws. Once adopted by the membership, Colorado, along with other states will consider these revisions against our rules to ensure improvements in licensure mobility and consistency in enforcement are gained where practicable.	Licensees, professional associations, relevant state agencies, and other key stakeholders
206	DPO	TBD	Passenger Tramway Safety Board 3 CCR 718-1	Multiple Rules	Revision	§ 12-20-204 § 12-150-105(1)(a)	No	The purpose of these proposed new rules and revisions are to update ANSI incorporation in Section 4, revise Section 23 to expand the Board's authority over incidents that occur in loading and unloading zones, consider improvements after Committee work related to conveyor maintenance, documenting deficiencies and observations in inspection reports, maintenance personnel, minimum operating personnel, ropeway event and data recorder, and summer ramps.	Licensees, professional associations, relevant state agencies, and other key stakeholders
207	DPO	TBD	Passenger Tramway Safety Board 3 CCR 718-1	Multiple Rules	Revision	§ 12-20-204 § 12-150-105(1)(a)	No	The purpose of these proposed revisions is to clarify the rules and not add additional requirements for existing lifts built prior to February 2, 2019.	Licensees, professional associations, relevant state agencies, and other key stakeholders

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208	DPO	TBD	Passenger Tramway Safety Board 3 CCR 718-1	Multiple Rules	Revision	§ 12-20-204 § 12-150-105(1)(a)	No	The purpose of these proposed new rules and revisions are to update ANSI incorporation in Section 4, revise Section 23 to expand the Board's authority over incidents that occur in loading and unloading zones, consider improvements after Committee work related to conveyor maintenance, documenting deficiencies and observations in inspection reports, maintenance personnel, minimum operating personnel, ropeway event and data recorder, and summer ramps.	Licensees, professional associations, relevant state agencies, and other key stakeholders
209	DPO	TBD	Passenger Tramway Safety Board 3 CCR 718-1	Multiple Rules	Revision	§ 12-20-204 § 12-150-105(1)(a)	No	The purpose of these proposed revisions is to consider addition of language to Air space requirements or Policy 20 to account for temporary structures within the air space, construction and construction equipment within the air space, and excavations near existing ropeway equipment and foundations	Licensees, professional associations, relevant state agencies, and other key stakeholders
210	DPO	TBD	Passenger Tramway Safety Board 3 CCR 718-1	Multiple Rules	Revision	§ 12-20-204 § 12-150-105(1)(a)	No	The purpose of these proposed revisions is to consider adding timelines for new construction and modifications need to be updated to reflect modern submittals. General revisions to language in section 21 to update to reflect current practice.	Licensees, professional associations, relevant state agencies, and other key stakeholders
211	DPO	TBD	Passenger Tramway Safety Board 3 CCR 718-1	Multiple Rules	Revision	§ 12-20-204 § 12-150-105(1)(a)	No	The purpose of these proposed revisions is to consider addition of required sign to "lower restraint bar" on lifts equipped with restraint bars	Licensees, professional associations, relevant state agencies, and other key stakeholders
212	DPO	FY26	Colorado Office of Natural Medicine 4CCR 755-1	Multiple	Revision	§ 12-20-204 § 12-105-170(1)(a)	No	Multiple rule clean up and clarification.	All funeral and mortuary science services stakeholders (Licensees, professional associations, relevant state agencies, and other key stakeholders)
213	DPO	FY26	Colorado Medical Board	Sunset Review	Potential revision and new rules	TBD	No	Purpose will be to comply with recommendations from a sunset report.	Licensees, professional associations, relevant state agencies, and other key stakeholders

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214	DPO	FY26	Colorado Medical Board 3 CCR 713-22 (Rule 1.9)	DEMONSTRATION OF CONTINUED COMPETENCY BY PHYSICIAN APPLICANTS FOR LICENSURE PURSUANT TO THE OCCUPATIONAL CREDENTIAL PORTABILITY PROGRAM, REINSTATEMENT OF AN EXPIRED LICENSE, OR REACTIVATION OF A LICENSE	Revision	§ 12-20-204 § 12-240-106(1)(a) § 12-20-202	No	The purpose of these proposed revisions is to implement Colorado Senate Bill 22-116 (Concerning the ability of an individual to obtain an occupational credential through the occupational credential portability program) and to address concerns raised by the Office of Legislative Legal Services.	Licensees, professional associations, relevant state agencies, and other key stakeholders
215	DPO	FY26	Colorado Medical Board 3 CCR 713-1 (Rule 1.33)	Continuing Education Requirements for Physicians	New Rules	§ 12-240-130	No	The purpose of proposed new rules is to implement HB24-1153 concerning continuing education requirements for physicians.	
216	DPO	FY26	Colorado Medical Board 3 CCR 713-1 (Rule 1.15)	Rules and Regulations Regarding the Licensure of and Practice by Physician Assistants	Revision	§ 12-20-204 § 12-240-106(1)(a)	No	The purpose of these proposed revisions is to implement Colorado Senate Bill 23-083 (Concerning an Expansion of a Physician Assistant's Ability to Practice, and, in Connection Therewith, Changing the Relationship between a Physician and a Physician Assistant or Podiatrist from Supervision to Collaboration).	Licensees, professional associations, relevant state agencies, and other key stakeholders
217	DPO	FY26	Colorado Medical Board (Rule 1.5)	§ 1.31 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
218	DPO	FY26	Colorado Medical Board	Appendix "C" New balance billing notice & billing advisement notice	Revision	C.R.S. §§ 10-16-704(19)(e); 10-16-705(4.5)(c)(II) (effective 01/01/2025); 12-30-112; 12-30-113; 12-20-204;	No	The purpose of the proposed rule is to protect Colorado healthcare consumers from unanticipated medical bills.	Healthcare providers; healthcare consumers, health plans and insurance companies, advocates, state agencies, other key stakeholders
219	DPO	FY26	Colorado Medical Board	Rules and Regulations for Multistate Physician Assistant Licensure	New Rule	12-240-146 (2)(c); 12-20-202; 24-60-4701 et. seq.	No	The purpose of the proposed rule is to implement the Physician Assistant Licensure Compact.	Licensees, professional associations, state agencies, and other key stakeholders
220	DPO	FY26	Colorado Medical Board	Section 1.28, "Use of Benzodiazepines"	Revision	12-30-109(1)(b) and 12-280-404(4) C.R.S.	NO	The purpose is to remove language related to a "second fill" of a benzodiazepine	Healthcare prescribers

REF #	Division	Anticipated Hearing or Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
221	DPO	FY26	Psychology Board	Prescribing Psychologists	Revision	12-245-309	No	The purpose of the proposed rules is to clarify statutory language and establish requirements for attaining and maintaining a Prescription Certificate for a licensed psychologist in Colorado	Licensees, professional associations, relevant state agencies, and other key stakeholders
222	DPO	FY26	Psychology Board	Prescribing Psychologists	Revision	12-30-109(6)	No	The purpose will be to limit the supply of benzodiazepine prescriptions that a prescriber may prescribe to a patient who has not obtained a benzodiazepine prescription within the past twelve (12) months	Licensees, professional associations, relevant state agencies, and other key stakeholders
223	DRE	on-going through 2026	4 CCR 725-1	Rules Regarding Real Estate Brokers	Revision, New	12-10-219(4), 12-10-220, C.R.S.	No	The proposed rulemaking will be to amend, repeal and add new administrative rules as needed to clarify requirements for initial and continued licensure, address practice deficiencies, commission approved forms, and implement legislative changes	Licensees; professional trade associations; other industry stakeholders
224	DRE	on-going through 2026	4 CCR 725-2	Rules of the Colorado Board of Real Estate Appraisers	Revision, New	12-10-604(1)(a)(I), C.R.S.	No	The proposed rulemaking will be to amend, repeal and add new administrative rules as needed to clarify requirements for initial and continued licensure, address practice deficiencies and implement legislative changes or changes to the federal criteria.	Licensees; professional trade associations; other industry stakeholders
225	DRE	on-going through 2026	4 CCR 725-3	Rules regarding Mortgage Loan Originators and Mortgage Companies	Revision, New	12-10-703(2)(a), 12-10-711(11), 12-10-712(3), C.R.S.	Yes	The proposed rulemaking will be to amend, repeal and add new administrative rules as needed to clarify requirements for initial and continued licensure, address practice deficiencies and implement legislative changes or any federal mandates.	Licensees; professional trade associations; other industry stakeholders
226	DRE	on-going through 2026	4 CCR 725-5	Rules regarding the HOA Information and Resource Center	Revision, New	12-10-801(5), C.R.S.	No	The proposed rulemaking will amend, repeal or add new administrative rules as needed to implement any legislation passed.	HOA board members, Homeowners, community association managers, professional trade associations, attorneys, other industry stakeholders.
227	DRE	on-going through 2026	4 CCR 725-6	Rules Regarding Subdivisions and Timeshares	Revision, New	12-10-506(5)m 12-10-506(6), C.R.S.	No	The proposed rulemaking will amend, repeal or add new administrative rules as needed to implement any legislation passed.	Licensees; professional trade associations; other industry stakeholders
228	PUC	4th Quarter 2025	723-2-2001, 2011, 2122, 2138, 2150, 2803, 2821, 2823 through 2827	Rules Regulating Telecommunications Services and Providers of Telecommunications Services	Revision and Repeal	HB 25-1154	No	To update the Commission's rules to comport with the statutory changes enacted by HB25-1154.	Telecom providers and disability advocates may participate, but the impact will be minimal.

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229	PUC	4th Quarter 2025	723-6-6700, 6701, 6708, 6720, 6725	Rules Regulating Transportation by Motor Vehicle	New, Revision	General rulemaking authority	No	To add specific prohibitions against "imposter drivers" operating under TNC digital networks.	TNCs
230	PUC	1st Quarter 2026	723-6-6810-6899	Rules Regulating Transportation by Motor Vehicle	New, Revision	HB 25-1117 40-10.1-801 through 40-10.1-815, C.R.S.	No	Implement HB 25-1117, including expanding applicability of booting/immobilization regulations and adding new consumer protections (similar to what was implemented in the towing industry, pursuant to HB22-1314 & HB24-1051).	Booting/Immobilization Companies
231	PUC	1st Quarter 2026	723-7 -7335	Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings	New	HB24-1030 40-20-311(11)(d), C.R.S. and 40-20-312(4), C.R.S.	No	To enact confidentiality and retaliation rules outlined in HB24-1030.	Class 1 railroads, Industry and Community Rail Safety Advisory Committees, Railroad Unions
232	PUC	1st Quarter 2026	723-7	Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings	Revision	CDOT adoption of 11th Edition of the Manual on Uniform Traffic Control Devices	No	To update the rules to comply with the CDOT MUTCD adoption due by December 2025	All Railroads, local governments, CDOT, road authorities in Colorado
233	PUC	1st Quarter 2026	723-7	Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings	New	HB24-1030 40-20-311(10), C.R.S. and 40-20-311(11)(a), C.R.S.	No	To develop rules for ORS processes for collecting and reporting information regarding blocked highway-rail crossings and develop a standard process for investigators to use during investigations for determining appropriate time and methods.	Class 1 railroads, Industry and Community Rail Safety Advisory Committees, Railroad Unions, emergency managers, emergency responders, State emergency watch center
234	PUC	2nd Quarter 2026	723-6-6000 through 6809	Rules Regulating Transportation by Motor Vehicle	New, Revision	General rulemaking authority	No	To update general, safety, and passenger carrier rules, based on known and perceived issues identified since the last major transportation rulemaking (17R-0796TR).	All carrier types, except TNCs.
235	PUC	2nd Quarter 2026	723-2-2151, 2152, 2802, 2803, 2823, and 2824	Rules Regulating Telecommunications Services and Providers of Telecommunications Services	Revision	General rulemaking authority	Yes	To clarify how telecom surcharges (911, 988, and TDAS) are applied to multiline telephone systems under certain multi-jurisdictional deployments.	Multi-line telephone system providers and their customers. Local 9-1-1 agencies are also likely to get involved.
236	PUC	2nd Quarter 2026	723-7-7336	Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings	New	SB25-162 40-20-311.5, C.R.S.	No	To enact the Office of Rail Safety Fee Methodology Rules	Class 1 railroads, CDOT, Industry and Community Rail Safety Advisory Committees
237	PUC	2nd Quarter 2026	723-7, 723-14	Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings	Revision	Moving SSO Program Standard to Part 14 rules since the rail rules are approaching 100 pages and because the SSO Program Standard continues to increase.	No	To move the SSO Program Standard from the Part 7 rules to the Part 14 rules	Regional Transportation District
238	PUC	3rd Quarter 2026	723-2-2812	Rules Regulating Telecommunications Services and Providers of Telecommunications Services	Revision	General rulemaking authority	Yes	To add outage reporting requirements for IPCS providers.	IPCS providers, incarcerated persons advocacy groups.
239	PUC	3rd Quarter 2026	723-3-3875 through 3883	Rules Regulating Electric Utilities	Revision	SB 24-207; 40-2-127.2	No	Revisions to CSG Rules to implement inclusive community solar pursuant to SB 24-207	Electric IOUs, retail electric customers of IOUs, community solar project developers, organizations serving or representing income qualified communities

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240	PUC	3rd Quarter 2026	723-3-3102, 3106, 3605, 3608, 3609, 3610, 3613, 3616, 3627	Rules Regulating Electric Utilities	Revision and New	SB 23-016; 40-2-126; 40-5-101(4); Decision Nos. R17-0580, C19-0236, R21-0073, R22-0690, C22-0270, C23-0592	No	Revisions and additions to rules governing electric transmission facilities and operations	IOUs; Tri-State; retail electric customers of IOUs; generation developers; environmental organizations; SPP; CETA
241	PUC	4th Quarter 2026	723-3-3525 through 3859	Rules Regulating Electric Utilities	Revision and New	SB 24-218; 40-2-132.5	No	Revisions and additions to DSP and Interconnection Rules to implement requires in SB 24-218	IOUs; retail electric customers of IOUs; equipment manufacturers, developers, and installers of distributed energy resources
242	PUC	4th Quarter 2026	723-3	Rules Regulating Electric Utilities	New	SB 24-207; 40-2-130.5	No	Address the acquisition of DDG starting in 2028	IOUs; retail electric customers of IOUs; equipment manufacturers, developers, and installers of distributed energy resources
243	PUC	4th Quarter 2026	723-3	Rules Regulating Electric Utilities	New	C25-0556	No	Introduce rules governing wildfire mitigation by Colorado electric utilities	IOUs; retail electric customers of IOUs; CO state and local governments; service providers to and representatives of life-dependent electricity end users
244	PUC	4th Qrt 2025	723-1	Rules of Practice & Procedure	New and Revisions	SB 21-272	No	To introduce provisions addressing equity considerations in the Commission's work	Electric utilities, gas utilities, telecom 911 authorities, communities served by investor-owned utilities, ratepayers, advocates for and agencies serving income qualified utility customers

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1	Banking	October 17, 2024	3 CCR 701-6 TC1	Definitions	New	The 2023 Banking Sunset Review contained a recommendation to enact a new Section within Title 11, Article 109 - Section 11-109-908, C.R.S. Fiduciary accounts - duties of trust companies. Section 11-109-908(4), C.R.S. requires the Banking Board to promulgate a new to define what "assets are appropriate" as the term pertains to fiduciary accounts for which a trust company has investment discretion.	Yes	The purpose of the rule is to define what "assets are appropriate" as the term pertains to fiduciary accounts for which a trust company has investment discretion.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
2	Banking	October 17, 2024	3 CCR 701-6 TC6	Collateralization of Deposits	Repeal	The rule is a restatement of Sections 11-109-201(1)(d) and 11-109-204(1) of the Colorado Revised Statutes and a separate rule is unnecessary.	Yes	The purpose of this rule is to reiterate the restriction of certain deposit and transaction deposit accounts as written in Colorado State Statute.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
3	Banking	October 17, 2024	3 CCR 701-6 TC7	Generally Accepted Accounting Principles	Revision	Include standards issued by the Financial Accounting Standards Board (FASB) as part of the definition of GAAP. Clarify the Accounting Principles Board (APB) was the precursor to the FASB. Update the organizational structure of the Financial Accounting Foundation as well as indicate the APB is no longer in existence. Remove reference verbiage as GAAP changes routinely and trust companies should prepare financial statements and reports in conformance with current GAAP requirements, not those that were in effect as of the date of the Rule.	Yes	The purpose of this rule is to allow trust companies to deviate on an exception basis from Generally Accepted Accounting Principles (GAAP) when filing certain supervisory and regulatory documents with state and federal agencies.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
4	Banking	October 17, 2024	3 CCR 701-6 TC8	Dividends	Revision	The current Rule TC8 is silent on capital limitations on the payment of dividends. Including such capital limitations is necessary to help ensure State-Chartered Trust Companies maintain sufficient capital. Under Rule TC8(C), Earnings Limitation on Payment of Dividends, the current Rule does not provide clarification regarding the source of dividend payments, nor is there a definition of undivided profits in the Rule. These additions are necessary to provide clarity regarding the source of dividend payments. Include the Prompt Corrective Action "undercapitalized" definition through the incorporation by reference the following applicable code of federal regulation: Code of Federal Regulations Title 12 - Banks and Banking Chapter III - Federal Deposit Insurance Corporation Subchapter B - Regulations and Statements of General Policy.	Yes	The purpose of this rule is to apply restrictions to the declaration and payment of dividends by a State-Chartered Trust Company.	Colorado State-Chartered Trust Companies and Sunshine List Recipients

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5	Banking	April 17, 2025	3 CCR 701-6 TC9	Investment Limitations	Revision	To better align investment limitations with federal investment limitations, the following updates are needed: Clarify that Type II and III securities are limited to 10 percent of capital and surplus; Clarify that Type IV securities have no investment limitation; o Add that Type V securities are limited to 25 percent of capital and surplus; Add that when applying the limitation for Type II, III, and V securities, the trust company is to take account of the security type the trust company is legally committed to purchase in addition to its existing holdings; Add requirements pertaining to the calculation of Type III and V securities holdings; Add requirement pertaining to certain credit information to be maintained in the trust company's investment files; and, add information and a requirement pertaining to the treatment of nonconforming investments. Clarify rule applicability to the divestiture of a nonconforming investment. Update the current incorporation by reference of Code of Federal Regulations Title 12 - Banks and Banking Chapter I - Comptroller of the Currency, Department of the Treasury Part 1 Investment Securities. The incorporated material is available at https://banking.colorado.gov/banking-home/rules-statutes .	Yes	The purpose of this rule is to provide information and requirements pertaining to limitations of a Trust Company's investments.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
6	Banking	October 17, 2024	3 CCR 701-6 TC10	Reports of New Executive Officers, Directors, and Persons in Control and Related Late Filing Penalty	Revision	The 2023 Banking Sunset Review contained a recommendation that the penalty for the late filing of these notifications should be modernized as the amount to be assessed was not meaningful and does not deter a trust company from failing to submit the notifications to the Colorado State Banking Board. The passage of HB24-1351, which included the aforementioned 2023 Banking Sunset Review recommendation, amended the late filing penalty to \$100 per day. In order to reflect the new late filing penalty, Banking Board Rule TC10 must be amended to change the late filing penalty from \$25 per day to \$100 per day.	Yes	The purpose of this rule is to provide information and requirements pertaining to notification to the Colorado Division of Banking of new or changes in executive officers, directors, persons in control and outlines penalties for late filing of said notices.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
7	Banking	October 17, 2024	3 CCR 701-6 TC11	Scope of Directors' Examinations	Revision	Make minor grammatical and technical changes. Modernize and update the incorporation by reference section. The incorporated material is available at https://banking.colorado.gov/banking-home/rules-statutes .	Yes	The purpose of this rule is to provide the scope requirements of the Directors' Examinations, extent of testing, reports to be provided and their due date.	Colorado State-Chartered Trust Companies and Sunshine List Recipients

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8	Banking	October 17, 2024	3 CCR 701-6 TC13	Minimum Capital Ratios for Depository Trust Companies	Revision	Due to the proposed repeal of Rule 3 CCR 701-6 TC14, the purpose of the rule should be revised to reflect that both leverage and risk-based capital ratios are addressed in the rule as well as capital adequacy standards. The initial capital required to charter a depository trust company should be increased from \$1,000,000 to \$1,500,000 and the minimum should not be less than \$1,000,000, an increase from \$750,000. This proposed increase is in alignment with the proposed increase in 3 CCR 701-6 TC13.5. Revise definitions and minimum capital ratios to include the capital adequacy standards and the calculation of said capital ratios through the incorporation by reference the following applicable code of federal regulations: o Code of Federal Regulations Title 12 - Banks and Banking Chapter III - Federal Deposit Insurance Corporation Subchapter B	Yes	The purpose of this rule is to establish minimum capital requirements for depository trust companies.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
9	Banking	October 17, 2024	3 CCR 701-6 TC13.5	Minimum Capital for Non-Depository Trust Companies	Revision	The initial capital required to charter a trust company should be increased from \$1Mil to \$1.5Mil. Minimum total capital requirement should be increased from \$.75Mil to \$1Mil. Increases are necessary to adjust the minimum level from the 1997 level to equivalent 2024 dollar levels. The amendment proposes a 36 month phase-in period for existing trust companies to comply with the proposed minimum total capital requirement. Give the State Bank Commissioner discretion to restrict a trust company's capital distributions, certain activities, & payment of excessive compensation & bonus. Revise definitions & minimum capital ratios to include the capital adequacy standards & the calculation of said capital ratios through the incorporation by reference the following applicable code of federal regulations: Code of Federal Regulations Title 12 - Banks and Banking Chapter III - FDIC Subchapter B	Yes	The purpose of this rule is to establish minimum capital requirements for non-depository trust companies.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
10	Banking	October 17, 2024	3 CCR 701-6 TC14	Risk-Based Capital Definitions and Adequacy	Repeal	The information contained within Rule 3 CCR 701-6 TC14 will be replaced by applicable code of federal regulations pertaining to capital for FDIC regulated institutions through incorporation by reference in Rules 3 CCR 701-6 TC13 and 13.5, as well as the minimum capital-to-total assets ratio requirement into Rule 3 CCR 701-6 TC13.5, thereby making Rule 3 CCR 701-6 TC14 no longer necessary.	Yes	The purpose of this rule is to provide information and requirements pertaining to risk-based capital.	Colorado State-Chartered Trust Companies and Sunshine List Recipients

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11	Banking	October 17, 2024	3 CCR 701-6 TC16	Insurance	Revision	Remove the term surety bond and replace it with fidelity bond as a fidelity bond is more appropriate for a trust company. Adjust the minimum bond amount from the initial 1993 amount, \$1,000,000, to equivalent dollar levels in 2024, \$2,000,000. Require that the trust company must conduct a risk analysis when determining the amount of the fidelity bond and errors and omissions insurance. Require that the corporate insurance or bonding company must be authorized to do business in Colorado. Add a one year phase-in period to allow trust companies time to comply with the new minimum fidelity bond requirement.	Yes	The purpose of this rule is to establish the minimum amounts of bond and error and omissions insurance a trust company must maintain.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
12	Banking	October 17, 2024	3 CCR 701-6 TC17	Deposit of Securities	Revision	Clarify the Rule requirement is only applicable to non-depository trust companies as depository trust companies are insured by the FDIC and the FDIC serves as the receiver/liquidator in the case of closure. 􀆔 Update the definition of "Eligible Securities" by removing the reference to "Liquid Capital" and replacing it with updated verbiage. Make minor, grammatical corrections.	Yes	The purpose of this rule is to provide information and requirements pertaining to notification to the Colorado Division of Banking of new or changes in executive officers, directors, persons in control and outlines penalties for late filing of said notices.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
13	Banking	October 17, 2024	3 CCR 701-6 TC18	Investments in Loans	Revision	Align Rule with the OCC lending limit regulations (12 CFR Part 32) and FDIC capital regulations (12 CFR Part 324). Include a reference to Section 11-109-907(2), C.R.S., which specifies two instances when a trust company may make a loan or extension of credit. Update the types of depository institutions. The regulation of industrial banks was repealed effective July 1, 2013, & non-depository trust companies may not accept deposits & thus should be removed as depository institutions. Include the Prompt Corrective Action "adequately capitalized" capital ratios through the incorporation of the following applicable code of federal regulation: o Code of Federal Regulations Title 12 - Banks and Banking Chapter III - FDIC Subchapter B Allow the lender additional time to bring the nonconforming loan into compliance where judicial proceedings, regulatory actions or other extraordinary occurrences would prevent the lender from taking such action.	Yes	The purpose of this rule is to establish specific guidelines for depository trust companies to purchase existing commercial loans or participations in existing commercial loans.	Colorado State-Chartered Trust Companies and Sunshine List Recipients

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
14	Banking	April 17, 2025	3 CCR 701-6 TC19	Investment in a Subsidiary	Revision	Modernize the limitations of a trust company's investment in an operating subsidiary to increase parity with the Office of the Comptroller of the Currency's (OCC) regulation of national banks. Expand the operating subsidiaries in which a trust company can invest. Decrease the percentage of voting interest of the operating subsidiary from 80 percent to 50 percent. Establish the conditions in which an operating subsidiary may engage in activities in which the parent trust company may engage. Define the meaning of "the ability to control the management and operations" of the subsidiary. Expand the business entities in which a trust company, through its operating subsidiary, may invest. Decrease the percentage of ownership level in a business that a trust company, through its subsidiary, may invest in from 80 percent to 50 percent. Require that the business entity in which the trust company invests, must agree to Division supervision and examination.	Yes	The purpose of this rule is to establish the general and additional limitations for a trust company investing in an operating subsidiary.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
15	Banking	October 17, 2024	3 CCR 701-6 TC20	Consolidated Reports of Condition and Income (Call Report) Filing Requirements	Revision	Reinstate section pertaining to the filing of Call Reports within 30 calendar days after the report date that was removed entirely from the Rule upon expiration of the 03/31/2020 Emergency Rule. Update filing requirement for non-depository trust companies from paper filing to electronic filing. Clarify that Call Reports are completed on a consolidated basis.	Yes	The purpose of this rule is to specify Call Report filing requirements for depository and non-depository trust companies.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
16	Banking	October 17, 2024	3 CCR 701-6 TC21	Fiduciary Self-Dealing	Revision	Broaden the scope of law applicable to a trust company's investment of funds of fiduciary accounts when the trust company has investment discretion authority over the fiduciary accounts. Clarify who should be included as prohibited parties. Broaden the scope of law applicable to a trust company's selling of assets between fiduciary accounts. Remove the statement the trust company "may borrow money on behalf of the fiduciary account from itself" since trust companies are not allowed to originate loans.	Yes	The purpose of this rule is to establish that transactions between related parties and interests of a trust company and its fiduciary accounts represent self-dealing and are prohibited except under very limited circumstances. Banking Board Rule 3 CCR 701-6 TC21 outlines those circumstances.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
17	Banking	October 17, 2024	3 CCR 701-6 TC22	Establishment of a Colorado Office Location by a Trust Company Chartered in Another State	Revision	Update the statutory citation. Update the types of depository institutions. The regulation of industrial banks was repealed effective July 1, 2013 and thus should be removed from the Rule. Remove the requirement for an out-of-state trust company to annually pay a fee to the Division of Banking for operating a representative trust office or trust office in Colorado to align with current Division practices. Update Rule citations.	Yes	The purpose of this rule is to establish specific guidelines and minimum standards for out-of-state trust companies for the establishment of trust offices and representative trust offices in Colorado.	Colorado State-Chartered Trust Companies and Sunshine List Recipients

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
18	Banking	October 17, 2024	3 CCR 701-6 TC28	Charter Surrender	New	A trust company, upon furnishing to the Banking Board satisfactory evidence of its release and discharge from all trust obligations, will have its charter canceled by the Division and will not be permitted to use the word "trust" in its name or connection with its business. A trust company that has not operated in Colorado or conducted any trust business and has been released from any trust or other trust obligations for 24 months or more, must surrender its charter for cancellation and remove the word "trust" from its name. A trust company in good standing when it surrenders its charter, may reapply for a trust charter as outlined in Section 11-109-301, C.R.S., and it must submit an updated business plan and supporting documentation as required in an initial chartering application. The company may also submit a pre-filing of an application for review and feedback from the Commissioner.	No	The purpose of this rule is to establish requirements for canceling a trust charter, establish the timeframe in which an inactive trust company must surrender its charter, and establish guidelines for a trust company, who at the time of cancellation was in good standing, to reapply for a trust charter.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
19	Banking	April 17, 2025	3 CCR 701-6 TC29	Audit of Fiduciary Activities	New	Require a trust company to annually arrange for a suitable audit (by internal or external auditors) of all significant fiduciary activities, unless the trust company adopts a continuous audit system. In lieu of performing annual audits, a trust company may adopt a continuous audit system under which the trust company arranges for a discrete audit (by internal or external auditors) of each significant fiduciary activity (i.e., on an activity-by-activity basis) under the direction of its audit or similar committee, at an interval commensurate with the nature and risk of that activity.	No	The purpose of this rule is to establish the requirements pertaining to the audit of fiduciary activities.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
20	Banking	April 17, 2025	3 CCR 701-6 TC7	Financial Reporting	Revision	Rename the Rule and remove reference verbiage as generally accepted accounting procedures change routinely and banks should prepare financial statements and reports in conformance with current requirements, not those that were in effect as of the date of the Rule.	No	The purpose of this rule is to require banks to prepare financial statements in accordance with generally accepted accounting principles except where the banking board may allow banks to deviate from such principles in order to establish regulatory and competitive parity.	Colorado State-Chartered Trust Companies and Sunshine List Recipients
21	Banking	February 20, 2025	3 CCR 701-10 AR4	Protests to Applications for Charter, Service Area Definition, and Economic Feasibility Studies	Revision	The Office of Legislative Legal Services (OLLS), a part of the Colorado Legislative Branch, reviews newly enacted Rules for legality and clarity. OLLS recommended sections (D) and (J) be amended to include references for clarification.	No	The purpose of this rule is to provide information and time frames pertaining to protests to applications and economic feasibility studies for a Colorado state-chartered bank or trust company charter.	Colorado State Chartered Commercial Banks, Colorado State Chartered Trust Companies, Colorado Licensed Money Transmitter Companies, Financial Institutions that have a Public Deposit Protection Act Certification, Escrow Institutions, and the Sunshine List Recipients

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
22	Banking	April 17, 2025	3 CCR 701-10 AR13	Decision and Order Procedures of the Banking Board	Revision	Move rule verbiage from Commercial Banks 3 CCR 701-1 Rule CB1.20 Decision and Order to AR13 as it is a more suitable rule for the information. Additionally, the amendment is to make technical updates and clarify that the Chairman of the Banking Board or designee must sign all decisions and orders.	Yes	The purpose of this rule is to set forth procedural requirements pertaining to decisions and orders issued by the Banking Board.	Colorado State Chartered Commercial Banks, Colorado State Chartered Trust Companies, Colorado Licensed Money Transmitter Companies, Financial Institutions that have a Public Deposit Protection Act Certification, Escrow Institutions, and the Sunshine List Recipients
23	Banking	April 17, 2025	3 CCR 701-1 CB1.1	Scope	Repeal	Rule 3 CCR 701-1 CB1.1 restates Section 11-102-104(1)(b) of the Colorado Revised Statutes and a standalone rule is unnecessary.	Yes	The purpose of this rule is to provide procedural guidelines for appearances and practices before the Colorado State Banking Board, as well as to outline substantive regulations that implement provisions of the Colorado Banking Code.	Colorado State Chartered Commercial Banks
24	Banking	April 17, 2025	3 CCR 701-1 CB1.11	Application Documents Confidential	Repeal	Section 11-102-305(1)(a)(II), C.R.S. grants access to certain application documents. Furthermore, the provisions in Sections 11-102-305(1)(a)(I) and (III), C.R.S. provides the Commissioner with sufficient discretion to protect sensitive information. Therefore, confidentiality is governed by statutory guidelines and a standalone, procedural rule is unnecessary.	Yes	The purpose of this rule is to ensure that applications and their exhibits are open to the public for review before a hearing. However, the Commissioner may keep Financial and Biographical Reports confidential if a request is made and good cause is demonstrated.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
25	Banking	April 17, 2025	3 CCR 701-1 CB1.20	Decision and Order	Repeal	Amended rule verbiage will be moved to Financial Institution Administrative Rules 3 CCR 701-10 AR13.	Yes	The purpose of this rule is to ensure that copies of the Colorado State Banking Board's (Banking Board) decisions and orders are distributed to all relevant parties, including participants in the proceedings, state and federal supervisory authorities, and others as deemed necessary by the Commissioner.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
26	Banking	April 17, 2025	3 CCR 701-1 CB101.10	Fiduciary Self-Dealing	Revision	Broaden the scope of law applicable to a bank's investment of funds of fiduciary accounts when the bank has investment discretion authority over the fiduciary accounts. Clarify who should be included as prohibited parties. Broaden the scope of law applicable to a bank's selling of assets between fiduciary accounts.	Yes	Transactions between related parties and interests of a state bank and its fiduciary accounts represent self-dealing and are prohibited except under very limited circumstances. The purpose of this rule outlines those circumstances.	Colorado State Chartered Commercial Banks and Sunshine List Recipients

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27	Banking	April 17, 2025	3 CCR 701-1 CB101.24	Agricultural Credit Corporations	Revision	Align the rule with the federal standards through the incorporation by reference the following applicable code of federal regulation: Code of Federal Regulations Title 12 - Banks and Banking Chapter I - Comptroller of the Currency, Department of the Treasury Part 5 Rules, Policies, and Procedures for Corporate Activities Subpart C Expansion of Activities § 5.36 Other equity investments by a national bank (d) Procedure (1) (i) An agricultural credit corporation. The current rule requires an application and prior approval by the Banking Board, while the federal regulation requires notification within 10 days after making an investment. Therefore, all notifications required under this amended rule, must be submitted to the Division. Any references to "National Bank" in the incorporated federal regulations shall be interpreted to mean "Colorado State-Chartered Commercial Bank." The incorporated material is available at https://banking.colorado.gov/banking-home/rules-statutes .	Yes	The purpose of this rule is to allow and set forth the requirements of investment in an agricultural credit corporation by a state bank.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
28	Banking	April 17, 2025	3 CCR 701-1 CB101.31	Lease Financing	Revision	Make technical updates to titles and the Division's address.	Yes	The purpose of this rule is to provide the authority, limitations, and restrictions pertaining to lease financing.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
29	Banking	April 17, 2025	3 CCR 701-1 CB101.32	Activities That are Primarily Investments in Real Estate	Revision	Establish a requirement for a state bank to provide a 60 calendar day prior notification or 10 calendar day notification post investment notification to the Division.	Yes	The purpose of the rule is to define limitations for real estate investments by Colorado state-chartered banks.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
30	Banking	April 17, 2025	3 CCR 701-1 CB101.37	Transactions With Affiliates and Loans to Executive Officers, Directors, and Principal Shareholders	Revision	Align the rule with the federal standards through the incorporation by reference the following applicable codes of federal regulation: Code of Federal Regulations Title 12 - Banks and Banking Chapter II - Federal Reserve System - Subchapter A - Board of Governors of the Federal Reserve System - Part 223 Transactions Between Member Banks and Their Affiliates ("Regulation W"). Code of Federal Regulations Title 12 - Banks and Banking Chapter II - Federal Reserve System - Subchapter A - Board of Governors of the Federal Reserve System - Part 215 - Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks ("Regulation O"). The incorporated material is available at https://banking.colorado.gov/banking-home/rules-statutes	Yes	The purpose of this rule is to limit and regulate bank-affiliate transactions, establish guidelines for allowable transactions, set collateral requirements, and prohibit certain activities.	Colorado State Chartered Commercial Banks and Sunshine List Recipients

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31	Banking	April 17, 2025	3 CCR 701-1 CB101.40	Investment in Small Business Investment Companies	Repeal	Section 11-105-304(5), C.R.S. specifically mentions Small Business Investment Companies (SBICs). It states that a state bank may invest in shares of stock in small business investment companies organized under Public Law No. 85-699, also known as the Small Business Investment Act of 1958. Therefore, this investment power is governed by statutory guidelines and a standalone, procedural rule is unnecessary.	Yes	The purpose of this rule is to set forth the requirements for Colorado state-chartered banks to invest in shares of stock in small business investment companies organized under the Small Business Investment Act of 1958.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
32	Banking	April 17, 2025	3 CCR 701-1 CB101.41	Investment in a Bank Service Corporation	Revision	Update an outdated reference to Rule CB101.52.	Yes	The purpose of the rule is to provide a limit to the amount of the investment a Colorado state-chartered bank may invest in a bank service corporation.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
33	Banking	April 17, 2025	3 CCR 701-1 CB101.42	Loans	Revision	Update the Division's address and phone number.	Yes	The purpose of this rule is to outline the types of loans and extensions of credit that state banks are authorized to make, arrange, purchase, or sell.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
34	Banking	April 17, 2025	3 CCR 701-1 CB101.44	Dividends	Revision	Include capital limitations on the payment of dividends to ensure state-chartered banks maintain sufficient capital. Under Rule CB101.44(C), Earnings Limitation on Payment of Dividends, the current Rule does not provide clarification regarding the source of dividend payments, nor is there a definition of undivided profits in the Rule. Division staff recommends this addition to provide clarity regarding the source of dividend payments. Include the Prompt Corrective Action "undercapitalized" definition through the incorporation by reference the following applicable code of federal regulation: Code of Federal Regulations Title 12 - Banks and Banking Chapter III - Federal Deposit Insurance Corporation Subchapter B - Regulations and Statements of General Policy Part 324 Capital Adequacy of FDIC-Supervised Institutions, which includes Subpart H Prompt Corrective Action. The incorporated material is available at https://banking.colorado.gov/banking-home/rules-statutes .	Yes	The purpose of this rule is to establish requirements pertaining to the declaration and payment of dividends by state-chartered commercial banks.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
35	Banking	April 17, 2025	3 CCR 701-1 CB101.45	Generally Accepted Accounting Principles	Revision	Make technical changes. Remove reference verbiage as generally accepted accounting procedures change routinely and banks should prepare financial statements and reports in conformance with current requirements, not those that were in effect as of the date of the Rule.	Yes	The purpose of this rule is to require banks to prepare financial statements in accordance with generally accepted accounting principles except where the banking board may allow banks to deviate from such principles in order to establish regulatory and competitive parity.	Colorado State Chartered Commercial Banks and Sunshine List Recipients

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36	Banking	April 17, 2025	3 CCR 701-1 CB101.46	Standards for Determining Value of Asset	Repeal	GAAP is already mandatory for all banks in the U.S., including those regulated by the Division. Further, the Financial Accounting Standards Board (FASB) regularly updates GAAP standards. Since GAAP standards are dynamic and updated frequently, repealing CB101.46 would eliminate duplication of federal standards and help ensure banks consistently follow the latest FASB guidance without confusion from potentially outdated state rules.	Yes	The purpose of this rule is to establish the standard for valuing assets and valuation reserves, such as for bad debts and fixed asset depreciation, in accordance with generally accepted accounting principles (GAAP) or regulatory requirements. This ensures that asset valuations are consistent and reflect appropriate financial reporting standards.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
37	Banking	April 17, 2025	3 CCR 701-1 CB101.47	Reports of New Executive Officers, Directors, and Persons in Control and Related Late Filing Penalty	Revision	The 2023 Banking Sunset Review contained a recommendation that the penalty for the late filing of these notifications should be modernized as the amount to be assessed was not meaningful and does not deter a bank from failing to submit the notifications to the Colorado State Banking Board. The passage of HB24-1351, which included the aforementioned 2023 Banking Sunset Review recommendation, amended the late filing penalty to \$100 per day. In order to reflect the new late filing penalty, Banking Board Rule CB101.47 must be amended to change the late filing penalty from \$25 per day to \$100 per day. Update titles for consistency in verbiage throughout rules.	Yes	The purpose of this rule is to require banks to provide notification of new or changes in executive officers, directors, persons in control and outlines penalties for late filing of said notices.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
38	Banking	April 17, 2025	3 CCR 701-1 CB101.48	Investment in Federal Home Loan Bank	Repeal	To eliminate redundancy and confusion within the regulatory framework governing state banks' investment in the Federal Home Loan Bank. Eligibility requirements for membership are already clearly defined in the Code of Federal Regulations Title 12 - Banks and Banking Chapter 12 - Federal Housing Finance Agency - Subpart C—Eligibility Requirements § 1263.6, therefore, there is no need for a state-level rule that restates this information.	Yes	The purpose of this rule is to allow state banks to purchase and hold stock in the Federal Home Loan Bank and become members to utilize its services.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
39	Banking	April 17, 2025	3 CCR 701-1 CB101.52	Capital Standards	Revision	Include a list of capital references within statute for clarity in Rule CB101.52 and throughout Rule 3 CCR 701-1 as well as clarifying the definitions of the terms.	Yes	The purpose of this Rule is to define risk-based capital and its components, establish risk categories and weights, and establish guidelines regarding the adequacy of risk-based capital.	Colorado State Chartered Commercial Banks and Sunshine List Recipients

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40	Banking	April 17, 2025	3 CCR 701-1 CB101.53	Loan Production Office	Revision	Allow loan approvals to occur at the LPO instead of the main office or bank branch or its subsidiary. According to OCC Interpretive Letter #902 "credit underwriting is essentially a back office function and has become even more so as modern technology has made it possible for loan "approval" functions to be performed virtually anywhere . . . Therefore, the physical location where loan "approval" may take place may have little significance in today's world." It follows that loan approval may take place at any location, including an LPO, without making that location a branch under the McFadden Act. In order to maintain parity with national banks operating LPOs in Colorado, loan approvals should be permissible at state chartered LPOs. Require an application be filed for a change in location of a LPO. Remove the application requirement from paragraph (D) as it is required in paragraph (B). Make minor grammatical and technical amendments.	Yes	The purpose of this rule is to define a loan production office (LPO) and outlines the application process.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
41	Banking	April 17, 2025	3 CCR 701-1 CB101.54	Branching Practices	Revision	Introduce structural, content, and operational updates to streamline and modernize branching practices. Consolidate sections under broader categories for easier navigation. Clarify branch relocation processes with distinct approval requirements for short- and long-distance relocations. Clarify branch closure procedures. Remove sections that are already covered by statute. Add new guidelines for federal holidays falling on Saturdays.	Yes	The purpose of this rule is to establish guidelines for banks regarding the notification and approval process for establishing, relocating, and closing branches in Colorado.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
42	Banking	April 17, 2025	3 CCR 701-1 CB101.55	Contractual Acceptance of Deposits	Repeal	Section 11-105-604, C.R.S. does not mandate a deposit contract review or approval process by a financial institution's board, nor does it require filing a deposit contract with the State Bank Commissioner. Additionally, the statute lacks provisions that specify terms or notifications related to contract extensions, amendments, or termination. The statement in Section D of the current rule that deposit contracts do not constitute a branch is already addressed in Section 11-105-604(1) C.R.S., making this section redundant. Therefore, the Division finds this rule to be unnecessary.	Yes	The purpose of this rule is to ensure that financial institutions adequately review and document deposit contracts through their board of directors, ensure the contract contains specific provisions, and file a copy with the Division.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
43	Banking	April 17, 2025	3 CCR 701-1 CB101.56	Investment in Tax Lien Sale Certificates of Purchase	Repeal	The Rule is outdated, and in its current form that requires prior Banking Board approval for investment in Tax Lien Certificates is more restrictive than the Office of the Comptroller of the Currency 's (OCC) safety and soundness guidance. The rule puts Colorado state-chartered banks at a competitive disadvantage, and the rule should be repealed.	Yes	The purpose of this rule is to regulate Colorado state-chartered banks' investments in Tax Lien Sale Certificates of Purchase (TLSCP) by requiring prior approval from the Banking Board and imposing strict eligibility criteria based on the banks' CAMELS rating.	Colorado State Chartered Commercial Banks and Sunshine List Recipients

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44	Banking	April 17, 2025	3 CCR 701-1 CB101.58	Investment in a Subsidiary	Revision	Modernize the limitations of a state bank's investment in an operating subsidiary to increase parity with the regulation of national banks. Expand the operating subsidiaries in which a state bank can invest. Decrease the percentage of voting interest of the operating subsidiary from 80 percent to 50 percent. Establish the conditions in which an operating subsidiary may engage in activities in which the parent bank may engage. Define the meaning of "the ability to control the management and operations" of the subsidiary. Expand the business entities in which a state bank, through its operating subsidiary, may invest. Decrease the percentage of ownership level in a business that a state bank, through its subsidiary, may invest in from 80 percent to 50 percent. Require that the business entity in which the state bank invests, must agree to Division supervision and examination.	Yes	The purpose of this rule is to establish the general and additional limitations for a state bank investing in an operating subsidiary.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
45	Banking	April 17, 2025	3 CCR 701-1 CB101.59	Investment Powers	Revision	Align the rule with the federal standards through the incorporation by reference the following applicable codes of federal regulation: Code of Federal Regulations Title 12 - Banks and Banking Chapter I - Comptroller of the Currency, Department of the Treasury Part 1 Investment Securities - 12 U.S.C.A. § 24. Corporate powers of associations - Seventh. The incorporated material is available at https://banking.colorado.gov/banking-home/rules-statutes .	Yes	The purpose of this rule is to define the investment powers of state banks, allowing them to make investments similar to those permitted for national banks under specific federal regulations.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
46	Banking	April 17, 2025	3 CCR 701-1 CB101.60	Investments in Community Development Projects and Other Public Welfare Investments	Revision	Align the rule with the federal standards through the incorporation by reference the following applicable code of federal regulation: Code of Federal Regulations Title 12 - Banks and Banking Chapter I - Comptroller of the Currency, Department of the Treasury Part 24 Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments. Any references to "National Bank" in the incorporated federal regulations shall be interpreted to mean "Colorado State-Chartered Commercial Bank." The incorporated material is available at https://banking.colorado.gov/banking-home/rules-statutes	Yes	The purpose of this rule is to establish the standards and procedures for state banks to make investments in community development projects and public welfare investments that primarily benefit low- and moderate-income individuals and areas.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
47	Banking	April 17, 2025	3 CCR 701-1 CB101.61	Appraisal of Other Real Estate	Revision	Update the reference to the Division of Real Estate statutes. Update titles for consistency in verbiage throughout rules.	Yes	The purpose of this rule is to establish requirements pertaining to the appraisal of other real estate.	Colorado State Chartered Commercial Banks and Sunshine List Recipients

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48	Banking	April 17, 2025	3 CCR 701-1 CB101.62	Pledging Assets	Repeal	Requirements for accepting and collateralizing tribal funds are established in the Code of Federal Regulations Title 25 - Indians - Chapter 4 - Performance by United States of Obligations to Indians - Subchapter III - Deposit, Care, and Investment of Indian Moneys §162a. Deposit of tribal funds in banks; bond or collateral security; investments; collections from irrigation projects; affirmative action required. The rule is arguably preempted by federal law governing tribal fund deposits. Repealing this rule may reduce confusion with and avoid conflicts between state and federal law	Yes	The purpose of this rule is to allow state banks to provide security for funds deposited by federally-recognized Indian Tribes or their officials through the pledge of eligible collateral.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
49	Banking	April 17, 2025	3 CCR 701-1 CB101.66	Frequency of Board Meetings	Revision	Expand the purpose of the rule to establish requirements for reviewing key transactions and recordkeeping; Add a new requirement for the state bank board or its executive committee to review specific high value transactions such as loans, advances, security purchases each month to strengthen the oversight of key transactions that could impact the bank's capital. Add a new requirement for the state bank board or its executive committee to maintain a record of the key transactions reviewed and for this review to be ratified by the state bank board at its next scheduled meeting. Clarify the requirements pertaining to considering the bank's bylaws when changing meeting frequency. Clarify the process regarding the Division's Banking Board or Commission review of director absences and notification to the bank's president whether or not the absences and continuation of the director are approved. Update the rule title to reflect the rule expansion.	Yes	The purpose of this rule is to establish the minimum frequency for state bank board meetings and attendance, as well as outline the process for meeting schedule changes.	Colorado State Chartered Commercial Banks and Sunshine List Recipients
50	Banking	April 17, 2025	3 CCR 701-1 CB101.7	Messenger Service	Revision	Make minor grammatical changes and include the statutory citations that allows banks to provide messenger services.	Yes	The purpose of this Rule is to define and set forth requirements pertaining to messenger service, a service, like a courier or armored car service, that state banks use to transport items related to transactions between the bank and its customers.	Colorado State Chartered Commercial Banks and Sunshine List Recipients

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51	Banking	February 20, 2025	3 CCR 701-7 MO3	Records	Revision	The 2023 Money Transmitter Sunset Review contained a recommendation to eliminate the submission of certain agent information submitted annually to the Colorado State Banking Board. The passage of HB24-1328, repealed the requirement to send the name, address, and telephone number of each of the owners of the agent holding more than ten percent interest in the business if the agent is a partnership or an entity created pursuant to Title 7. This amendment removes the requirement from Rule. Under federal law, money transmitters are already required to keep track of agent information and most of this information is already captured by the National Multistate Licensing System and Registry (NMLS). This amendment requires the submission of the agent information via the NMLS portal rather than directly to the Colorado State Banking Board.	Yes	The purpose of this rule is to set requirements for quarterly call reports, record retention, and agent reporting.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
52	Banking	July 17, 2025	3 CCR 701-7 MO0.5	Definitions	Emergency Revision Due to the Re-Enactment, with Amendments, of the MTMA	To align definitions and referenced statutes to the MTMA, Sections 11-110- 201, and 1004, C.R.S.	Yes	The purpose of this rule is to define certain terms that are not defined in statute, and to provide statutory references for certain terms.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
53	Banking	July 17, 2025	3 CCR 701-7 MO1	Surety Bond	Emergency Revision Due to the Re-Enactment, with Amendments, of the MTMA	Remove sections that are no longer applicable to align with the MTMA. Change the maximum surety bond amount from two million to one million to align with the MTMA, Section 11-110-1002, C.R.S. Update the generally accepted accounting procedures reference as it changes routinely and should be used in conformance with current requirements, not those that were in effect as of the date of the rule. Update a statutory reference to align with the MTMA, Section 11-110-1002, C.R.S.	Yes	The purpose of this rule is to set forth requirements pertaining to surety bonds provided as security for outstanding money transmission.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
54	Banking	July 17, 2025	3 CCR 701-7 MO2	Permissible Investments	Emergency Revision Due to the Re-Enactment, with Amendments, of the MTMA	Remove outdated language pertaining to permissible investments, and their ownership, to align with the MTMA. Remove requirements that are now codified in the MTMA, Sections 11-110- 1003 and 1004, C.R.S. Update statutory references to align with the MTMA, Sections 11-110-1003 and 1004, C.R.S.	Yes	The purpose of this rule is to set forth requirements pertaining to permissible investments.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
55	Banking	July 17, 2025	3 CCR 701-7 MO3	Quarterly NMLS Reports	Emergency Revision Due to the Re-Enactment, with Amendments, of the MTMA	Revise the rule section title from "Records" to "NMLS Records and Quarterly Reports" to better reflect the rule contents. Align reporting requirements with those in the MTMA, Sections 11-110-701 and 703, C.R.S. Remove requirements that are now codified in the MTMA, Sections 11-110-701 and 703, C.R.S. Update statutory references to align with the MTMA, Sections 11-110-701 and 703, C.R.S.	Yes	The purpose of this rule is to set forth requirements pertaining to Money Transmitter records and reports.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
56	Banking	July 17, 2025	3 CCR 701-7 MO4	Qualification of License Applicant	Emergency Repeal Due to the Re-Enactment, with Amendments, of the MTMA	Rule language is now codified in the MTMA, and a duplicative rule is not necessary.	Yes	The purpose of this rule is to set forth requirements pertaining to the qualifications of license applicants.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
57	Banking	July 17, 2025	3 CCR 701-7 MO5	Change of Control	Emergency Revision Due to the Re-Enactment, with Amendments, of the MTMA	Align requirements with those in the MTMA, Section 11-110-601, C.R.S. Remove requirements that are now codified in the MTMA, Section 11-110-601, C.R.S. Update statutory references to align with the MTMA, Section 11-110-601, C.R.S.	Yes	The purpose of this rule is to set forth requirements pertaining to the change of control of a licensee.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
58	Banking	September 5, 2025	3 CCR 701-7 MO5	Change of Control	Correction to the Emergency Revision Due to the Re-Enactment, with Amendments, of the MTMA	Correction to typographical errors in the emergency filing.	No	The purpose of this rule is to set forth requirements pertaining to the change of control of a licensee.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
59	Banking	July 17, 2025	3 CCR 701-7 MO6	Compliance with Federal Regulations	Emergency Repeal Due to the Re-Enactment, with Amendments, of the MTMA	Rule language is now codified in the MTMA, and a duplicative rule is not necessary.	Yes	The purpose of this rule is to set forth requirements pertaining to each licensee's compliance with federal regulations.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
60	Banking	July 17, 2025	3 CCR 701-7 MO7	Customer Notice	Emergency Revision Due to the Re-Enactment, with Amendments, of the MTMA	Update a statutory reference to align with the MTMA, Section 11-110-904, C.R.S.	Yes	The purpose of this rule is to set forth requirements pertaining to the posting of a Customer Notice at each agent location, or other facility located in Colorado where exchange is sold or issued, or the business of money transmission is conducted.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
61	Banking	July 17, 2025	3 CCR 701-7 MO8	Employee Money Laundering Affirmation	Emergency Repeal Due to the Re-Enactment, with Amendments, of the MTMA	Requirements pertaining to Employee Money Laundering Affirmation were not included in the MTMA as it was considered an onerous requirement for agents of licensees. Furthermore, training pertaining to money laundering is addressed in BSA. Therefore, the rule is no longer necessary.	Yes	The purpose of this rule is to set forth procedures for an employee of an agent conducting money transmission services for a licensed money transmitter to affirm in writing their understanding of state and federal money laundering laws.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
62	Banking	September 18, 2025	3 CCR 701-7 MO0.5	Definitions	Revision	To align definitions and referenced statutes to the MTMA, Sections 11-110- 201, and 1004, C.R.S.	Yes	The purpose of this rule is to define certain terms that are not defined in statute, and to provide statutory references for certain terms.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
63	Banking	September 18, 2025	3 CCR 701-7 MO1	Surety Bond	Revision	Remove sections that are no longer applicable to align with the MTMA. Change the maximum surety bond amount from two million to one million to align with the MTMA, Section 11-110-1002, C.R.S. Update the generally accepted accounting procedures reference as it changes routinely and should be used in conformance with current requirements, not those that were in effect as of the date of the rule. Update a statutory reference to align with the MTMA, Section 11-110-1002, C.R.S.	Yes	The purpose of this rule is to set forth requirements pertaining to surety bonds provided as security for outstanding money transmission.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
64	Banking	September 18, 2025	3 CCR 701-7 MO2	Permissible Investments	Revision	Remove outdated language pertaining to permissible investments, and their ownership, to align with the MTMA. Remove requirements that are now codified in the MTMA, Sections 11-110-1003 and 1004, C.R.S. Update statutory references to align with the MTMA, Sections 11-110-1003 and 1004, C.R.S.	Yes	The purpose of this rule is to set forth requirements pertaining to permissible investments.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
65	Banking	September 18, 2025	3 CCR 701-7 MO3	Records	Revision	Revise the rule section title from "Records" to "NMLS Records and Quarterly Reports" to better reflect the rule contents. Align reporting requirements with those in the MTMA, Sections 11-110-701 and 703, C.R.S. Remove requirements that are now codified in the MTMA, Sections 11-110-701 and 703, C.R.S. Update statutory references to align with the MTMA, Sections 11-110-701 and 703, C.R.S. Add Section C: "The filing or commencement of an administrative or legal action by a regulatory agency or licensing authority in a state, territory, or country in which the licensee engages in business or is licensed, must be uploaded to the NMLS within 15 business days after the licensee has reason to know of the occurrence." This addition is to provide the Division with pertinent and timely information regarding actions and to align rule with other states' regulations that provide authority to cite for a violation if notice.	Yes	The purpose of this rule is to set forth requirements pertaining to Money Transmitter records and reports.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
66	Banking	September 18, 2025	3 CCR 701-7 MO4	Qualification of License Applicant	Repeal	Rule language is now codified in the MTMA, and a duplicative rule is not necessary.	Yes	The purpose of this rule is to set forth requirements pertaining to the qualifications of license applicants.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
67	Banking	September 18, 2025	3 CCR 701-7 MO5	Change of Control	Revision	Align requirements with those in the MTMA, Section 11-110-601, C.R.S. Remove requirements that are now codified in the MTMA, Section 11-110-601, C.R.S. Update statutory references to align with the MTMA, Section 11-110-601, C.R.S.	Yes	The purpose of this rule is to set forth requirements pertaining to the change of control of a licensee.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
68	Banking	September 18, 2025	3 CCR 701-7 MO6	Compliance with Federal Regulations	Repeal	Rule language is now codified in the MTMA, and a duplicative rule is not necessary.	Yes	The purpose of this rule is to set forth requirements pertaining to each licensee's compliance with federal regulations.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
69	Banking	September 18, 2025	3 CCR 701-7 MO7	Customer Notice	Revision	Update a statutory reference to align with the MTMA, Section 11-110-904, C.R.S.	Yes	The purpose of this rule is to set forth requirements pertaining to the posting of a Customer Notice at each agent location, or other facility located in Colorado where exchange is sold or issued, or the business of money transmission is conducted.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
70	Banking	September 18, 2025	3 CCR 701-7 MO8	Employee Money Laundering Affirmation	Repeal	Requirements pertaining to Employee Money Laundering Affirmation were not included in the MTMA as it was considered an onerous requirement for agents of licensees. Furthermore, training pertaining to money laundering is addressed in BSA. Therefore, the rule is no longer necessary.	Yes	The purpose of this rule is to set forth procedures for an employee of an agent conducting money transmission services for a licensed money transmitter to affirm in writing their understanding of state and federal money laundering laws.	Colorado Licensed Money Transmitter Companies and Sunshine List Recipients
71	DOI		1-1-3	Concerning Rules Governing the Filing of Declaratory Judgment Petitions with the Colorado Insurance Commissioner	Revision	§§ 10-1-109, and 24-4-105(11), C.R.S.	Yes	This regulation contains the requirements for the submission of, and ruling on, petitions for declaratory orders by the Commissioner of Insurance.	Insurers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
72	DOI		1-2-5	Insurance Producers Prelicensing Education Requirements for Residents	Revision	§§ 10-1-109, 10-2-104, and 10-2-201(2), C.R.S.	Yes	The purpose of this regulation is to set forth the prelicensing education required for all applicants for a resident insurance producer license issued by the State of Colorado. The regulation also sets forth the method for submission and approval of prelicensure education courses.	Insurance producers
73	DOI		1-2-6	Concerning Reinsurance Intermediaries	Revision	§§10-2-104, 10-2-912, and 10-2-1101, C.R.S.	Yes	In accordance with the provisions of Part 9, of Article 2 of Title 10, reinsurance intermediaries are required to be licensed by the Division of Insurance prior to doing business in Colorado. The purpose of this regulation is to specify the filing requirements for licensure.	Insurers
74	DOI		1-2-10	Concerning the Regulation of Insurance Producers, Including Public Adjusters, and Authorized Insurers by the Colorado Division of Insurance	Revision	§§ 10-1-109, 10-2-104, 10-2-407, 10-2-413, 10-2-417 and 10-16-414, C.R.S.	Yes	This regulation sets forth the terms and conditions for licensing insurance producers, including public adjusters, and regulates certain requirements of insurers, agencies, producers and entities acting as public adjusters. This regulation also establishes the fees required by § 10-2-413, C.R.S. Nothing in this emergency regulation shall change or modify any provisions of a Colorado motor vehicle insurance plan as may be adopted by the Commissioner under the authority of § 10-4-412, C.R.S.	Insurance producers
75	DOI		2-1-9	Concerning the Licensure of Limited Services Licensed Provider Networks	Revision	§§ 6-18-302(1)(b), 10-1-108(13)(a), 10-1-109(1), and 10-16-109, C.R.S.	Yes	The purpose of this regulation is to establish requirements for licensure as a limited service licensed provider network, and to clarify the applicability of health benefit mandates and Title 10 requirements to limited service licensed provider network health coverage plans.	Health insurers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
76	DOI		3-1-10	Concerning Financial Statement Filings, Accounting Standards and Reporting Liabilities	Revision	§§ 10-1-108, 10-1-109, 10-3-109, 10-3-208, 10-5-117, 10-6-129, 10-14-505, 10-14-602, 10-16-109, and 10-16-111, Colorado Revised Statutes (C.R.S.).	Yes	Colorado insurance law provides that regulated companies must file financial statements annually with the Commissioner of Insurance. Insurers subject to the provisions of § 10-3-208, C.R.S. are required to file what is known as the convention blank adopted from year to year by the National Association of Insurance Commissioners (NAIC). Colorado law does not specifically prescribe a form of the annual statement filing for nonprofit hospital, medical-surgical, and health service corporations, health maintenance organizations, prepaid dental care plan organizations, group captive insurers and fraternal benefit societies. However, the NAIC does adopt convention blanks for each of these regulated companies and the Commissioner has been provided the authority to designate the form of the annual filing for these entities.	Insurers
77	DOI		3-1-17	Concerning Corporate Governance Annual Disclosures	Revision	§§ 10-1-109(1), 10-3-1603, 10-3-1604(2), 10-3-1608, 10-5-117, 10-6-129 and 10-16-109, C.R.S.	Yes	The purpose of these regulations is to set forth the procedures for filing and the required contents of the Corporate Governance Annual Disclosure (CGAD) as required by §§ 10-3-1603 and 10-3-1604, C.R.S.	Insurers
78	DOI		3-2-4	Participation Loans	Revision	§§ 10-1-109, 10-6-129, 10-14-505 and 10-16-109, C.R.S.	Yes	The purpose of this regulation is to implement the provisions of § 10-3-216(1)(f), C.R.S., in regard to participation loans authorized pursuant to statute	Insurers
79	DOI		3-2-8	Internal Controls Related to Derivatives	Revision	§§10-1-109(1), and 10-3-243(3), C.R.S.	Yes	The purpose of this regulation is to set forth rules and procedural requirements which the Commissioner deems necessary to carry out the provisions of Section 10-3-243, C.R.S., regarding domestic insurers that enter into derivative transactions.	Insurers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
80	DOI	Effective 1/30/25	4-1-8	Concerning the Disclosure Requirements for Life Insurance Illustrations	Revision	§§ 10-1-109(1) and 10-3-1110(1), C.R.S.	No	The purpose of this regulation is to provide rules for life insurance policy illustrations that will protect consumers and foster consumer education. The regulation provides illustration formats, prescribes standards to be followed when illustrations are used, and specifies the disclosures that are required in connection with illustrations. The goals of this regulation are to ensure that illustrations do not mislead purchasers of life insurance and to make illustrations more understandable. Insurers will, as far as possible, eliminate the use of footnotes and caveats and define terms, used in the illustration, in language that would be understood by a typical person within the segment of the public to which the illustration is directed.	Life insurers
81	DOI		4-2-3	Advertisements of Accident and Sickness Insurance	Revision	§§ 10-1-109 and 10-3-1110, C.R.S.	Yes	The purpose of this regulation is to establish minimum criteria to assure proper and accurate description and to protect prospective purchasers with respect to the advertisement of accident and sickness insurance. This regulation assures the clear and truthful disclosure of the benefits, limitations and exclusions of policies sold as accident and sickness insurance by the establishment of standards of conduct in the advertising of accident and sickness insurance in a manner that prevents unfair, deceptive and misleading advertising and is conducive to accurate presentation and description to the insurance-buying public through the advertising media and material used by insurance producers and companies.	Health insurers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
82	DOI		4-2-17	Prompt Investigation of Health Claims Involving Utilization Review and Denial of Benefits and Rules Related to Internal Claims and Appeals Processes	Revision	§§ 10-1-109, 10-3-1110, 10-16-109, and 10-16-113(2) and (10), C.R.S.	Yes	The purpose of this regulation is to set forth guidelines for carrier compliance with the provisions of §§ 10-3-1104(1)(h), 10-16-409(1)(a), and 10-16-113, C.R.S., in situations involving utilization review and certain denials of benefits for treatment, as well as rescission, cancellation, or denial of coverage based on an eligibility determination, as described herein. Among other things, § 10-3-1104(1)(h), C.R.S., requires carriers to adopt and implement reasonable standards for the prompt investigation of claims arising from health coverage plans; promptly provide a reasonable explanation of the basis in the health coverage plan in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement; and refrain from denying a claim without conducting a reasonable investigation based upon all available information.	Health insurers
83	DOI	Effective 5/30/25	4-2-27	Procedures for Reasonable Modifications to Individual and Small Group Health Benefit Plans	Revision	§§10-1-109, 10-16-109, 10-16-103.4(7), 10-16-105.1(6), 10-16-105.7(3)(c), and 10-16-122.4(5), C.R.S.	No	The purpose of this regulation is to establish procedures for the submission of reasonable modifications to grandfathered, individual and small group health benefit plans, to non-grandfathered individual and small group health benefit plans, as outlined in § 10-16-105.1(5), C.R.S.	Health insurers
84	DOI	Effective 10/1/25	4-2-40	Concerning the Elements of Certification for Certain Limited Benefit Health Plans, Credit Life and Health, Preneed Funeral Contracts, Excess/Stop-Loss Insurance Forms, Sickness and Accident Insurance, Paid Family and Medical Leave Insurance Plans, and Other Limited Benefit Health Plans	Revision	§§ 10-1-109(1), 10-3-1110, 10-16-107.2(1),(2),(3), 10-16-107.3(4), 10-16-109, C.R.S., and § 8-13.3-501, and 8-13.3-521(2)(c) C.R.S.	No	The purpose of this regulation is to promulgate rules applicable to the filing of new and/or revised policy forms, new policy form listings, annual reports of policy forms, and certifications of policy forms and contracts, other than health benefit plan forms.	Health insurers
85	DOI	Effective 1/1/25	4-2-45	Uniform Individual and Small Group Health Benefit Plan Applications	Revision	§§ 10-1-109, 10-16-107.5(1), and 10-16-109, C.R.S.	No	The purpose of this regulation is to promulgate rules concerning the uniform individual and small group health benefit plan applications.	Health insurers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
86	DOI	Effective 1/1/26	4-2-49	Concerning the Development and Implementation of a Uniform Drug Benefit Prior Authorization Process, and the Required Drug Appeals Process	Revision	§§ 10-1-109, 10-16-109, 10-16-112.5, 10-16-124.5(3)(a), and 10-16-124.5(3)(c), C.R.S.	No	The purpose of this regulation is to establish the requirements, process, and form to be utilized by carriers, contracted pharmacy benefit management firms, and private utilization organizations for the prior authorization process for prescription drug benefits. Public posting of prior authorization requirements applicable to the prescription drug formulary for each health benefit plan are found at § 10-16-124.5(3.5)(a), C.R.S. and Colorado Insurance Regulation 4-2-101.	Health insurers
87	DOI	Effective 1/1/25	4-2-50	Concerning Pediatric Dental Coverage Requirements	Revision	§§ 10-1-109 and 10-16-103.4(7), C.R.S.	No	The purpose of this regulation is to establish a requirement that carriers cannot sell a health benefit plan to consumers with children under the age of nineteen (19) in the individual or small group market inside or outside the Exchange that does not contain pediatric dental essential health benefit (EHB) coverage without obtaining reasonable assurance that such coverage has been purchased.	Dental insurers
88	DOI	Effective 1/1/25	4-2-56	Concerning Continuity of Care Requirements for ACA-Compliant Health Benefit Plans	Revision	§§ 10-1-109(1), 10-16-109, 10-16-705 and 10-16-708, C.R.S.	No	The purpose of this regulation is to provide carriers offering ACA-compliant health benefit plans with the continuity of care requirements for health benefit plans. Continuity of care protections apply when a provider leaves or is terminated from a plans network; a Medicaid enrollee transfers to a commercial plan; or an enrollee's coverage is not renewed because the carrier is no longer offering any health benefit plans for which the individual is eligible.	Health insurers
89	DOI	Effective 5/30/25	4-2-58	Non-Discriminatory Cost-Sharing and Tiering Requirements for Prescription Drugs	Revision	§§ 10-3-1110, 10-16-103.6(2), 10-16-108.5(8), 10-16-109, C.R.S.	No	The purpose of this regulation is to establish rules for carriers regarding non-discriminatory cost-sharing and tiering requirements for prescription drugs.	Health insurers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
90	DOI	Effective 3/30/25	4-2-65	Concerning the Establishment of a Carrier Payment Arbitration Program for Out-of-Network Providers	Revision	§§ 10-1-109(1), 10-16-109, and 10-16-704(15)(b), C.R.S.	Yes	The purpose of this regulation is to establish the requirements for a carrier payment dispute arbitration program; to ensure that out-of-network providers seeking arbitration concerning payment received from a carrier utilize a standard arbitration request form; and to establish qualification requirements for arbitrators who participate in this arbitration program. These requirements are being established pursuant to HB 19-1174. This regulation replaces Colorado Emergency Regulation 19-E-05 in its entirety.	Health insurers
91	DOI		4-2-66	Concerning the Payment Methodology for Non Contracted Service Agencies that Provide Emergency Ambulance Services	Revision	§§ 10-1-109(1), 10-16-109, 10-16-704(5.5)(d)(II)(A), and 10-16-708, C.R.S.	Yes	The purpose of this regulation is to establish a payment methodology to be utilized by carriers to pay non-contracted service agencies that provide emergency ambulance services pursuant to HB 19-1174. This payment methodology does not apply to a publicly-funded fire agency.	Health insurers
92	DOI	Effective 1/30/25	4-2-64	Concerning Mental Health Parity in Health Benefit Plans	Revision	§§ 10-1-108(7), 10-1-109, 10-16-104(5.5)(b), 10-16-107(3)(a)(IV), 10-16-109, 10-16-113(10), 10-16-147(32), and 10-16-166(3), C.R.S.	No	The purpose of this regulation is to establish the requirements, processes, and forms to be utilized by carriers to ensure compliance with §§ 10-16-104(5.5) and 10-16-147, C.R.S., and the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA as defined at § 10-16-102(43.5), C.R.S.).	Health insurers
93	DOI	Effective 1/30/25	4-2-72	Concerning Strategies to Enhance Health Insurance Affordability	Revision	§§ 10-1-108(7), 10-1-109(1), 10-16-107(3.5), and 10-16-109, C.R.S.	No	The purpose of the regulation is to establish standards for health insurance carriers to enhance the affordability of their products by implementing payment system reforms. These reforms reduce overall health care costs by increasing utilization of primary and preventive care and value-based alternative payment models. The regulation establishes requirements for carrier investments in primary care and for alternative payment model (APM) parameter alignment reporting for primary care services offered through health benefit plans.	Health insurers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
94	DOI	Repeal Effective 7/30/2024	4-2-74	Concerning Data Reporting Requirements for Carriers Out-of-Network Reimbursements	Repeal		Yes	Withdrawn	Health insurers
95	DOI	Effective 1/1/26	4-2-78	Concerning Health Insurance Affordability Enterprise On-Exchange Subsidies	Revision	§§10-1-108(7), 10-1-109(1), 10-16-1207(5), and 10-16-109, C.R.S.	No	The purpose of this regulation is to provide standards for including payments to carriers pursuant to C.R.S. § 10-16-1205(1)(b)(II) in health benefit plans regulated by the Colorado Division of Insurance. The Division is amending regulation 4-2-78 at the recommendation of the Health Insurance Affordability Board and due to federal enhanced premium tax credits expiring after benefit year 2025.	Health insurers
96	DOI	Effective 6/14/25	4-2-81	Concerning the Methodology Colorado Option Standardized Health Benefit Plans	Revision	§§ 10-1-108(7), 10-1-109(1), 10-16-109, and 10-16-1312, C.R.S.	No	The purpose of this regulation is to establish rules for the required bronze, silver, and gold Standardized plans to be offered by all carriers offering individual and small group health benefits plans issued or renewed on or after January 1, 2026	Health insurers
97	DOI	Effective 5/30/25	4-2-82	Concerning Carrier Notices to Policyholders for Reasonable Modifications, Discontinuances, Market Exits, Drug Formulary Modifications and Carrier Renewal for Small Group Plans and Off-Exchange Plans	Revision	§§ 10-1-109, 10-16-105.1(6)(a), 10-16-105.7(3)(c), 10-16-122.4(5), and 10-16-109 C.R.S.	No	The purpose of this regulation is to provide carriers with the policyholder notice templates for plans that are being modified through the reasonable modifications process in accordance with Colorado Insurance Regulation 4-2-27, being discontinued in accordance with Colorado Insurance Regulation 4-2-51, or being continued without modification. The regulation provides notice templates for carrier's exit from the health insurance market, and modifications to current prescription drug formularies during the current plan year in accordance with Colorado Insurance Regulation 4-2-93.	Health insurers
98	DOI	Effective 6/14/25	4-2-85	Concerning the Methodology for Calculating Premium Rate Reductions for Colorado Option Standardized Health Benefit Plans	Revision	§§ 10-1-108(7), 10-1-109(1), 10-16-109, 10-16-1304, 10-16-1305, 10-16-1306, and 10-16-1312, C.R.S.	No	The purpose of this regulation is to establish rules for the required premium reduction methodology for the Colorado Option standardized bronze, silver and gold health benefit plans to be offered by all carriers offering individual and small group health benefits plans issued or renewed on or after January 1, 2026.	Health insurers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
99	DOI	Effective 2/1/25	4-2-91	Concerning the Methodology for Calculating Reimbursement Rates to Support Premium Rate Reductions for Colorado Option Standardized Health Benefit Plans	Revision	§§ 10-1-108(7), 10-1-109(1), 10-16-109, 10-16-1306, and 10-16-1312, C.R.S.	No	The purpose of this regulation is to establish a hospital and health-care provider reimbursement rate setting methodology for the Colorado Option premium rate reduction requirements on standardized health benefits plans.	Health insurers
100	DOI	Effective 2/1/25	4-2-92	Concerning Colorado Option Public Hearings	Revision	§§ 10-1-109, 10-16-107, 10-16-109, 10-16-1304, 10-16-1305, 10-16-1306, and 10-16-1312, C.R.S.	No	The purpose of this regulation is to establish the procedures for noticing and conducting public hearings on proposed Colorado Option Standardized Plans that fail to meet the Premium Rate Reduction Requirements or network adequacy requirements, as required by § 10-16-1306, C.R.S.	Health insurers
101	DOI	Effective 11/15/25	4-2-97	Concerning the Requirements for Pharmacy Benefit Managers to Register in Colorado	Revision	§ 10-16-122.1(2.5)(b)(l) and (4.7), C.R.S.	No	The purpose of this regulation is to provide the form and manner for a pharmacy benefit manager (PBM) to register annually with the Division pursuant to § 10-16-122.1(2.5)(b)(l), C.R.S.	Pharmacy Benefit Managers
102	DOI	Effective 1/1/26	4-2-101	Concerning Prior Authorization Reporting Requirements and Annual Attestation Requirements	New	§§ 10-1-109(1), 10-16-109, 10-16-112.5(6), and 10-16-124.5(3.5)(b), C.R.S.	No	The purpose of this regulation is to establish the requirements, processes, and forms to be utilized by carriers to ensure compliance with the required disclosure of prior authorization requests and exemptions pursuant to § 10-16-112.5 (2)(c)(l) and (2)(c)(IV), C.R.S. and prior authorization reporting applicable to the prescription drug formulary for each health benefit plan pursuant to § 10-16-124.5(3.5)(a), C.R.S. The regulation also requires carriers offering health benefit plans to attest to the Commissioner of Insurance compliance with these annual reporting requirements.	Health insurers
103	DOI	Effective 4/14/25	4-2-103	Concerning Transparency in Coverage Reporting Requirements	New	§§ 10-1-109, 10-16-109, 10-16-168(3)(b), 10-16-168(4)(d) and 10-16-169, C.R.S.	No	The purpose of this regulation is to outline the form and manner of the price transparency files required by Section 10-16-168(4), C.R.S. and the prescription drug data collection files required under Section 10-16-169, C.R.S.	Health insurers
104	DOI	Effective 5/30/25	4-2-104	Concerning Disclosures of Prescription Drug Contract Terms to Policyholders by Carriers and Pharmacy Benefit Managers	New	§§ 10-1-109, 10-16-109, and 10-16-163(3), C.R.S.	No	The purpose of this regulation is to establish a process for carriers and pharmacy benefit managers to provide disclosures to policyholders concerning prescription drug contract terms.	Health insurers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
105	DOI	Effective 7/15/25	4-2-105	Concerning Colorado Option Standardized Health Benefit Plans in the Small Group Market	New	§§ 10-1-108(7), 10-1-109(1), 10-16-109, 10-16-1304(3), 10-16-1305, and 10-16-1312, C.R.S.	No	The purpose of this regulation is to establish requirements regarding the offering of Colorado Option Standardized Plans in the small group market.	Health insurers
106	DOI	Effective 1/30/25	4-1-8	Concerning the Disclosure Requirements for Life Insurance Illustrations	Revision	§§ 10-1-109(1) and 10-3-1110(1), C.R.S.	No	The purpose of this regulation is to provide rules for life insurance policy illustrations that will protect consumers and foster consumer education. The regulation provides illustration formats, prescribes standards to be followed when illustrations are used, and specifies the disclosures that are required in connection with illustrations. The goals of this regulation are to ensure that illustrations do not mislead purchasers of life insurance and to make illustrations more understandable. Insurers will, as far as possible, eliminate the use of footnotes and caveats and define terms, used in the illustration, in language that would be understood by a typical person within the segment of the public to which the illustration is directed.	Life insurers
107	DOI		4-3-3	Concerning 2020 Medicare Supplement Policy Changes and Establishing a SEP in 2021	Repeal	§§ 10-1-109(1) and 10-18-103(2), C.R.S.	Yes	The purpose of this regulation is to establish a special enrollment period for current Medicare supplement policyholders who may be impacted by the federal changes to Medicare that eliminate the ability of new beneficiaries to purchase certain Medicare supplement policies on and after January 1, 2020. Colorado consumers who are currently enrolled in a Medicare Supplement Policy Plan C, a Medicare Supplement Policy Plan F, or a high deductible Medicare Supplement Policy Plan F, may be impacted by the federal changes to the federal Medicare program that became effective on January 1, 2020.	Health insurers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
108	DOI		5-1-10	Rate and Rule Filing Submission Requirements Property and Casualty Insurance	Revision	§§ 10-1-108(7), 10-1-109, 10-3-1110, 10-4-110.7, 10-4-404, and 10-4-404.5, C.R.S.	Yes	The purpose of this regulation is to ensure that property and casualty insurance rates are not excessive, inadequate or unfairly discriminatory by establishing the requirements for rate and rule filings. This regulation contains annual rate filing requirements for homeowners and private passenger automobile insurance. These lines of business are specifically included in this regulation because these products are widely purchased by consumers. Annual rate filings, rather than other methods the Division of Insurance (Division) may use, are preferred because of the prospective nature of the information contained in rate filings. Since a company's rates filed with the Division must be used until replaced by another rate filing, the Commissioner of Insurance cannot determine if rates included in prior rate filings continue to be appropriate for current or future economic conditions, or adequately reflect recent Colorado loss experience. Rate filings are reasonable and necessary means to ensure that current rates are appropriate and compliant with Colorado statutes and regulations.	Property and casualty insurers
109	DOI		5-1-11	Risk Modification Plan	Revision	§§ 10-1-109, 10-4-401, 10-4-403, 10-4-404, and 10-4-408, C.R.S.	Yes	The purpose of this regulation is to provide criteria for the modification of commercial property and casualty manual rates and to establish workers' compensation disclosure requirements.	Property and casualty insurers
110	DOI		5-1-18	Concerning the Elements of Certification for Certain Property and Casualty, Credit, and Excess Loss Forms and Contracts	Revision	§§ 10-1-109, 10-3-1110, 10-4-419, 10-4-633, 10-4-633.5, 10-10-109, and 10-16-119, C.R.S.	Yes	The purpose of this regulation is to promulgate rules applicable to the filing of property and casualty and credit forms and contracts that include, but are not limited to, the Family Medical Leave Act (FMLA), unemployment, credit property, excess loss insurance new policy forms, new policy form listings, annual reports of policy forms, and certifications of policy forms.	Property and casualty insurers
111	DOI	Repeal Effective 2/14/25	5-1-19	Prohibited Adverse Actions Applicable to Victims of the 2013 Colorado Floods	Repeal		No	Withdrawn	

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
112	DOI	Effective 11/30/25	5-1-27	Concerning Requests for Commercial or Personal Automobile Policy Information From a Claimant or Claimant's Attorney and Policyholder's Requests for a Certified Copy of the Homeowner Insurance Policy	New	§§ 10-1-109(1), 10-3-1117 and 10-4-110.8(10), C.R.S.	No	The purpose of this regulation is to establish rules concerning requests for commercial and personal automobile policy information pursuant to §§ 10-3-1117, C.R.S. and certified copies of homeowner insurance policies pursuant to § 10-4-110.8 (10), C.R.S.	Property and casualty insurers
113	DOI		5-2-2	Renewal of Automobile Insurance Policies - Excluded Named Drivers	Revision	§§ 10-1-109(1) and 10-4-601.5, C.R.S.	Yes	The purpose of this regulation is to require each renewal policy of automobile insurance to disclose excluded named drivers as applicable.	Property and casualty insurers
114	DOI		5-2-3	Concerning requests for commercial or personal automobile policy information from a complainant or complainants attorney	Revision	§§ 10-1-109(1) and 10-3-1117, C.R.S.	Yes	The purpose of this regulation is to establish reporting requirements and rules for commercial and/or personal automobile insurers who receive requests from claimants, or a claimant's attorney, for automobile policy information to ensure compliance with the requirements of § 10-3-1117, C.R.S.	Property and casualty insurers
115	DOI	Effective 9/14/25	5-2-16	Disclosure Requirements for Private Passenger Automobile Policies	Revision	§§ 10-1-109, 10-4-111(5), 10-4-123, 10-4-601.5, 10-4-636, and 10-4-641(1), C.R.S.	No	The purpose of this regulation is to interpret and implement the provisions of §§ 10-4-111(1) and (5), 10-4-123 and 10-4-636, of the Colorado Revised Statutes, to provide summary disclosure requirements and the summary disclosure form in English and the summary document form in Spanish for private passenger automobile insurance.	Property and casualty insurers
116	DOI		5-2-17	Concerning Private Passenger Automobile Coverage Limitations	Revision	§§ 10-1-109, 10-3-1104(1)(a)(I) and (1)(I), 10-3-1110, 10-4-601.5 and 10-4-641, C.R.S.	Yes	The purpose of this regulation is to ensure compliance with the provisions of Part 6 of Article 4 of Title 10 of the Colorado Revised Statutes, in relation to an insured under an automobile insurance policy.	Property and casualty insurers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
117	DOI	Effective 7/15/25	5-4-1	Recoupment of Fair Plan Fees by Member Insurers	New	§§10-1-109, 10-4-1803, 10-4-1804, 10-4-1807, 10-4-1809, 10-4-1810, and 10-4-1812, C.R.S.	No	Under § 10-4-1809(1)(b), C.R.S. and § 10-4-1809(2)(b), member insurers may, but are not required to, recoup fees paid to the Colorado FAIR Plan directly from their policyholders. If a member insurer chooses to recoup the fee, this regulation establishes the process for the recoupment of startup costs levied on member insurers participating in the Colorado FAIR Plan, ensuring financial stability while maintaining transparency and fairness to policyholders, pursuant to § 10-4-1809, C.R.S.	Property and casualty insurers
118	DOI		8-1-1	Title Insurance Rate and Fee Filing	Revision	§§ 10-1-108(7), 10-1-109, 10-3-1110, 10-4-403, 10-4-404, 10-11-118 C.R.S.	Yes	The purpose of this regulation is to ensure that title insurance rates and fees are not excessive, inadequate or unfairly discriminatory. This regulation contains filing requirements for both title insurance companies and title insurance agents. This regulation ensures that consumers receive the benefits of competition in the area of title insurance and ensures consumer protection.	Title insurers
119	DOI		8-1-3	Title Insurance Standards of Conduct	Revision	§§ 10-1-108(7), 10-1-109, 10-2-104, 10-3-1110, 10-11-116, 10-11-119, and 10-11-124(2) C.R.S.	Yes	The purpose of this regulation is to ensure that consumers receive the benefits of competition in the area of title insurance and to ensure consumer protection. The regulation also proscribes unlawful inducements, deceptive trade practices, and discriminatory acts, all of which are detrimental to the consumer and, in the aggregate, may threaten the solvency of title insurance companies and title insurance agents.	Title insurers
120	DOI	Effective 1/1/27	9-4-4.3	Upper Payment Limit for Enbrel (Etanercept)	New	§§ 10-16-1403(1)(c), 10-16-1403(5), 10-16-1407(1)(a), and 10-16-1407(5), 10-16-1407(6), C.R.S.	No	The purpose of this rule is to establish an upper payment limit for the prescription drug, Enbrel (Etanercept), pursuant to section 10-16-1407, C.R.S., and part 4.1 of these rules. The Board performed an affordability review of Enbrel and determined it was unaffordable for Colorado consumers pursuant to section 10-16-1406, C.R.S., and part 3 of these rules.	Insurers, drug manufacturers

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
121	DOI	Effective 10/15/25	10-1-1	Governance and Risk Management Framework Requirements for Life Insurers', Private Passenger Automobile Insurers', and Health Benefit Plan Insurers' Use of External Consumer Data and Information Sources, Algorithms, and Predictive Models	Revision	§§ 10-1-109 and 10-3-1104.9, C.R.S.	No	This regulation establishes the governance and risk management requirements for insurers authorized to do business in Colorado and offering individual life insurance, private passenger automobile insurance, and/or health benefit plans that use external consumer data and information sources (ECDIS), as well as algorithms and predictive models that use ECDIS, in any insurance practice.	Health insurers and Auto insurers
122	Div.	Anticipated Hearing or Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
123	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.3)	Applicability	Revision	§ 12-110-102(3) § 12-110-107 § 12-110-110(3)	No	The purpose of this proposed revision is to eliminate the word amateur for the rules and to update the date of the incorporation by reference.	Licensees, professional associations, relevant state agencies, and other key stakeholders
124	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.4)	Modification of Bout Results	Revision	§ 12-110-102(3) § 12-110-107 § 12-110-110(3)	No	The purpose of this proposed revision is to clarify when a bout result may be modified and add language regarding outside resources.	Licensees, professional associations, relevant state agencies, and other key stakeholders
125	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.5D)	Federal Registration Requirements	Revision	§ 12-20-105 § 12-20-202(1) § 12-110-107	No	The purpose of this proposed revision is to clean up language and add an additional requirement.	Licensees, professional associations, relevant state agencies, and other key stakeholders
126	DPO	August 21, 2024	Combative Sports 4 CCR 740-1 (Rule 1.5E)	Weigh-ins and Fight Appearance	Revision	§ 12-20-105 § 12-20-202(1) § 12-110-107	No	The purpose of this proposed revision is to add clarifying language regarding weigh in timeframes and checking weights prior to the official weigh ins.	Licensees, professional associations, relevant state agencies, and other key stakeholders
127	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.6 F)	Medical Tests and Results	Revision	§ 12-110-107	No	The purpose of this proposed revision is to clarify what must be contained on the submitted blood work.	Licensees, professional associations, relevant state agencies, and other key stakeholders
128	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.6 D)	Advanced Notification, Random, or For-Cause Testing	Revision	§ 12-110-107	No	The purpose of this proposed revision is to update to the current WADA standards.	Licensees, professional associations, relevant state agencies, and other key stakeholders
129	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.6 E)	Post Fight Suspensions	New	§ 12-110-108	No	The purpose of this proposed rule is to provide post fight medical suspension criteria	Licensees, professional associations, relevant state agencies, and other key stakeholders
130	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.7 F)	Declaratory Orders	Revision	§ 12-110-107 § 12-20-202(1)	No	The purpose of this proposed revision is to correct a grammatical error.	Licensees, professional associations, relevant state agencies, and other key stakeholders
131	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.8 D)	Ring Occupants	Revision	§ 12-110-107	No	The purpose of this revision is to clarify who may be in the ring	Licensees, professional associations, relevant state agencies, and other key stakeholders
132	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.8 O)	Knockdown Eight Count	Revision	§ 12-110-108	No	The purpose of this revision is to strike medical suspension already captured in another rule.	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
133	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.11)	Requirements for Bareknuckle Participants	New	§ 12-110-107	No	The purpose of this new rule is to set requirements for bareknuckle bouts and participants.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
134	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.9 A)	Conduct of Kickboxing and Muay Thai Events	Revision	§ 12-110-107	No	The purpose of this proposed revision is to eliminate the word amateur for the rules and to update the date of the incorporation by reference.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
135	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.10 A)	Requirements for Professional Mixed Martial Arts	Revision	§ 12-110-107	No	The purpose of this proposed revision is to eliminate the word amateur for the rules and to update the date of the incorporation by reference.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
136	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.12)	Requirements for Seconds	Revision	§ 12-20-105 § 12-110-109 § 12-110-107	No	The purpose of this proposed revision is to correct the word "Second" to "Corner" to reflect the current license type.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
137	DPO	August 21, 2024	Combative Sport 4 CCR 740-1 (Rule 1.12D3)	Limitations and Expectations of Permits	Revision	§ 12-20-105 § 12-110-109 § 12-110-107	No	The purpose of this proposed revision is to clarify that promoters must consult with the Director about event dates to avoid cancellation.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
138	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.12(3)b)	Limitations and Expectations of Permits	Revision	§ 12-20-105 § 12-110-109 § 12-110-107	No	The purpose of this proposed revision is to clarify when bout cards for events must be finalized.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
139	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.14)	Guidelines for Contracts	Revision	§ 12-20-204 § 12-110-107	No	The purpose of this proposed revision is to clarify that all about contracts shall be available for inspection prior to the event.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
140	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.13 B)	Fees	New	§ 12-20-204 § 12-110-107	No	The purpose of this new rule is to set standard payment fees for officials	Licenseses, professional associations, relevant state agencies, and other key stakeholders
141	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.16d)	Requirements for Elimination Bouts	Revision	§ 12-20-204 § 12-110-107	No	The purpose of this proposed revision is to update the incorporation by reference date.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
142	DPO	August 21, 2024	Colorado Combative Sports Commission 4 CCR 740-1 (Rule 1.16(h)4)	Elimination Rules for Boxing, Kickboxing and Mixed Martial Arts	Revision	§ 12-20-204 § 12-110-107	No	The purpose of this proposed revision is to update the incorporation by reference date.	Licenseses, professional associations, relevant state agencies, and other key stakeholders
143	DPO	October 3, 2024	State Board of Pharmacy 3 CCR 719-1 (Rule 14.00.00)	OTHER OUTLETS	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 14 are to allow off-site dispensing by hospital staff.	All Pharmacy stakeholders
144	DPO	October 3, 2024	State Board of Pharmacy 3 CCR 719-1 (Rule 15.00.00)	WHOLESALERS	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 15 are to update recordkeeping requirements of wholesalers specifically related to animal drugs.	All Pharmacy stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
145	DPO	October 3, 2024	State Board of Pharmacy 3 CCR 719-1 (Rule 17.00.00)	COLLABORATIVE PHARMACY PRACTICE	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 17 are to update Collaborative Pharmacy Practice Rules as they relate physician assistants to align them with superseding regulatory changes around physician assistants.	All Pharmacy stakeholders
146	DPO	October 3, 2024	State Board of Pharmacy 3 CCR 719-1 (Rule 21.00.00)	COMPOUNDING	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 21 is to update controlled substance distribution laws to better clarify the law and align with federal requirements.	All Pharmacy stakeholders
147	DPO	October 3, 2024	State Board of Pharmacy 3 CCR 719-1 (Rule 17, Appendix A)	HORMONAL CONTRACEPTION	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 17, Appendix A, are to update clinical standards and to fix minor clerical errors.	All Pharmacy stakeholders
148	DPO	October 3, 2024	State Board of Pharmacy 3 CCR 719-1 (Rule 17, Appendix F)	MAT Prescribing Protocol	New Rule	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed Rule 17, Appendix F is to create a new MAT Prescribing Statewide Protocol that is required as part of implementation of HB24-1045.	
149	DPO	October 3, 2024	State Board of Pharmacy 3 CCR 719-1 (Rule 17, Appendix E)	STATIN THERAPY	New Rule (new Appendix of Rule 17)	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 17, Appendix E, are to create a new state-wide protocol of clinical standards for statin therapy.	All Pharmacy stakeholders
150	DPO	October 3, 2024	State Board of Pharmacy 3 CCR 719-1 (Rule 3)	Dispensing and Labeling requirements	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 3 are to add a short rule clarifying and referring back to the new legislative requirement of prescription label accessibility from HB24-1115.	All Pharmacy stakeholders
151	DPO	October 3, 2024	State Board of Pharmacy 3 CCR 719-1 (Rule 2,3, and 31)	Orders, Labelling requirements, and Telepharmacy area of need repeal	Revision and New	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of the proposed amendments to Board Rule 2, 3, and 31 are to implement SB24-209 Changes to the Pharmacy Practice Act Regarding Dispensing of Prescription Drugs, including repeal of Area of Need from Telepharmacies, updated labeling requirements, and updated functional ability for technicians.	All Pharmacy stakeholders
152	DPO	October 3, 2024	State Board of Pharmacy 3 CCR 719-1 (Rule 23)	Electronic Prescription Monitoring Program	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of this Rule Revision is to change the requirement to report pharmacy data submission delinquency to the Board and give flexibility may changing "will" to "may" which statute allows.	All Pharmacy stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
153	DPO	October 3, 2024	State Board of Pharmacy 3 CCR 719-1 (Rule 11)	Records	Revision	§ 12-20-204 § 12-280-101 § 12-280-107(2) § 12-280-108(3)(b)	No	The purpose of this Rule revision is to update outdated terminology that no longer exists related to board approval of electronic record storage.	All Pharmacy stakeholders
154	DPO	October 16, 2024	Colorado Board of Accountancy 3 CCR 705-1 (Rule 1.5)	EDUCATION REQUIREMENTS FOR EXAMINATION AND CERTIFICATION	Revisions	§ 12-20-204 § 12-100-105(1)(b) § 12-20-202(3)	No	The purpose of rulemaking is to reduce barriers for applicants and to align with the majority of state boards. This rule will address reducing three additional hours in auditing.	Licensees, professional associations, relevant state agencies, and other key stakeholders
155	DPO	October 16, 2024	Colorado Board of Accountancy 3 CCR 705-1 (Rule 1.7)	EXPERIENCE REQUIREMENTS FOR CERTIFICATION	Revisions	§ 12-20-204 § 12-100-105(1)(b) § 12-20-202(3)	No	The purpose of rulemaking is to reduce barriers for applicants and to align with the majority of state boards. This rule will address reducing hours in ethics.	Licensees, professional associations, relevant state agencies, and other key stakeholders
156	DPO	October 16, 2024	Colorado Board of Accountancy 3 CCR 705-1 (Rule 1.8)	REQUIREMENTS FOR CERTIFICATION	Revisions	§ 12-20-204 § 12-100-105(1)(b) § 12-20-202(3)	No	The purpose of rulemaking is to address a dual-credit approach to academic internship hours - both academic and experience.	Licensees, professional associations, relevant state agencies, and other key stakeholders
157	DPO	October 16, 2024	Colorado Board of Accountancy 3 CCR 705-1 (Rule 1.4)	INCORPORATION BY REFERENCE	Revisions	§ 12-20-204 § 12-100-105(1)(b) § 12-20-202(3)	No	The purpose of rulemaking is to update the references.	Licensees, professional associations, relevant state agencies, and other key stakeholders
158	DPO	4/23/2025	Board of Nursing Rule 1.9	RULES AND REGULATIONS FOR THE LICENSED PRACTICAL NURSE IN RELATION TO IV AUTHORITY	Revision	"§ 12-20-204 § 12-255-107(1)(j)"	NO	Full Board at its October 23, 2024 meeting asked that the requirement for the IV authority be removed from the Rule as all PN students are trained in IV therapy in their basic PN nursing education program.	Licensees (RNs, LPNs, NHAs) home health, hospital, nursing home, practical nursing educators, Colorado Nurses Assn, Center for Nsg Excellence
159	DPO	April 23, 2025	Board of Nursing Rule 1.15	RULES AND REGULATIONS FOR PRESCRIPTIVE AUTHORITY FOR ADVANCED PRACTICE REGISTERED NURSES	Revision	"§ 12-20-204 § 12-255-112 (2) (a)"	No	To come into compliance with findings from the Office of Legislative Legal Services	RNs Colorado Nurses Association and Center for Nursing Excellence; Employers Hospitals, APRN associations
160	DPO	October 23, 2024	Board of Nursing Rule 1.14	RULES AND REGULATIONS TO REGISTER PROFESSIONAL NURSES QUALIFIED TO ENGAGE IN ADVANCED PRACTICE REGISTERED NURSING	Edit	"§ 12-20-204 § 12-255-112 (2) (a)"	No	To edit the Rule	Licensees
161	DPO	April 23, 2025	Board of Nursing Rule 1.28	RULES AND REGULATIONS FOR LICENSURE OF CERTIFIED MIDWIVES	revision	"§ 12-20-204 § 12-255-112 (2) (a)"	No	To come into compliance with findings from the Office of Legislative Legal Services recommendations.	Certified midwives
162	DPO	April 23, 2025	Board of Nursing Rule 1.29	RULES AND REGULATIONS FOR PRESCRIPTIVE AUTHORITY FOR CERTIFIED MIDWIVES	revision	"§ 12-20-204 § 12-255-112 (2) (a)"	No	To come into compliance with findings from the Office of Legislative Legal Services recommendations.	midwives
163	DPO	April 23, 2025	Board of Nursing Rule 1.18	RULES AND REGULATIONS FOR THE CERTIFIED NURSE AIDE IN RELATION TO MEDICATION AIDE AUTHORITY	revision	"§ 12-20-204 § 12-255-208"	No	To revise the Rule to come into compliance with the portability act and correct missing references.	nursing home administrators; registered nurses; and certified nurse aides and medication aides

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
164	DPO	April 23, 2025	Board of Nursing Rule 1.13	RULES AND REGULATIONS REGARDING THE DELEGATION OF NURSING OR CERTIFIED MIDWIFE TASKS	revisions	"§ 12-20-204 § 12-255-131(6)	No	To come into compliance with findings from the Office of Legislative Legal Services recommendations.	midwives
165	DPO	April 23, 2025	Board of Nursing Rule 1.16	DUTY TO REPORT REQUIREMENTS	revisions	12-20-204(1), 12-255-120 (1)(b) and (z), and and 12-255-107(1)(j).	No	To come into compliance with findings from the Office of Legislative Legal Services recommendations.	midwives
166	DPO	April 23, 2025	Board of Nursing Rule 1.20	RULES AND REGULATIONS REGARDING THE DESIGNATION OF AUTHORIZED ENTITIES TO CONDUCT PROFESSIONAL REVIEW OF ADVANCED PRACTICE REGISTERED NURSES AND CERTIFIED MIDWIVES	revisions	12-20-204(1), 24-4-103, 12-30-201(1), 12-30-204(5), 12-30-204(6), 12-20-204(1), and 12-255-107(1)(j).	No	To come into compliance with findings from the Office of Legislative Legal Services recommendations.	midwives
167	DPO	April 23, 2025	Board of Nursing Rule 1.21	RULES AND REGULATIONS REGARDING THE REPORTING REQUIREMENTS OF SECTIONS 12-30-204(8)(f) AND SECTION 12-30-206(2)(b)(II), C.R.S., AND OF THE FEDERAL HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986, AS AMENDED	revisions	12-20-204(1), 24-4-103, 12-30-201(1)(a), 12-30-204(5), 12-30-203(1)(b), 12-30-203(3)(a), and 12-30-208(2).	No	To come into compliance with findings from the Office of Legislative Legal Services recommendations.	midwives
168	DPO	April 23, 2025	Board of Nursing Rule 1.23	RULES AND REGULATIONS REGARDING CONTINUING EDUCATION AND/OR TRAINING	revisions	12-20-204(1), 12-30-114 and 12-255-129	No	To come into compliance with findings from the Office of Legislative Legal Services recommendations.	midwives
169	DPO	October 23, 2024	Board of Nursing Rule 1.12	RULES AND REGULATIONS FOR APPROVAL OF MEDICATION AIDE TRAINING PROGRAMS	revisions	"§ 12-20-204 § 12-255-208	NO	Board may consider changes to the rule to address the need for long term care facilities that are on the Medicare/Medicaid loss list to be able to host medication aide training. (revision to Rule 1.12 C.6 or add a waiver to Rule 1.12)	nursing home administrators; registered nurses; and certified nurse aides and medication aides
170	DPO	12/12/2024	Colorado Physical Therapy Board Regarding Sunset Bill HB24-1327	Regarding Sunset Bill HB24-1327	Revision	§ 12-285-106 § 12-220-204	No	The purpose of this rulemaking would be to add any edits needed resulting from HB24-1327 that was a result of the Physical Therapy Sunset Review.	Licensees, professional associations, relevant state agencies, and other key stakeholders
171	DPO	12/12/2024	Physical Therapy Board 4 CCR 732-1 (TBD)	Pessary Fitting and Management (TBD)	Revision or New Rule TBD	§ 12-20-204 § 12-285-106(2)(b)	No	The purpose of the proposed revision Board Rule is to define Pessary Fitting and Management requirements for licensees.	Licensees, professional associations, relevant state agencies, and other key stakeholders
172	DPO	12/12/2024	Physical Therapy Board 4 CCR 732-1 (Rule 1.5)	PHYSICAL THERAPIST LICENSURE RULES	Revision	§ 12-20-204 § 12-285-106(2)(b)	No	The purpose of the proposed revision to Rule 1.5 is to better define competency requirements for reinstatement.	Licensees, professional associations, relevant state agencies, and other key stakeholders
173	DPO	12/12/2024	Physical Therapy Board 4 CCR 732-1 (Rule 1.6)	PHYSICAL THERAPIST ASSISTANT RULES	Revision	§ 12-20-204 § 12-285-106(2)(b)	No	The purpose of the proposed revision to Rule 1.6 is to better define competency requirements for reinstatement.	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
174	DPO	12/12/2024	Physical Therapy Board 4 CCR 732-1 (Rule 1.5(J))	Requirements for Physical Therapists to Perform Dry Needling	Revision	§ 12-20-204 § 12-285-106(2)(b)	No	The purpose of the proposed revision to Rule 1.6(J) is to revise and clarify the Board's supervision criteria for dry needling.	Licensees, professional associations, relevant state agencies, and other key stakeholders
175	DPO	2/5/2025	Passenger Tramway Safety Board 3 CCR 718-1	Multiple Rules	Revision	§ 12-20-204 § 12-150-105(1)(a)	No	The purpose of these proposed new rules and revisions are to update ANSI incorporation in Section 4, revise Section 23 to expand the Board's authority over incidents that occur in loading and unloading zones, consider improvements after Committee work related to conveyor maintenance, documenting deficiencies and observations in inspection reports, maintenance personnel, minimum operating personnel, ropeway event and data recorder, and summer ramps.	Licensees, professional associations, relevant state agencies, and other key stakeholders
176	DPO	2/5/2025	Passenger Tramway Safety Board 3 CCR 718-1	Multiple Rules	Revision	§ 12-20-204 § 12-150-105(1)(a)	No	The purpose of these proposed revisions is to clarify the rules and not add additional requirements for existing lifts built prior to February 2, 2019.	Licensees, professional associations, relevant state agencies, and other key stakeholders
177	DPO	5/14/2025	Colorado Board of Examiners of Nursing Home Administrators 3 CCR 717-1 (Rule 1.7)	Licensure by Examination	Revision	§ 12-20-204 § 12-265-107(1)(a) § 12-20-202(3)	No	The purpose of rulemaking is to address the loophole the Board discovered in the licensure by examination section of Rule 1.7 that has a similar loophole as the Board of Optometry regarding a lack of requirement to demonstrate current clinical competency for this type of application.	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
178	DPO	5/14/2025	Colorado Board of Examiners of Nursing Home Administrators 3 CCR 717-1 (Rule 1.8)	Licensure by Endorsement	Revision	§ 12-20-204 § 12-265-107(1)(a) § 12-20-202(3)	No	The purpose of rulemaking is to address Rule 1.8 that does not specify the amount of current competency required for licensure. When the Occupational Credential Portability Program was implemented, the board conducted rulemaking to specify the equivalency in terms of the degrees and experience, but it did not address the current demonstration of competency. For example, someone who has an active license in another state who has not practiced for the last consecutive 12 months, could meet the requirements. The NHA applications, however, provide contradictory information and required the demonstration of competency. The rules need to reflect the expectation of current clinical competency addressed in the applications.	Licensees, professional associations, relevant state agencies, and other key stakeholders
179	DPO	6/12/2025	Colorado Board of Veterinary Medicine 4 CCR 727-1; New Rules for Veterinary Technicians that resulted in HB24-1047; required rulemaking by 9/1/2025	Veterinary Technicians scope of practice and Veterinary Technician Specialist designation	New	§ 12-20-204 § 12-315-106(5)(g)	No	This purpose of the rulemaking is to address the required rulemaking by September 1, 2025 and specify the tasks the VTs can perform under the supervision of a veterinarian.	Licensees, professional associations, relevant state agencies, and other key stakeholders
180	DPO	6/12/2025	Colorado Board of Veterinary Medicine 4 CCR 727-1; Potential New Rules for HB24-1048	Veterinary Services Through Telehealth	New	§ 12-20-204 § 12-315-106(5)(g)	No	This purpose of possible rulemaking is to clarify any aspects of the telehealth services.	Licensees, professional associations, relevant state agencies, and other key stakeholders
181	DPO	6/12/2025	Colorado Board of Veterinary Medicine Regarding SB24-047 4 CCR 727-1 (Repeal Rule 1.18)	RULES REGARDING THE USE OF BENZODIAZEPINE	Revision/Repeal	§ 12-20-204 § 12-315-106(5)(g)	No	The purpose of rulemaking is to address the changes in SB24-047. Veterinarians were removed from the definition of "Prescriber" in Section 12-30-109, which means veterinarians are no longer subject to the Days' Supply limits of certain initial opioid and benzodiazepine prescriptions. As Veterinary Board was required to limit the supply of a benzodiazepine through Rule, Rule 1.18 would be repealed	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
182	DPO	2/6/2025 Hearing	Colorado Board of Optometry 4 CCR 728-1 (Rule 1.13)	Licensure by Examination	Revision	§ 12-20-204 § 12-275-108(1)(b)	No	The purpose of rulemaking is to address the loophole the Board discovered in the licensure by examination section of rule to allow someone with an active license in another state who has not practiced recently and does not have current clinical competency to apply through examination and be eligible for approval. The rule needs to require recent competency in a manner approved by the Board.	Licensees, professional associations, relevant state agencies, and other key stakeholders
183	DPO	2024 or 2025	Office of Respiratory Therapy Licensure 4 CCR 741-1 (TBD)	1.3 Oxygen deliveries or another section as may be deemed appropriate for exceptions or another section that further listed the scope of practice of a polysomnographic technologist	New Rule, Revision, Repeal	§ 12-300-115	No	Listed on the Reg agenda for FY24 given that the program had a sunset review completed and given the passage of the sunset bill (HB24-1253), there were additions to the exemption section of the law for techs that falls under or work under a licensed RT and the law identifies limited on the services they can provide.	Licensees, professional associations, relevant state agencies, and other key stakeholders
184	DPO	2024 or 2025	ASLP-IC Audiology and Hearing Aid Provider Licensure 3 CCR 711-2 (TBD)	Compact Rules	New Rules	§ 12-20-204 § 12-210-107(2)	No	The purpose of these proposed new rules is to implement Colorado Senate Bill 21-021 (CONCERNING THE ENACTMENT OF THE "AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION).	Licensees, professional associations, relevant state agencies, and other key stakeholders
185	DPO	2024-2025	Healthcare programs	update to surprise billing appendices	New appendix	§ 12-20-204	No	update the appendix on surprise billing in each healthcare program's rules to include a necessary signature block	Licensees, professional associations, relevant state agencies, and other key stakeholders
186	DPO	2025 or 2026	Social Work Examiners Board	Social Work Compact	New Rule	§ 24-60-4601 § 24-60-4602	No	The purpose of this rulemaking hearing would be to add rules regarding the Compact Bill HB24-1002 that was passed.	Licensees, professional associations, relevant state agencies, and other key stakeholders
187	DPO	2025 or 2026	Office of Outfitters Registration 4 CCR 733-1	TBD	Revision or Repeal	§ 12-145-107(1)(a)	No	The Practice Act will be reviewed by the legislature in 2025 through the Sunset Review and rulemaking may be required to implement any legislation.	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
188	DPO	2025 or 2026	ASLP-IC Office of Speech-Language Pathology Certification 4 CCR 748-1 (TBD)	Compact Rules	New Rules	§ 12-20-204(1) § 12-305-115	No	The purpose of these proposed new rules is to implement Colorado Senate Bill 21-021 (CONCERNING THE ENACTMENT OF THE "AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION).	Licensees, professional associations, relevant state agencies, and other key stakeholders
189	DPO	Adoption Date 12/30/2024	Office of Funeral & Mortuary Services 4 CCR 742-1	Multiple Rules	New rules and revisions	§ 12-20-204(1) § 12-135-401(6)(a) § 12-135-501(2) § 12-135-501(4)(b)(II) § 12-135-503(2) § 12-135-504(2)(b)(I) § 12-135-603(1)(c) § 12-135-703(1)(c) § 12-135-803(1)(c)	No	The purpose of the new and revised rules is to implement Senate Bill 24-173 and House Bill 24-1335, concerning the regulation of mortuary science professionals in Colorado.	Licensees, professional associations, relevant state agencies, and other key stakeholders
190	DPO	end of 2024	Natural Medicine Advisory Board 4 CCR 755-1	Multiple Rules	Revised rules	§ 12-20-204 § 12-170-105	No	Set regulatory framework for the regulation of natural medicine, including facilitator licensing; correct typographical errors in initial filing and address public safety concerns	Licensees, professional associations, relevant state agencies, and other key stakeholders
191	DPO	Fall 2024/Winter 2025	State Board of Addiction Counselor Examiners 4 CCR 744-1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-245-204(4)(a) § 24-4-103.3	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders
192	DPO	Fall 2024/Winter 2025	State Board of Psychologist Examiners 4 CCR 721-1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-245-204(4)(a) § 24-4-103.3	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders
193	DPO	Fall 2024/Winter 2025	State Board of Licensed Professional Counselor Examiners 4 CCR 737-1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-245-204(4)(a) § 24-4-103.3	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders
194	DPO	Fall 2024/Winter 2025	State Board of Licensed Professional Counselor Examiners 1.14 C. 3.	3. Supervision.	Revision	§ 12-245-601(1.5)	Yes	To identify all professions that may provide clinical supervision to include licensed addiction counselors	Licensees, professional associations, relevant state agencies, and other key stakeholders
195	DPO	Fall 2024/Winter 2025	State Board of Marriage and Family Therapist Examiners 4-CCR 736-1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-245-204(4)(a) § 24-4-103.3	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
196	DPO	Fall 2024/Winter 2025	State Board of Social Work Examiners 4 CCR 726-1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-245-204(4)(a) § 24-4-103.3	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders
197	DPO	Fall 2024/Winter 2025	State Board of Unlicensed Psychotherapists 4 CCR 734-1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-245-204(4)(a) § 24-4-103.3	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders
198	DPO	Fall 2024/Winter 2025	AUDIOLOGY RULES AND REGULATIONS 3 CCR 711-2 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-210-109(4) § 24-4-103.3	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders
199	DPO	Fall 2024/Winter 2025	Board of Nursing 3 CCR 716 -1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-30-120(2)	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders
200	DPO	Fall 2024/Winter 2025	Office of Occupational Therapy Licensure 3 CCR 715-1 (Rule TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-270-116	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders
201	DPO	Fall 2024/Winter 2025	Division of Registrations - Healthcare Professions Profiling Program 4 CCR 743-1	Multiple Rules	New Rule, Revision, Repeal	§ 12-30-102(11)	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders
202	DPO	Fall 2024/Winter 2025	Division of Registrations - Healthcare Professions Profiling Program 4 CCR 743-2	Multiple Rules	New Rule, Revision, Repeal	§ 12-30-102(11)	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders
203	DPO	Hearing date 11/7/2024	Massage Therapy 4 CCR 722-1	Multiple Rules	Revision - EMERGENCY	§ 12-20-204(1) § 12-235-108 § 12-235-118	No	The purpose of the revised rule is to implement SB24-201 CONCERNING AN INCREASE IN THE HOURS OF WORK IN A MASSAGE THERAPY PROGRAM REQUIRED FOR LICENSURE AS A MASSAGE THERAPIST	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
204	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1	VARIOUS	New, Revision, Repeal	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	Make changes relevant to HB24-1329: 1. Continuing Education for Professional Land Surveyors 2. Change in specifying name of examinations in CRS, add/revise in rule. 3. Remove/Revise rules that may conflict or be repetitive to CRS changes HB24-1004; and, HB24-1097.	Licensees, professional associations, relevant state agencies, and other key stakeholders
205	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (Rules 1.4)	Rules of Administrative Procedure	Revision, Repeal	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of these proposed revisions and/or repeals are to repeal sections of the rule that may not be necessary because of direct testing for examinations, which requires candidates to take and pass all examinations before they can submit an application (including the State Specific PLS Exam).	Licensees, professional associations, relevant state agencies, and other key stakeholders
206	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (Rule 1.4)	Rules of Administrative Procedure	Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is to change to an updated reference to References and Verification for Qualifying Work Experience.	Licensees, professional associations, relevant state agencies, and other key stakeholders
207	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (Rule 1.4)	Rules of Administrative Procedure	Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	FOR FY26 - The purpose of the review is to compare Colorado's Education Standards to those of the NCEES.	Licensees, professional associations, relevant state agencies, and other key stakeholders
208	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (Rule 1.4(J)(4))	Rules of Administrative Procedure	Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of the revision is to clarify the reporting due date for malpractice/settlement judgments.	Licensees, professional associations, relevant state agencies, and other key stakeholders
209	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	1.6 Rules of Professional Land Surveying Practice	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is for professional land surveyor members to consider closure clause to address recent issues with failing to close corners that established where a survey line intersects a previously fixed boundary at a point between corners.	Licensees, professional associations, relevant state agencies, and other key stakeholders
210	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	1.6 Rules of Professional Land Surveying Practice	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is for professional land surveyor members to solicit feedback from stakeholders whether rules are needed to address the setting of interior pins	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
211	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	1.6 Rules of Professional Land Surveying Practice	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is for professional land surveyor members to solicit feedback from stakeholders whether rules are needed to address the Setting Corners versus Setting Witness Corners (legacy of setting witness corners).	Licensees, professional associations, relevant state agencies, and other key stakeholders
212	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	1.6 Rules of Professional Land Surveying Practice	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is for professional surveyor members to solicit feedback from stakeholders clarification on ISP related to underground utilities, building ties, building dimensions, etc cerage should be added to information provided on documentation.	Licensees, professional associations, relevant state agencies, and other key stakeholders
213	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	1.6 Rules of Professional Land Surveying Practice	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is for surveyor members to solicit feedback from stakeholders whether rules are needed to address the use of range boxes to protect monuments as many states have adopted such rules.	Licensees, professional associations, relevant state agencies, and other key stakeholders
214	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	1.6 Rules of Professional Land Surveying Practice	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is for surveyor members to solicit feedback from stakeholders whether rules are needed to add average to the requirements for listing on an	Licensees, professional associations, relevant state agencies, and other key stakeholders
215	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	TBD	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is regarding continuing education for architects and for the Board to consider whether to add service on a state licensing Board as a way of earning continuing education credit.	Licensees, professional associations, relevant state agencies, and other key stakeholders
216	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	TBD	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is to define "Plot Plans" that are used in construction and the work within these plans has expanded to engineering and land surveying and need to be defined to protect consumers by ensuring the work meets standards.	Licensees, professional associations, relevant state agencies, and other key stakeholders
217	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	TBD	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is to consider requirements for adding an instrument of record for land surveyors.	Licensees, professional associations, relevant state agencies, and other key stakeholders

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218	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (Rule 1.4)	Rules of Administrative Procedure	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed revision is to align the rule with the statute as it relates to the experience requirement, specifically LSI.	Licensees, professional associations, relevant state agencies, and other key stakeholders
219	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (Rule 1.4)(G)(2)	Surveying Education	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed revision is to consider clarifying education rules for candidates seeking PLS licensure.	Licensees, professional associations, relevant state agencies, and other key stakeholders
220	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	TBD	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this proposed new rule is to explore inclusion of co-op experience (internships) for acceptable engineering and/or land surveying experience.	Licensees, professional associations, relevant state agencies, and other key stakeholders
221	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	TBD	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	At the Annual meeting of the National Council of Architect Registration Board, of which Colorado is a member, the membership will consider major revision to the NCARB model laws. Once adopted by the membership, Colorado, along with other states will consider these revisions against our rules to ensure improvements in licensure mobility and consistency in enforcement are gained where practicable.	Licensees, professional associations, relevant state agencies, and other key stakeholders
222	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	TBD	New, Revision	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	At the Annual meeting of the National Council of Examiners for Engineers and Surveyors, of which Colorado is a member, the membership consider revision to the NCEES model laws. Once adopted by the membership, Colorado, along with other states will consider these revisions against our rules to ensure improvements in licensure mobility and consistency in enforcement are gained where practicable.	Licensees, professional associations, relevant state agencies, and other key stakeholders
223	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (Rule 1.8)	Examinations	New	§ 12-20-204(1) § 12-120-104 § 12-120-104(1)(a)	No	The purpose of this new rule is to allow Division to conduct administrative business with the examination vendor including contract review and procurement.	Licensees, professional associations, relevant state agencies, and other key stakeholders
224	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 Rule 1.4	TBD	New	§ 12-20-204(1) § 12-120-104(1)(a)	No	Consider requiring that a license must be in good standing to obtain retired status and shall not settle disciplinary actions by retiring or allowing a license to expire.	

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
225	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 1.4(F)(4)	Employment While a Full-Time Undergraduate Student.	New, Revise	§ 12-20-204(1) § 12-120-104(1)(a)	No	Consider for PE & PLS part-time undergraduate students who are working full-time as an E/I under a PE/PLS, respectively	
226	DPO	Spring 2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1	TBD	New, Revise	§ 12-20-204(1) § 12-120-104(1)(a)	No	Consider rules for recognition of Mutual Recognition Agreements, including those est by National Council of Examinations of Engineers and Surveyors and National Council of Architectural Registration Boards.	
227	DPO	Spring 2025	State Board of Landscape Architects 4 CCR 729-1 (Rule 1.4)	Rules of Administrative Procedure	New Rule, Revision, Repeal	§ 12-20-204 § 12-20-202(3)	No	2024-11.(jy) from FY25 rulemaking - HOLD for FY26 Regulatory Agenda based on most current work of the ICOR FY25 Rulemaking - address/define incidental or crossover practice between engineers and architects, and landscape architects	Licensees, professional associations, relevant state agencies, and other key stakeholders
228	DPO	Spring 2025	State Board of Landscape Architects 4 CCR 729-1 (Rule 1.4)	Rules of Administrative Procedure	New Rule, Revision, Repeal	§ 12-20-204 § 12-20-202(3)	No	The purpose of these potential new rules, revisions, and or repeals is to consider any needed revisions when the Board reviews Council of Landscape Architect Registration Boards new Uniform Standards.	Licensees, professional associations, relevant state agencies, and other key stakeholders
229	DPO	Spring 2025	Landscape Architects Board 4 CCR 729-1 (Rule 1.7)	PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES	Repeal	§ 12-20-204 § 12-130-107(1)(a)	No	(jy) Completed 2/2024 The purpose of this proposed repeal is to implement Colorado Senate Bill 23-265 (Concerning a Prohibition on a Regulator Imposing Discipline against a Person Based on Certain Activities Involving Marijuana).	Licensees, professional associations, relevant state agencies, and other key stakeholders
230	DPO	Spring 2025	State Electrical Board 3 CCR 710-1 (Rule 1.6)	Apprentice Registration and Recordkeeping	New Rule or Revision	§ 12-20-204 § 12-115-119(1) § 12-115-107(2)(a)	No	Consider if Board can better clarify in rule the requirement for a EC for who work is performed must provide Affidavit of Experience (allowing a non-supervision EC to register the APE)	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
231	DPO	Spring 2025	State Electrical Board 3 CCR 710-1 (Rule 1.7(B)&(E))	Experience	New Rule or Revision	§ 12-20-204 § 12-115-119(1) § 12-115-107(2)(a)	No	1. In an effort to support apprentices becoming licensed, consider limiting how old their qualifying experience can be. Requirement for recent experience. AND/OR Consider possible revisions to allow for company letters to count for experience (accounting for older exp & employers out-of-biz [perhaps for RW/JP seeking higher licensure]). 2. Consider requirements for EC to provide Affidavits for licensees (currently required for apprentices).	Licensees, professional associations, relevant state agencies, and other key stakeholders
232	DPO	Spring 2025	State Electrical Board 3 CCR 710-1 (Rule 1.7(D))	Apprentice Training Requirements	New Rule, Revision, Repeal	§ 12-20-204 § 12-115-119(1) § 12-115-107(2)(a)	No	The statute, section 12-115-110(2)(a)(III), C.R.S., within the rule does not allow for grandfathering and it does not seem to meet the intent that applicants for the JW should have current training on the NEC. The purpose of the proposed revisions are to clarify in rule that section 12-115-110(2)(b)(I), C.R.S. The Board would like to consider whether 288 hr requirement can be w/i degree earned within required time period.	Licensees, professional associations, relevant state agencies, and other key stakeholders
233	DPO	Spring 2025	State Electrical Board 3 CCR 710-1 (Rule 1.10(C))	Citations	New Rule, Revision, Repeal	§ 12-20-204 § 12-115-119(1) § 12-115-107(2)(a)	No	Consider possible revisions needed after review of process with Programs, Inspections, and Compliance Inspector	Licensees, professional associations, relevant state agencies, and other key stakeholders
234	DPO	Spring 2025	State Electrical Board 3 CCR 710-1 (Rule 1.9)	Permits, Inspections, and verification of Licenses and Registrations	New Rule, Revision, Repeal	§ 12-20-204 § 12-115-119(1) § 12-115-107(2)(a)	No	Consider possible revisions needed after review of process with Programs, Inspections, and Compliance Inspector	Licensees, professional associations, relevant state agencies, and other key stakeholders
235	DPO	Spring 2025	State Electrical Board 3 CCR 710-1 (Rule 1.13(E)-(H))	Renewal & Reinstatements	New Rule, Revision, Repeal	§ 12-20-204 § 12-115-119(1) § 12-115-107(2)(a)	No	These rules are situated under 1.13 Renewal and Reinstatements but are not specific to Renewals or Reinstatements	Licensees, professional associations, relevant state agencies, and other key stakeholders
236	DPO	Spring 2025	State Plumbing Board 3 CCR 720-1 (Rule 1.4(E)(3)(K))	STANDARDS	Revision	§ 12-20-204 § 12-155-105(1)(f)	No	The purpose of the proposed revisions are to correct drafting error. Board Rules (E)(3)(k) should be IFGC Section 411.1 (not 411.1.1).	Licensees, professional associations, relevant state agencies, and other key stakeholders
237	DPO	Spring 2025	State Plumbing Board 3 CCR 720-1 (Rule 1.4(A))	Applications for Licensure or Registration	New Rule, Revision	§ 12-20-204 § 12-155-105(1)(e)	No	The purpose of the proposed revisions is to clarify that applicants cannot verify their own experience when applying for licensure which is consistent with other programs in the construction industry within the Division.	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
238	DPO	Spring 2025	State Plumbing Board 3 CCR 720-1 (Rule 1.4(A))	Applications for Licensure or Registration	New Rule, Revision	§ 12-20-204 § 12-155-105(1)(e)	No	Consider allowing for work to count that is not required to be under supervision (work exempted under CRS - federal)	
239	DPO	Spring 2025	State Plumbing Board 3 CCR 720-1 VARIOUS	VARIOUS	New Rule, Revision, Repeal	§ 12-20-204 § 12-155-105(1)(e)	No	Update rules based on changes made in HB24-1344 1. Update references of journeyman to journeyworker 1.1(C), 1.2(E)(1)(c) & (2)(c), 1.4(A)(3), (E)(3)(e)&(4)(b)(2), (F); 1.7(B)&(D), 1.9 2. Consider/establish guidelines for posting PC and MP numbers as required in CRS 3. Consider rules that reference a two year renewal cycle to reflect new three year renewal cycle. Including but not limited to 1.7(D)for violation of new CRS 4. Clarifications related to the changes in who can test, inspect, and repair backflow preventers in section 12-155-118(4) and Board Rule 1.2	
240	DPO	Spring 2025	Social Work Examiners Board	Renewal & Reinstatements	New Rule, Revision, Repeal	§ 12-20-204 § 12-115-119(1) § 12-115-107(2)(a)	No	Consider possible revisions to improve the use of DBAs by ECs	Licensees, professional associations, relevant state agencies, and other key stakeholders
241	DPO	Spring 2025	Addiction Counselor Board 1.15	LICENSURE BY EXAMINATION (C.R.S. § 12-245-804)	Revision	12-245-805 12-245-504	No	Allows a LMFT, LPC, LCSW to supervise CAT and CAS's who are working to obtain supervision hours for higher level licensing if they have met the education requirements for a Licensed Addition Counselor or equivalent. HB24-1045	Licensees, professional associations, relevant state agencies, and other key stakeholders
242	DPO	Spring 2025	Marriage and Family Board	LICENSURE BY EXAMINATION (C.R.S. § 12-245-803)	Revision	12-245-803	No	Allows a CAC, or LPC to supervise MFTs who are working to obtain supervision hours for licensing if they have met the education requirements for a Marriage and Family Therapist or equivalent. HB24-1045	Licensees, professional associations, relevant state agencies, and other key stakeholders
243	DPO	Spring 2025	Licensed Professional Counselor Board 1.14	LICENSURE BY EXAMINATION (C.R.S. § 12-245-604)	Revision	12-245-604	No	Change from 35 to 25 - For each 1,000 hours of supervised practice in professional counseling, applicants must receive a minimum of fifty hours of supervision. A minimum of thirty-five (THIRTY-FIVE) of the fifty hours must be individual supervision, which may be in-person or telesupervision. HB24-1045	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
244	DPO	Spring 2025	Surgical Assistant and Surgical Technologist Registration 4 CCR 745-1 (Rule 1.11)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-310-103(4)	Yes	The purpose of these potential new rules, revisions, and or repeals is to comply with the Division's mandatory rule review requirements as set forth in section 24-4-103.3, C.R.S.	Licensees, professional associations, relevant state agencies, and other key stakeholders
245	DPO	TBD	Colorado Dental Board New Rule [TBD]	Dentist and Dental Hygienist Compact	New	§ 12-220-105 § 12-110-106	No	The purpose of this rulemaking hearing would be to add rules regarding the Dental and Dental Hygienist Bill SB24-010 that was passed.	Licensees, professional associations, relevant state agencies, and other key stakeholders
246	DPO	TBD	Colorado Dental Board	Scope of Practice for Curodont	New	§ 12-220-105 § 12-110-106	No	The purpose of this rulemaking hearing is to define the scope of practice for Curodont	Licensees, professional associations, relevant state agencies, and other key stakeholders
247	DPO	TBD	State Electrical Board 3 CCR 710-1 (Rule 1.8)	Examinations	New	§ 12-20-204 § 12-115-119(1) § 12-115-107(2)(a)	No	The purpose of this new rule is to allow Division to conduct administrative business with the examination vendor including contract review and procurement.	Licensees, professional associations, relevant state agencies, and other key stakeholders
248	DPO	TBD	State Plumbing Board 3 CCR 720-1 (Rule 1.2)	Standards - Direct Supervision	Revision	§ 12-20-204 § 12-155-105(1)(e)	No	Clarify the language related to Direct Supervision to be "no more than five minutes distance from the apprentice" to define specific installations where this would apply (subdivision, etc.)	Licensees, professional associations, relevant state agencies, and other key stakeholders
249	DPO	TBD 2025 or 2026	Office of Occupational Therapy Licensure 3 CCR 715-1 (TBD)	Compact Rules	New Rules	§ 12-20-204 § 12-270-116	No	New rules may be necessary to implement the interstate licensure compact.	Licensees, professional associations, relevant state agencies, and other key stakeholders
250	DPO	TBD 2025 or 2026	State Board of Licensed Professional Counselor Examiners 4 CCR 737-1 (TBD)	Compact Rules	New Rules	§ 12-20-204 § 12-245-204(4)(a)	No	New rules may be necessary to implement the interstate licensure compact.	Licensees, professional associations, relevant state agencies, and other key stakeholders
251	DPO	TBD in 2025 or 2026	Office of Barber and Cosmetology Licensure 4 CCR 731-1 (Rule 1.8 A(1)(c))	Prohibited acts and Scope of Practice	Revision and possibly new rules	§ 12-105-106(1)(a)	No	The purpose of this proposed revision is to update outdated language that references rule 800 for the Medical Board and adds new language about delegated nursing tasks are assigned to licensees in the B&C program or unlicensed people. Another consideration is the B&C program will be undergoing a sunset review in FY 25 with the expected date for the sunset report to be Oct 15, 2025.	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
252	DPO	TBD in 2025 or 2026	Office of Barber and Cosmetology Licensure 4 CCR 731-1 (TBD)	Compact Rules	New Rules	§ 12-20-204(1) § 12-305-115	No	The purpose of these proposed new rules is to implement Colorado House Bill 24-1111 (CONCERNING THE ENACTMENT OF THE "COSMETOLOGY INTERSTATE COMPACT", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION). This item may need to be continue presence on the regulatory agency until the law and the compact commission are established.	Licensees, professional associations, relevant state agencies, and other key stakeholders
253	DPO	winter 2024/2025	Natural Medicine Advisory Board 4 CCR 755-1	Multiple Rules	Revised rules	§ 12-20-204 § 12-170-105	No	Making numerous fixes to the initially promulgated rules to make necessary revisions for clarity, completeness, and to address public safety concerns	Licensees, professional associations, relevant state agencies, and other key stakeholders
254	DPO	Winter 2024/2025	Nontransplant Tissue Banks TBD	Multiple Rules	New Rules	TBD	No	The Practice Act will be reviewed by the legislature in 2024 through the Sunset Review and rulemaking may be required to implement any legislation.	Licensees, professional associations, relevant state agencies, and other key stakeholders
255	DPO	Winter 2024/2025	State Plumbing Board 3 CCR 720-1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-155-105(1)(f)	No	The Practice Act will be reviewed by the legislature in 2024 through the Sunset Review and rulemaking may be required to implement any legislation.	Licensees, professional associations, relevant state agencies, and other key stakeholders
256	DPO	Winter 2024/2025	State Board of Licensure for Architects, Professional Engineers, and Land Surveyors 4 CCR 730-1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-120-104	No	The Practice Act will be reviewed by the legislature in 2024 through the Sunset Review and rulemaking may be required to implement any legislation.	Licensees, professional associations, relevant state agencies, and other key stakeholders
257	DPO	Winter 2024/2025	State Physical Therapy Board 4 CCR 732-1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-285-106(2)(b)	No	The Practice Act will be reviewed by the legislature in 2024 through the Sunset Review and rulemaking may be required to implement any legislation.	Licensees, professional associations, relevant state agencies, and other key stakeholders
258	DPO	Winter 2024/2025	Office of Respiratory Therapy Licensure 4 CCR 741-1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-300-115	No	The Practice Act will be reviewed by the legislature in 2024 through the Sunset Review and rulemaking may be required to implement any legislation.	Licensees, professional associations, relevant state agencies, and other key stakeholders
259	DPO	Winter 2024/2025	Office of Funeral Home and Crematory Registration 4 CCR 742-1 (TBD)	Multiple Rules	New Rule, Revision, Repeal	§ 12-20-204 § 12-135-401	No	The Practice Act will be reviewed by the legislature in 2024 through the Sunset Review and rulemaking may be required to implement any legislation.	Licensees, professional associations, relevant state agencies, and other key stakeholders
260	DPO	Winter 2024/Spring2025	Colorado Dental Board Rule 1.6	Licenssure of dentists, Dental Therapists, and Dental Hygienists	Revision	§ 12-220-105 § 12-110-106	No	The purpose is to further define licensure regarding CODA and the portability.	Licensees, professional associations, relevant state agencies, and other key stakeholders

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
261	DPO	Winter 2024/Spring2025	Colorado Dental Board Rule 1.14	Anesthesia	Revision	§ 12-220-105 § 12-110-106	No	The purpose of this rulemaking is to revise the anesthesia rule regarding multiple issues that have been brought up through out the years.	Licensees, professional associations, relevant state agencies, and other key stakeholders
262	DPO	Winter 2024/Spring2025	Colorado Dental Board	1.10 (d) Minimum Standards for Qualifications, Training and Education for Unlicensed Personnel Exposing Patients to Ionizing Radiation	New	§ 12-220-105 § 12-110-106	No	Request for Dental Board recognition of RDA(AMT) and DAR(AMT) certification examinations to qualify dental assistants to perform radiography to be added to Rule 1.10(d)	Licensees, professional associations, relevant state agencies, and other key stakeholders
263	DPO	July 17, 1905	Colorado Dental Board 3 CCR 709-1	Concerning the use of Curodont	New Rules	§ 12-220-105 § 12-110-106	No	The purpose of the new rule is to provide guidance on the use of Curodont in relation to 12-220-503(1)(c)	Licensees, professional associations, relevant state agencies, and other key stakeholders
264	DPO	July 19, 1905	Colorado Medical Board 3 CCR 713-1	Continuing Education Requirements for Physicians	New Rules	§ 12-240-130	No	The purpose of proposed new rules is to implement HB24-1153 concernging continuing education requirements for physicians.	
265	Real Estate	7/16/2025	January 4, 1900	Tangible Net Benefit	Repeal	12-10-722, C.R.S.	No	The purpose of the rule was to eliminate the requirements to determine the tangible net benefit of a residential mortgage transaction.	Licensees; professional trade associations; other industry stakeholders
266	Real Estate	7/16/2025	January 4, 1900	Tangible Net Benefit Disclosure	Repeal	12-10-722, C.R.S.	No	The purpose of the rule was to eliminate the requirement the use of a Tangible Net Benefit Disclosure form that was developed by the Board.	Licensees; professional trade associations; other industry stakeholders
267	Real Estate	9/17/2025	January 3, 1900	Renewal for Mortgage Loan Originators	Revision	12-10-722, C.R.S.	No	The purpose of the rule is revise the renewal requirements so licensees only need to renew their licenses on the national licensing system.	Licensees; professional trade associations; other industry stakeholders
268	Real Estate	9/17/2025	January 3, 1900	Reinstatement for Mortgage Loan Originators	Revision	12-10-722, C.R.S.	No	The purpose of the rule is to revise the reinstatement requirements so that licensees only need to reinstate their licenses in the national licensing system.	Licensees; professional trade associations; other industry stakeholders
269	PUC	December 17, 2024	723-3, 723-4	Rules Regulating Electric Utilities; Rules Regualting Gas Utilities	Revision	HB 22-1018, § 40-3-103.6(1), C.R.S.		To adopt rules implementing standard practices for electric and gas utilities to follow when disconnecting customers for nonpayment	Electric utilities, gas utilities, ratepayers
270	PUC	January 7, 2025	723-6	Rules Regulating Transportation by Motor Vehicle	Revision	§§ 40-2-108, 40-10.1-106, 40-10.1-702, C.R.S.	No	To increase rates for LMT services.	LMTs
271	PUC	April 15, 2025	723-7	Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings	New	HB 24-1030, 40-20-303, C.R.S., 40-20-308, C.R.S.	No	To outline reporting requirements for Class 1 and passenger railroads wayside detector systems and obstructions and public crossings, and developing civil penalty fines for failure to follow these rules.	BNSF, UP, AmTrak, RTD Commuter Rail, Unions

REF #	Division	Adoption Date	Board/Program & Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Part of mandatory rule review	Purpose of proposed rule	Stakeholders
272	PUC	May 19, 2025 and June 30, 2025	723-7	Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings	New	HB 24-1030, 40-20-305, C.R.S.	No	To amend rules regarding incident response requirements and required hazardous materials exercises	BNSF, UP, AmTrak, RTD Commuter Rail, DPS, Emergency Response Organizations
273	PUC	June 9, 2025	723-2	Rules Regulating Telecommunications Services and Providers of Telecommunications Services	Revision	§§ 24-4-101 et seq.; 40-2-108; 40-3-101, -102, -103, -107, -110; 40-4-101; 40-15-101, -201, -203.5, and -208, C.R.S	No	To update the definitions of items including in the BESP tariff and clarify the method by which governing bodies will be reimbursed for such tariffed items	BESP and governing 911 authorities
274	PUC	July 7, 2025	723-7	Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings	Revision	§§ 40-2,-108, 40-18-102 and 40-18-103, C.R.S.	No	To review the Program Standard to conform to recently adopted rule changes at the federal agency	Rail fixed guideways, rail fixed guideway systems and transit agencies
275	PUC	August 5, 2025	723-11	Rules Regulating Pipeline Operators and Gas Pipeline Safety	New	SB 21-108, § 40-2-115(1)d(II)(E) and (1)(g), C.R.S.	No	To implement rules regarding the advanced leak detection provision in SB21-108	Gas pipeline operators, oil and gas industry groups, local governments, environmental protection groups
276	PUC	May 20, 2025 and August 19, 2025	723-3, 723-4	Rules Regulating Electric Utilities; Rules Regulating Gas Utilities	New and Revisions	SB 23-292 and BVEM legislative audit	No	To update BVEM provisions in existing rules and to introduce provisions governing public sector energy projects	Electric utilities, gas utilities, ratepayers, labor organizations, independent energy project developers
277	PUC	September 18, 2025	723-4	Rules Regulating Gas Utilities	Revision	§ 40-3.2-108(10), C.R.S.	No	To establish GHG reduction targets for 2035	Gas utilities, environmental protection groups, gas stakeholders
278	PUC	September 22, 2025	723-7	Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings	Revision	§§ 40-2-108 and 40-4-106 and 40-29-110, C.R.S.	No	To adopt rules implementing the allocation of costs to maintain railroad crossings	Rail fixed guideways, rail fixed guideway systems, road authorities, and transit agencies
279	PUC	November 6, 2025	723-7	Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings	Revision and New	§§ 40-2-108, 40-29-110, and 40-20-302-303, C.R.S.	No	To add rules governing railroad wayside detector systems and obstructions at public crossings reports	Rail fixed guideways, rail fixed guideway systems, road authorities, and transit agencies

Departmental Regulatory Agendas

Department

Department of Revenue



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Colorado Department of Revenue

2026 Regulatory Agenda

(January 1, 2026 - December 31, 2026)

2025 Regulatory Agenda Report

(January 1, 2025 - December 31, 2025)



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2026 Regulatory Agenda

(January 1, 2026 - December 31, 2026)

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COLORADO
Department of Revenue

Taxation Division 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda.

Per §2-7-202(6), C.R.S., the Agenda must contain:

(a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;

(b) The statutory or other basis for adoption of the proposed rules;

(c) The purpose of the proposed rules;

(d) The contemplated schedule for adoption of the rules;

(e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda.

The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Nov.	1 CCR 201-1, Rule 39-21-119.5-1, Requirements for Electronic Filing and Electronic Payment	Revision	§ 39-21-102, 39-21-112(1), 39-21-119, 39-21-119.5, and 39-22-608, C.R.S.		Update rule to remove references to Digital Bill Pay.	All Taxpayers, Retailers, Tax Practitioners	January 2026
Nov.	1 CCR 201-1, Rule 39-21-119.5-2, Mandatory Electronic Filing of the Retail Sales Tax Return	New	§ 24-90-110.7, 25-42-103, 29-1-204.5, 29-2-203, 29-2-212, 30-11-107.9, 30-20-604.5, 37-50-110, 39-21-112, 39-21-119.5, 39-26-103.5, 39-26-105, and 43-4-605, C.R.S.		Require electronic filing of the retail sales tax return.	All Retailers, Tax Practitioners	January 2026
Nov.	1 CCR 201-1, Rule 39-21-119.5-3, Mandatory Electronic Filing of the Aviation Fuel Sales Tax Return	New	§ 39-21-112, 39-21-119.5, and 39-26-105, C.R.S.		Require electronic filing of the aviation fuel sales tax return.	Aviation Jet Fuel Distributors and Users, Tax Practitioners	January 2026
Nov.	1 CCR 201-1, Rule 39-21-119.5-4, Mandatory Electronic Filing and Payment of the Daily Vehicle Rental Fee and Congestion Impact Fee	New	§ 39-21-112, 39-21-119.5, 43-4-804(1)(b), and 43-4-806(7.6), C.R.S.		Require the electronic filing of the motor vehicle daily rental return and the electronic payment of the daily vehicle rental fee and the congestion impact fee.	All Entities Renting Vehicles, Tax Practitioners	January 2026
Nov.	1 CCR 201-1, Rule 39-21-119.5-5, Mandatory Electronic Filing and Payment of the Public Utilities Administration Fee	New	§ 39-21-112, 39-21-119.5, 40-2-111, and 40-2-113, C.R.S.		Require electronic filing of the annual report of public utility intrastate gross operating revenue and require electronic payment of the public utilities administration fee.	All Public Utilities	January 2026
Nov.	1 CCR 201-1, Rule 39-21-119.5-6, Mandatory Electronic Filing and Payment of the Motor Fuel Tax	New	§ 39-21-112, 39-21-119.5, 39-27-105, and 39-27-303, C.R.S.		Require the electronic filing of the international fuel tax agreement tax report and the electronic payment of the motor fuel tax.	All International Fuel Tax Agreement Licensees	January 2026
Nov.	1 CCR 201-1, Rule 39-21-119.5-7, Mandatory Electronic Filing and Payment of the Alcohol Beverages Excise Tax	New	§ 39-21-112, 39-21-119.5, and 43-3-503(3), C.R.S.		Require the electronic filing of the monthly report of excise tax for alcohol beverages and the electronic payment of the alcohol beverages excise tax.	All Alcoholic Beverage Manufacturers and Wholesalers	January 2026
Nov.	1 CCR 201-1, Rule 39-21-119.5-8, Mandatory Electronic Filing and Payment of the Alcohol Beverages Excise Tax by Winery Direct Shipper Permit Holders	New	§ 39-21-112, 39-21-119.5, and 43-3-503, C.R.S.		Require the electronic filing of the monthly report of excise tax for winery direct shipper permittees and the electronic payment of the alcohol beverages excise tax.	All Holders of a Winery Direct Shipper Permit	January 2026
Nov.	1 CCR 201-1, Rule 39-21-119.5-9, Mandatory Electronic Filing of the Oil and Gas Severance Tax Withholding Statements	New	§ 39-21-112, 39-21-119.5, 39-29-111, and 39-29-115(1.5), C.R.S.		Require the electronic filing of all copies of oil and gas withholding statements.	All Producers or First Purchasers of Oil and Gas	January 2026

Taxation Division 2026 Regulatory Agenda

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Nov.	1 CCR 201-1, Rule 39-21-119.5-10, Mandatory Electronic Filing and Payment of the County Lodging Tax	New	§ 29-2-203, 30-11-107.5, 39-21-112, and 39-21-119.5, C.R.S.		Require the electronic filing of the county lodging tax and visitor benefit tax return and the electronic payment of the county lodging tax.	All Lodging Retailers, Tax Practitioners	January 2026
Nov.	1 CCR 201-1, Rule 39-21-119.5-11, Mandatory Electronic Filing and Payment of the Local Marketing and Promotion Tax	New	§ 29-25-112, 39-21-112, and 39-21-119.5, C.R.S.		Require the electronic filing of the local marketing district tax return and the electronic payment of the local marketing and promotion tax.	All Lodging Retailers, Tax Practitioners	January 2026
Nov.	1 CCR 201-7, Rule 39-28-305-1, Tobacco Distributors	Revision	§ 39-21-112(1), 39-28-202, 39-28-302, and 39-28-305, C.R.S.	X	Provide guidance regarding reporting requirements relating to the Master Settlement Agreement and the Tobacco Escrow Funds Act.	All Tobacco Distributors, Tax Practitioners	February 2026
Nov.	1 CCR 201-7, Rule 39-28-303, Tobacco Product Manufacturer Certification	Repeal	§ 39-21-112(1) and 39-28-303, C.R.S.	X	Repeal the rule because it is duplicative of the statute.	All Tobacco Distributors, Tax Practitioners	February 2026
Nov.	1 CCR 201-7, Rule 39-28-303(2)(a) (II), Decertification	Repeal	§ 39-21-112(1) and 39-28-303(2)(a), C.R.S.	X	Repeal the rule because it is duplicative of the statute.	All Tobacco Distributors, Tax Practitioners	February 2026
Nov.	1 CCR 201-7, Rule 39-28-303(2)(c), Electronic Mail Address	Repeal	§ 39-21-112(1) and 39-28-303(2)(c), C.R.S.	X	Repeal the rule because it is duplicative of the statute.	All Tobacco Distributors, Tax Practitioners	February 2026
Nov.	1 CCR 201-7, Rule 39-28-305, Stamping Agent Reporting and Payment Requirements	Revision	§ 39-21-112(1) and 39-28-305, C.R.S.	X	Update the rule to make clarifying revisions.	All Tobacco Distributors, Tax Practitioners	February 2026
Apr.	1 CCR 201-7, Rule 39-28.5-101-1, Manufacturer's List Price	Revision	§ 39-21-112, and 39-28.5-101(7), C.R.S.	X	Explain the meaning of "manufacturing overhead," "direct materials," and "direct labor."	All Tobacco Manufacturers, Suppliers, and Distributors; Tax Practitioners	February 2026
Apr.	1 CCR 201-7, Rule 39-28.6-102, Manufacturer's List Price	Revision	§ 39-21-112, 39-28.6-102, and 39-28.6-103 C.R.S.	X	Explain the meaning of "manufacturing overhead," "direct materials," and "direct labor."	All Nicotine Manufacturers, Suppliers, and Distributors; Tax Practitioners	February 2026
Apr.	1 CCR 201-7, Rule 39-28.5-107, Credit Against Tobacco Products Excise Tax	New	§ 39-21-112, and 39-28.5-107, C.R.S.		Describe who are distributors who may claim the credit, which transactions qualify for the credit, and what documentation needs to be retained.	All Tobacco Distributors; Tax Practitioners	February 2026
Apr.	1 CCR 201-9, Rule 42-3-308, Remittance of Passenger Mile Tax	New	§ 39-21-112(1), 42-1-204, 42-3-307, and 42-3-308(1)(a), C.R.S.		Explain passenger mile tax remittance requirements.	All Passenger Service Vehicle Operators, Tax Practitioners	February 2026
Dec.	1 CCR 201-20, Special Rule 1, Motor Vehicle Daily Rental Fees	New	§ 39-21-102, 39-21-112(1), 39-21-119.5, 43-4-804(1)(b), and 43-4-806(7.6), C.R.S.		Set forth the manner in which the motor vehicle daily rental fees are collected, administered, and enforced.	All Motor Vehicle Rental Companies, Tax Practitioners	March 2026
Nov.	1 CCR 201-4, Special Rule, Leases	New	§ 39-21-112(1), 39-26-102, 39-26-104, 39-26-105, and 39-26-713(1)(a), C.R.S.		Provide guidance regarding sales tax on leases.	All Taxpayers, Retailers, Tax Practitioners	April 2026

Taxation Division 2026 Regulatory Agenda

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Nov.	1 CCR 201-4, Rule 39-26-102(23), Long Term Leases	Repeal	§ 39-21-112(1), 39-26-102, 39-26-104, 39-26-105, and 39-26-713(1)(a), C.R.S.	X	Repeal the rule because it will be replaced by the new special rule.	All Taxpayers, Retailers, Tax Practitioners	April 2026
Nov.	1 CCR 201-4, Rule 39-26-713-1, Leases	Repeal	§ 39-21-112(1), 39-26-102, 39-26-104, 39-26-105, and 39-26-713(1)(a), C.R.S.	X	Repeal the rule because it will be replaced by the new special rule.	All Taxpayers, Retailers, Tax Practitioners	April 2026
Jan.	1 CCR 201-2, Rule 39-22-119, Child and Dependent Care Expenses Credit	Revision	§ 39-21-112(1) and 39-22-119, C.R.S.	X	Update the rule to conform to changes made in HB24-1134	All Taxpayers, Tax Practitioners	May 2026
Jan.	1 CCR 201-2, Rule 39-22-119.5, Low-Income Child Care Expenses Tax Credit	Repeal	§ 39-21-112(1) and 39-22-119.5, C.R.S.	X	Repeal the rule because House Bill 24-1134 eliminated the credit starting in tax years 2026.	All Taxpayers, Tax Practitioners	May 2026
Jan.	1 CCR 201-2, Rule 39-22-130, Family Affordability Tax Credit	New	§ 39-21-112(1) and 39-22-130, C.R.S.	X	Describe the proper apportionment of the credit for part-year Colorado residents.	All Taxpayers, Tax Practitioners	May 2026
Jan.	1 CCR 201-4, Rule 39-26-109, Sales Tax Filing Schedules	Revision	§ 39-21-112(1), 39-26-105, 39-26-109, and 39-26-122, C.R.S.	X	Conform the rule to legislative changes made in House Bill 24-1041. Consider increase to monthly filing threshold.	All Taxpayers, Retailers, Tax Practitioners	June 2026
Jan.	1 CCR 201-4, Rule 39-26-105.2, Geographic Information System Database	New	§ 29-2-210, 39-21-112, 39-26-105.2, and 39-26-204.5, C.R.S.		Establish the criteria retailers must meet to be held harmless for any tax, charge, or fee liability resulting from an error or omission in the geographic information system ("GIS") database data.	Retailers, Tax Practitioners	June 2026
Jan.	1 CCR 201-4, Rule 39-26-105.3, Electronic Address Database	Repeal	§ 29-2-210, 39-21-112, and 39-26-204.5, C.R.S.		Repeal the rule pursuant to changes made in HB20-1023.	Retailers, Tax Practitioners	June 2026
Jan.	1 CCR 201-1, Rule 39-21-103-1, Hearings	Revision	§ 39-21-112(1) and 39-21-103, C.R.S.	X	Provide additional guidance regarding the process to request a hearing .	All Taxpayers, Retailers, Tax Practitioners	June 2026
Jan.	1 CCR 201-1, Rule 39-21-103-1, Notice of Final Determination and Resubmitted Refund Claims	New	§ 39-21-112(1) and 39-21-104, C.R.S.		Clarify administrative procedure regarding notices of final determination and resubmission of substantially similar refund claims.	All Taxpayers, Retailers, Tax Practitioners	June 2026
Jan.	1 CCR 201-1, Rule 39-21-105, Appeals and Exhaustion of Administrative Remedies	New	§ 39-21-112(1) and 39-21-105, C.R.S.		Clarify administrative requirements regarding a taxpayer's right to appeal a notice of final determination to the district court.	All Taxpayers, Retailers, Tax Practitioners	June 2026
Nov.	1 CCR 201-10, Rule 39-29-102(3)(a), Definition of "Gross Income" for Severance Tax on Oil and Gas	Revision	§ 39-21-112(1) and 39-29-102, C.R.S.	X	Update the rule to conform to changes made in HB21-1312.	All Oil and Gas Producers or First Purchasers, Tax Practitioners	June 2026
Feb.	1 CCR 201-5, Special Rule, Food	New	§ 39-21-112(1), 29-2-105(1)(d)(I)(C), 39-21-112(1), 39-26-102(4.5), 39-26-104(1)(e), 39-26-127, and 39-26-707, C.R.S.		Provide clarification on the definition of "food."	All Taxpayers, Retailers, Tax Practitioners	July 2026

Taxation Division 2026 Regulatory Agenda

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Feb.	1 CCR 201-4, Rule 39-26-102(4.5), Food	Repeal	§ 39-21-112(1), 29-2-105(1)(d)(I)(C), 39-21-112(1), 39-26-102(4.5), 39-26-104(1)(e), 39-26-127, and 39-26-707, C.R.S.	X	Repeal the rule because it will be replaced by the new special rule.	All Taxpayers, Retailers, Tax Practitioners	July 2026
Apr.	1 CCR 201-1, Rule 39-21-102, Applicability of Article 21 of Title 39, C.R.S., to Taxes and Fees	New	§ 39-21-112(1), 39-21-102, and article 21 of title 39, C.R.S.		Clarify the applicability of the provisions of article 21 of title 39, C.R.S., to the taxes and fees administered by the Taxation Division.	All Taxpayers, Retailers, Tax Practitioners	July 2026
Apr.	1 CCR 201-1, Rule 39-21-113-1, Fee for the Issuance of Proof of Return Filing	New	§ 39-21-112(1) and 39-21-113(4)(b)(III), C.R.S.		Establish and charge a fee for the issuance of proof of return filing, provided by the department upon request, to a taxpayer or the taxpayer's duly authorized representative.	All Taxpayers, Tax Practitioners	July 2026
Apr.	1 CCR 201-2, Rule 39-22-543, Wildfire Mitigation Measures Credit	Revision	§ 39-21-112(1) and 39-29-543, C.R.S.		Conform the rule to legislative changes made in HB 24-1036.	All Taxpayers, Wildfire Mitigation Businesses, Tax Practitioners	July 2026
Apr.	1 CCR 201-2, Rule 39-22-538, Rural Primary Health Care Preceptor Credit	Revision	§ 39-21-112(1) and 39-29-538, C.R.S.		Conform the rule to legislative changes made in HB 24-1036.	All Rural Health Care Professionals, AHEC, Tax Practitioners	July 2026
Apr.	1 CCR 201-2, Rule 39-22-522, Conservation Easement Credit	Revision	§ 39-21-112(1) 39-21-113, 39-22-522, and 39-22-522.5, C.R.S.	X	Conform the rule to legislative changes made in HB 21-1233, HB 24-1036, and SB 24-126, and repeal obsolete and duplicative provisions.	All Taxpayers, Credit Brokers, Tax Practitioners	July 2026
Apr.	1 CCR 201-2, Rule 39-22-105, Alternative Minimum Tax	New	§ 39-21-112(1), 39-22-104, and 39-22-105, C.R.S.		Provide guidance on the Colorado alternative minimum tax.	All Taxpayers, Tax Practitioners	July 2026
Apr.	1 CCR 201-2, Rule 39-22-546, Residential Energy Storage Systems Credit	New	§ 39-21-112(1) and 39-22-546, C.R.S.		Clarify the eligibility and assignability of the credit for qualified systems purchased in a tax year different than the installation.	All Taxpayers, Tax Practitioners	July 2026
Apr.	1 CCR 201-4, Rule 39-26-113.5, Refunds of Sales and Use Tax for Vehicles Used in Interstate Commerce	Repeal	§ 39-21-112(1) and 39-21-113.5, C.R.S.		Repeal the rule because taxpayers are no longer able to claim the refund pursuant to House Bill 24-1036.	All Taxpayers, Retailers, Tax Practitioners	July 2026
Feb.	1 CCR 201-2, Rule 39-22-566, Qualified Care Worker Credit	New	§ 39-21-112(1) and 39-22-566, C.R.S.		Describe the proper apportionment of the credit allowed to part-year Colorado residents and further explain requirements for the credit.	All Taxpayers, All Long-Term Care Employees, All Child Care Employees, Tax Practitioners	July 2026
Jan.	1 CCR 201-2, Rule 39-22-303-x, Affiliated Group and 80/20 Corporations	New	§ 39-21-112(1), 39-22-301, and 39-22-303, C.R.S.		Set forth additional rules for determining the composition of an affiliated group for the purpose of combined reporting pursuant to section 39-22-303(11.5), C.R.S.	All Corporation, Tax Practitioners	August 2026

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Jan.	1 CCR 201-2, Rule 39-22-303-x, Combined Reporting	New	§ 39-21-112(1), 39-22-301, 39-22-303, 39-22-303.6, 39-22-303.7, 39-22-303.9, C.R.S.		Establish rules for combined reporting as required by section 39-22-303(11.5), C.R.S.	All Corporation, Tax Practitioners	August 2026
Jan.	1 CCR 201-2, Rule 39-22-303-x, Unitary Business	New	§ 39-21-112(1), 39-22-301, 39-22-303, 39-22-303.6, 39-22-303.7, 39-22-303.9, C.R.S.		Clarify the principles the Department will apply in determining whether a business is a unitary business for purposes of combined reporting and formulary apportionment.	All Corporation, Tax Practitioners	August 2026
Jun.	1 CCR 201-2, Rule 39-22-548, Homeless Contribution Tax Credit	New	§ 39-21-112(1) and 39-22-548, C.R.S.		Clarify the claim limits on individuals filing a joint return and the credit allocation requirements for pass-through entities.	All Taxpayers, All Homeless Shelters, Tax Practitioners	October 2026
Feb.	1 CCR 201-2, Rules 39-22-5403 and 5503, Affordable Housing Tax Credits	New	§ 39-21-112(1), 39-22-5403, and 39-22-5503, C.R.S.		Provide clarification for pass-through entities making an allocation of the credit, and establish when the carryforward period begins for the credit.	All Housing Developments, All Taxpayers, Tax Practitioners	October 2026
May	1 CCR 201-20, Rule 43-4-218, Retail Delivery Fees	Revision	§ 24-38.5-303, 25-7.5-103, 39-21-102, 39-26-102, 39-26-104, 39-26-105, 39-26-109, 39-26-112, 39-26-115, 39-26-116, 39-26-117, 39-26-118, 39-26-120, 39-26-121, 39-26-122, 39-26-125, 39-26-703, 39-26-726, 39-26-729, 43-4-218, 43-4-805, 43-4-1203, and 43-4-1303, C.R.S.	X	Update the rule to conform to SB 23-143.	All Taxpayers, Retailers, Tax Practitioners	November 2026

Liquor Enforcement Division 2026 Regulatory Agenda

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Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
May	1 CCR 203-2, Regulation 47-408. Purchases by Retailers	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-409. Transportation of Alcohol Beverages	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-410. Retail Warehouse Storage Permit	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-412. Wholesale Warehouse or Branch Houses	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-414. Purchases by Wholesalers	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-416. Items Approved for Sale in Retail Liquor Stores	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-417. Bed and Breakfast Permit	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-418. Restaurants	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-420. Minibar Container Size	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-422. Arts License	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-426. Delivery Sales by Off-Premises Licensees	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-428. Sales Rooms	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-432. Colorado Manufacturers - Alternating Proprietor Licensed Premises	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-434. Manufacturer Licensed Premises That Include Noncontiguous Locations	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-436. Retail Establishment Permit, Including but not Limited to Art Galleries	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26

Liquor Enforcement Division 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda. Per §2-7-202(6), C.R.S., the Agenda must contain:

(a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;

(b) The statutory or other basis for adoption of the proposed rules;

(c) The purpose of the proposed rules;

(d) The contemplated schedule for adoption of the rules;

(e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register. CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S. CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda. The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
<i>month</i>	<i>(ex: 1 CCR 201-1, Rule #101)</i>		<i>(ex: 2-3-401, C.R.S.)</i>	<i>X if yes</i>	<i>(Purpose for the change, ex: legislation)</i>		
May	1 CCR 203-2, Regulation 47-500. Excise Taxes, Surcharges, and Fees Audits	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-502. Excise Taxes, Surcharges, and Fees Reports	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-503. Payment of Excise Taxes - Colorado Licensed Wineries	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-504. Payment of Excise Taxes by Non-licensees	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-505. Methods of payment of fees, fines or other payments made to the State Licensing Authority	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-506. Fees	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
May	1 CCR 203-2, Regulation 47-600. Complaints against Licensees - Suspension, Revocation, and Fining of Licenses	Revision	44-3-202, C.R.S.	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Liquor Industry	11/2/26
Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
<i>month</i>	<i>(ex: 1 CCR 201-1, Rule #101)</i>		<i>(ex: 2-3-401, C.R.S.)</i>	<i>X if yes</i>	<i>(Purpose for the change, ex: legislation)</i>		
May	1 CCR 203-1, Rule 7-800. Smuggling.	Revision	44-7-104(5)(a)(c)(d)	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Tobacco Industry	11/2/2026
May	1 CCR 203-1, Rule 7-900. Identification.	Revision	44-7-103(1) & 44-7-104(5)	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Tobacco Industry	11/2/2026
May	1 CCR 203-1, Rule 7-1000. Renewals.	Revision	44-7-103, 44-7-104.5(1)(a)(II), 44-7-105, and 44-7-106	X	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Tobacco Industry	11/2/2026

Division of Motor Vehicles 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda.

Per §2-7-202(6), C.R.S., the Agenda must contain:

(a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;

(b) The statutory or other basis for adoption of the proposed rules;

(c) The purpose of the proposed rules;

(d) The contemplated schedule for adoption of the rules;

(e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda.

The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Mar.	1 CCR 204-10, Rule 4 Gross Vehicle Weight Registrations	Revision	42-1-102(17), 42-1-102(23.5), 42-1-102(109), 42-1-201, 42-1-204, and 42-3-306(5) C.R.S.	X	Regulatory Agenda Review	DMV Stakeholders, Counties	10/1/2026
Mar.	1 CCR 204-10, Rule 9 Depot License Plates	Revision	42-1-204, 42-3-116, and 42-3-301, C.R.S.	X	Regulatory Agenda Review	DMV Stakeholders, Counties	10/1/2026
Mar.	1 CCR 204-10, Rule 10 Obtaining Title for a Motor Vehicle Abandoned at a Motor Vehicle Repair Facility	Revision	38-20-116, 42-1-204, 42-6-102, 42-6-104, 42-6-115(3)(a), 42-6-116, 42-6-136, 42-6-136.5, 42-6-137, and 42-9-102, C.R.S.	X	Regulatory Agenda Review	DMV Stakeholders, Counties	10/1/2026
Mar.	1 CCR 204-10, Rule 11 Emergency Vehicle Authorization	Revision	24-4-104, 24-4-105, 42-1-102(6), 42-1-204, 42-4-108(5), 42-4-213, and 42-4-238, C.R.S.	X	Regulatory Agenda Review	DMV Stakeholders, Counties, First Responders	10/1/2026
Apr.	1 CCR 204-10, Rule 19 Bonding for Colorado Certificate of Title	Revision	42-6-104, 42-6-107(1)(b), 42-6-115, 42-6-116, and 42-6-117, C.R.S.	X	Regulatory Agenda Review	DMV Stakeholders, Counties	10/1/2026
Apr.	1 CCR 204-10, Rule 22 Manufacturer's Certificate of Origin - Requirements and Use	Revision	42-6-104 and 42-6-113, C.R.S.	X	Regulatory Agenda Review	DMV Stakeholders, Counties	10/1/2026
Apr.	1 CCR 204-10, Rule 24 Vehicle Electric Notifications	Revision	42-1-204 and 42-1-236, C.R.S.	X	Regulatory Agenda Review	DMV Stakeholders, Counties	10/1/2026
May	1 CCR 204-10, Rule 35 Transporter License Plates	Revision	42-1-204, 42-3-116(1), and 42-3-304(7)(a), C.R.S.	X	Regulatory Agenda Review	DMV Stakeholders, Counties	10/1/2026
May	1 CCR 204-10, Rule 51 Colorado Digital License Plates	Revision	42-3-201 and 42-3-202, C.R.S.	X	Regulatory Agenda Review	County Offices, Colorado Department of Transportation, E-470, Colorado Department of Public Safety	10/1/2026
Mar.	1 CCR 204-30, Rule 5 Evidence of Lawful Presence	Revision	24-76.5-103, C.R.S.	X	Regulatory Agenda Review	DMV Stakeholders, Counties	10/1/2026
Mar.	1 CCR 204-30, Rule 17 Fees for Testing and for Issuance of Records, Licenses, Permits, and Identification Documents by the Colorado Department of Revenue	Revision	24-4-103, 24-72.1-103, 42-1-206 (2), 42-2-107, 42-2-114, 42-2-114.5, 42-2-117, 42-2-118, 42-2-127.7, 42-2-133, 42-2-306, and 42-2-406, C.R.S.	X	Regulatory Agenda Review	All citizens	10/1/2026
Nov.	1 CCR 204-10, Rule 10 Mobile Drivers License (mDL)	New	42-2-101, 42-2-115, 42-2-302, 42-2-404 C.R.S.		Legislation HB 25-1076	Law Enforcement Agencies, DMV Stakeholders	4/1/2026
Nov.	1 CCR 204-30, Rule 1 Rules for Application for a Colorado Road and Community Safety Act ID 42-2-501 CRS	Revision	C.R.S. Title 24-4-103, 24-72.1-103, 42-1-204, and Title 42, Article 2, Parts 1, 2, 3, and 5		Fee Structure Update	All citizens	2/1/2026

Motor Vehicle Dealer Board 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda. Per §2-7-202(6), C.R.S., the Agenda must contain:

(a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;

(b) The statutory or other basis for adoption of the proposed rules;

(c) The purpose of the proposed rules;

(d) The contemplated schedule for adoption of the rules;

(e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register. CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S. CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda. The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Jul.	1 CCR 205-1, Regulation 44-20-121(3)(h) B	Revision	§44-20-121(3)(h)		Clarify that wholesale transactions require the disclosures related to material particulars.	Motor Vehicle Dealers and the Organizations representing New and Used Motor Vehicle Dealers and New and Used Powersports Vehicle Dealers.	July 2026
Jul.	1 CCR 205-2, Regulation 44-20-420(3)(h) B	Revision	§44-20-420(3)(h)		Clarify that wholesale transactions require the disclosures related to material particulars.	Motor Vehicle Dealers and the Organizations representing New and Used Motor Vehicle Dealers and New and Used Powersports Vehicle Dealers.	July 2026
Jun.	1 CCR 205-1, Regulation 44-20-104(3)(e)	Revision	§44-20-104(3)(e)		To add the ability to send notification via electronic mail	Motor Vehicle Dealers and the Organizations representing New and Used Motor Vehicle Dealers and New and Used Powersports Vehicle Dealers.	June 2026
Jun.	1 CCR 205-2, Regulation 44-20-404(1)(e)(l)	Revision	44-20-404(1)(e)(l)		To add the ability to send notification via electronic mail	Motor Vehicle Dealers and the Organizations representing New and Used Motor Vehicle Dealers and New and Used Powersports Vehicle Dealers.	June 2026
Aug.	1 CCR 205-1, Regulation 44-20-121(4)	New	§44-20-121(4)		Address consignment sales by Wholesalers	Motor Vehicle Dealers and the Organizations representing New and Used Motor Vehicle Dealers and New and Used Powersports Vehicle Dealers.	August 2026
Aug.	1 CCR 205-2, Regulation 44-20-420(4)	New	§44-20-420(4)		Address consignment sales by Wholesalers	Motor Vehicle Dealers and the Organizations representing New and Used Motor Vehicle Dealers and New and Used Powersports Vehicle Dealers.	August 2026

Colorado Lottery 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda.

Per §2-7-202(6), C.R.S., the Agenda must contain:

(a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;

(b) The statutory or other basis for adoption of the proposed rules;

(c) The purpose of the proposed rules;

(d) The contemplated schedule for adoption of the rules;

(e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda.

The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
<i>month</i>	<i>(ex: 1 CCR 201-1, Rule #101)</i>		<i>(ex: 2-3-401, C.R.S.)</i>	<i>X if yes</i>	<i>(Purpose for the change, ex: legislation)</i>		
Nov.	1 CCR 206-1 Rule #1 GENERAL RULES, REGULATIONS, AND DEFINITIONS	Revision	C.R.S. 4440-101(5), 44-40-109(1)(a) and (2), and 44-40-110		Updated to eliminate definitions that are no longer used, modify existing definitions, and add new definitions.	LOT Stakeholders List	Nov 2025
Nov.	1 CCR 206-1 Rule #2 LICENSING GENERAL RULES AND REGULATIONS	Revision	C.R.S. 44-40-107 and 44-40-109(1)(a) and (2)		Updated to remove the provision that limits the sale of Lottery products by Retailers to cash, checks, money orders or debit cards. Also makes changes to the section that governs Retailers' Sales to Couriers to clarify what is permissible.	LOT Stakeholders List	Nov 2025
Nov.	1 CCR 206-1 Rule #3 GENERAL RULES AND REGULATIONS	New	C.R.S. 44-40-103, 44-40-104, 44-40-107, C.R.S. 44-40-109, and Article 40 of Title 44		To establish and provide the general rules and regulations for Lottery Products, including the Purchase, price, and payment of Lottery Products. Including direct sales via internet, telephone, computer, or any other electronic device or equipment that the purchaser can access or use to purchase lottery tickets other than by doing so personally.	LOT Stakeholders List	Nov 2025
Nov.	1 CCR 206-1 Rule #4 SUSPENSION, REVOCATION OR NON-RENEWAL OF LICENSE	Revision	C.R.S. 44-40-107 and 44-40-109		General updates to improve formatting, clarity, and according to enhanced business processes.	LOT Stakeholders List	Nov 2025
Nov.	1 CCR 206-1 Rule #5 LOTTERY SCRATCH GAMES	Revision	C.R.S. 44-40-109(1) and (3), 44-40-113 and 44-40-114		General updates to improve formatting, clarity, and according to enhanced business processes.	LOT Stakeholders List	Nov 2025
Nov.	1 CCR 206-1 Rule #6 ETHICAL OBLIGATIONS OF COMMISSION	New	C.R.S. 44-40-108 and 44-40-109		This is a renaming and renumbering of Rule #7. The purpose of the rule is to provide specific guidelines in compliance with C.R.S. 44-40-110(1)(f) regarding ethics.	LOT Stakeholders List	Nov 2025
Nov.	1 CCR 206-1 Rule # 7 GENERAL RULES AND REGULATIONS	Repeal	C.R.S. 44-40-108 and 44-40-109		Deleted as General Rules are now covered under Rule 3, and Ethical Obligations of Commission are now covered in Rule 6.	LOT Stakeholders List	Nov 2025
Nov.	1 CCR 206-1 Rule # 10 IN-STATE JACKPOT LOTTERY GAMES		C.R.S. 44-40-101 (5), 44-40-109(1)(a) and (2), 44-40-113, and 44-40-114		General updates to improve formatting, clarity, and according to enhanced business processes.	LOT Stakeholders List	Nov 2025
Nov.	1 CCR 206-1, Rule 14.E MULTI-STATE JACKPOT GAME, "LUCKY FOR LIFE®"	Repeal	C.R.S. 44-40-101, 44-40-109(1)(a) and (2), 44-40-113, 44-40-114		Repeals the Lucky for Life Game effective 2/21/2026. This game is being retired.	LOT Stakeholders List	Nov 2025

Colorado Lottery 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda.

Per §2-7-202(6), C.R.S., the Agenda must contain:

(a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;

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(c) The purpose of the proposed rules;

(d) The contemplated schedule for adoption of the rules;

(e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

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CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

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The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
<i>month</i>	<i>(ex: 1 CCR 201-1, Rule #101)</i>		<i>(ex: 2-3-401, C.R.S.)</i>	<i>X if yes</i>	<i>(Purpose for the change, ex: legislation)</i>		
Nov.	1 CCR 206-1 Rule 14.G MULTI-STATE JACKPOT GAME, "MILLIONAIRE FOR LIFE®"	New	C.R.S. 24-4-103, 44-40-101, 44-40-109 (1)(a) and (2), and 44-40-113 and 44-40-114		To authorize the sale of Millionaire for Life, a new multi-state jackpot game.	LOT Stakeholders List	Nov 2025
	LOT Stakeholders List	The standard LOT stakeholder list includes one (1) representative from PGCC (Problem Gaming Coalition of Colorado), one (1) Chain Retailer, one (1) Independent Retailer, one (1) representative from GOCO (Great Outdoors Colorado), two (2) Players, two (2) representatives from CPW (Colorado Parks and Wildlife), and one (1) representative from CTF (Conservation Trust Fund).					

Division of Gaming - Rules Promulgated by Gaming Commission 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda.

Per §2-7-202(6), C.R.S., the Agenda must contain:

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The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Dec.	1 CCR 207-2 Rule 1 - General Rules and Regulations	Revision	§44-30-102, C.R.S., 44-30-104, C.R.S., 44-30-201, C.R.S., 44-30-202, C.R.S., 44-30-203, C.R.S., and 44-30-302, C.R.S.	X	Mandatory rule review. It is unknown at this time if changes will be proposed.	Sports Betting and Limited Gaming Licensees, Patrons, Div. of Gaming Employees	February
Dec.	1 CCR 207-2 Rule 3 - Applications, Investigations and Licensure	Revision	§44-30-201, C.R.S.; 44-30-203, C.R.S.; 44-30-302, C.R.S.; 44-30-507, C.R.S., and part 15 of article 30 of title 44, C.R.S.	X	Mandatory rule review. It is unknown at this time if changes will be proposed.	Sports Betting and Limited Gaming Licensees, Patrons, Div. of Gaming Employees	February
Dec.	1 CCR 207-2 Rule 6 - Rights and Duties of Licensees	Revision	§44-30-201, C.R.S., 44-30-202, C.R.S., 44-30-203, C.R.S., 44-30-204, C.R.S., 44-30-302, C.R.S., 44-30-510, C.R.S., 44-30-528, C.R.S., 44-30-833, C.R.S. and part 15 of article 30 of title 44, C.R.S.	X	Mandatory rule review. It is unknown at this time if changes will be proposed.	Sports Betting and Limited Gaming Licensees, Patrons, Div. of Gaming Employees	February
Dec.	1 CCR 207-2 Rule 7 - Requirements of Sports Betting Operations	Revision	§44-30-102, C.R.S., 44-30-201, C.R.S., 44-30-202, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-503, C.R.S., 44-30-510, C.R.S., 44-30-528, C.R.S., 44-30-833, C.R.S., 44-30-1501, C.R.S., and part 15 of article 30 of title 44, C.R.S.	X	Mandatory rule review. It is unknown at this time if changes will be proposed.	Sports Betting and Limited Gaming Licensees, Patrons, Div. of Gaming Employees	February

Division of Gaming - Rules Promulgated by Gaming Commission 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda.

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(c) The purpose of the proposed rules;

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month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Dec.	1 CCR 207-2 Rule 9 - Responsible Gaming and Self-Restriction	Revision	§44-30-201, C.R.S., 44-30-202, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-502, C.R.S., 44-30-510, C.R.S., 44-30-528, C.R.S., 44-30-531, C.R.S., 44-30-827, C.R.S., 44-30-833, C.R.S. and 44-30-1701, C.R.S., and 44-30-1702, C.R.S., 44-30-1703, C.R.S., and part 15 of article 30 of title 44, C.R.S.	X	Mandatory rule review. It is unknown at this time if changes will be proposed.	Sports Betting and Limited Gaming Licensees, Patrons, Div. of Gaming Employees	February
Dec.	1 CCR 207-1 Rule 3 Applications, Investigations, and Licensure	Revision	§44-30-102, C.R.S., 44-30-103, C.R.S., 44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., and part 5 of article 30 of title 44, C.R.S.		Annual Fee Analysis	Limited Gaming Licensees, Div. of Gaming Employees	March
Dec.	1 CCR 207-1 Rule 14 Gaming Tax	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-602, C.R.S., and 44-30-604, C.R.S., (1991)		Annual Tax Setting Hearings	Gaming Commission, Limited Gaming Licensees, Div. of Gaming Employees, recipients of Gaming Fund money, the public	April & May
Dec.	1 CCR-207-1 Rule 22 Rules for Roulette	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., and 44-30-818, C.R.S.	X	Mandatory rule review. It is unknown at this time if changes will be proposed.	Limited Gaming Licensees, Div. of Gaming Employees, gaming patrons	October
Dec.	1 CCR 207-1 Rule 23 Rules for Craps	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., and 44-30-818, C.R.S.	X	Mandatory rule review. It is unknown at this time if changes will be proposed.	Limited Gaming Licensees, Div. of Gaming Employees, gaming patrons	October

Colorado Racing Commission 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda.

Per §2-7-202(6), C.R.S., the Agenda must contain:

- (a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;
- (b) The statutory or other basis for adoption of the proposed rules;
- (c) The purpose of the proposed rules;
- (d) The contemplated schedule for adoption of the rules;
- (e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda.

The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
<i>month</i>	<i>(ex: 1 CCR 201-1, Rule #101)</i>		<i>(ex: 2-3-401, C.R.S.)</i>	<i>X if yes</i>	<i>(Purpose for the change, ex: legislation)</i>		
Dec.	Due to the outdated nature of the Division of Racing Events' Colorado Racing Commission Rules, the Division plans on reviewing the entirety of our rulebook over the course of the 2026 Rulemaking session.	Revision	1 CCR 208-1, Colorado Racing Commission Rules - Comprehensive Review (Chapters 1-5: Definitions, Licensing, Operations, Standards, and Medication)		Due to the outdated nature of the Division of Racing Events' Colorado Racing Commission Rules, the Division will conduct a comprehensive review of the entire rulebook during the 2026 rulemaking session to: (1) update rules to meet current national industry standards; (2) remove obsolete provisions, including references to greyhound racing per HB 23-1041; (3) modernize licensing and operational procedures; and (4) ensure consistency with current statutory requirements.	Licensed horse owners and trainers, race track operators (Arapahoe Park), veterinarians, jockeys and exercise riders, horsemen's associations, Colorado Racing Commission members, racing officials, breeding associations	Multiple hearings anticipated throughout 2026. Specific dates will be noticed per statutory requirements once rulemaking schedule is finalized. Tentative quarterly hearings.

Executive Director of the Department of Revenue 2025 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2025 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda. Per §2-7-202(6), C.R.S., the Agenda must contain:

- (a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;
- (b) The statutory or other basis for adoption of the proposed rules;
- (c) The purpose of the proposed rules;
- (d) The contemplated schedule for adoption of the rules;
- (e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register. CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S. CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda. The Agenda covers Calendar Year 2025 (CY25).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
	No anticipated rulemaking.						

Hearings Division 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda. Per §2-7-202(6), C.R.S., the Agenda must contain:

(a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;

(b) The statutory or other basis for adoption of the proposed rules;

(c) The purpose of the proposed rules;

(d) The contemplated schedule for adoption of the rules;

(e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register. CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S. CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda. The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Mar.	1 CCR 211-1, Rule 3 (subparts 3.2 (A) (1); 3.5 (A) (1); 3.6 (C); 3.10 (B); 3.15 (A))	Revision	§§ 24-2-105 and 24-35-103, C.R.S.; Colorado Rules of Civil Procedure; Colorado Rules of Evidence		Change address in "incorporation by reference" paragraphs to 1707 Cole Boulevard, Suite 300, Golden, Colorado (removing 1881 Pierce Street, Lakewood, Colorado)	Public, MED, LED, AID, Racing, Tax, MVTR, Colorado Attorney General's office	March
Mar.	1 CCR 211-1, Rule 3.2(B)	Revision	§24-35-112 C.R.S.		Striking language requiring the Department to be represented in regulatory hearings by the COAG's office. Removal of this language will streamline the rule and remove a requirement already in statute.	Public, Colorado Attorney General's Office, MED, LED, AID, Racing, Tax, MVTR	March
Mar.	1 CCR 211-1, Rule 5(E)(1)	Revision	§§ 24-2-105 and 24-35-103, C.R.S.; Colorado Rules of Evidence		Change address in "incorporation by reference" paragraphs to 1707 Cole Boulevard, Suite 300, Golden, Colorado (removing 1881 Pierce Street, Lakewood, Colorado)	Public, MED, LED, AID, Racing, Tax, MVTR, Colorado Attorney General's office	March
Mar.	1 CCR 211-2, Rule 6(E)(1)	Revision	§§ 24-2-105 and 24-35-103, C.R.S.; Colorado Rules of Judicial Conduct; Colorado Rules of Evidence		Change address in "incorporation by reference" paragraphs to 1707 Cole Boulevard, Suite 300, Golden, Colorado (removing 1881 Pierce Street, Lakewood, Colorado)	Public, DMV	March
Mar.	1 CCR 211-2, Rule 1 (D)	Revision	§§ 24-1-107, 24-1-117, 24-35-103, 42-1-102(24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S		Changing language in definition of Hearing Record to replace "the initial" with "a"	Public, DMV	March
Mar.	1 CCR 211-2, Rule 3 (D)(1)	Revision	§§ 24-1-107, 24-1-117, 24-35-103, 42-1-102(24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S; Colorado Rules of Evidence		Change address in "incorporation by reference" paragraphs to 1707 Cole Boulevard, Suite 300, Golden, Colorado (removing 1881 Pierce Street, Lakewood, Colorado)	Public, DMV	March

Hearings Division 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda. Per §2-7-202(6), C.R.S., the Agenda must contain:

- (a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;
- (b) The statutory or other basis for adoption of the proposed rules;
- (c) The purpose of the proposed rules;
- (d) The contemplated schedule for adoption of the rules;
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The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register. CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S. CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda. The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Mar.	1 CCR 211-2, Rule 5 (B)	Revision	§§ 24-1-107, 24-1-117, 24-35-103, 24-35-116, 42-1-102 (24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S.		Amending language about delivery of subpoena requests to reflect current methods utilized by the Hearings Division.	Public, DMV	March
Mar.	1 CCR 211-2, Rule 5 (subparts 5 (G)(1); 5 (I)(2)(a))	Revision	§§ 24-1-107, 24-1-117, 24-35-103, 24-35-116, 42-1-102 (24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S.; C.R.C.P 45		Change address in "incorporation by reference" paragraphs to 1707 Cole Boulevard, Suite 300, Golden, Colorado (removing 1881 Pierce Street, Lakewood, Colorado)	Public, DMV	March
Mar.	1 CCR 211-2, Rule 5 (G)	Revision	§§ 24-1-107, 24-1-117, 24-35-103, 24-35-116, 42-1-102 (24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S.		Striking the following language from the rule for clarity. "excluding that for the officer who signed the Affidavit and Notice of Revocation for hearings" under § 42-2-126, C.R.S.	Public, DMV	March

Hearings Division 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda. Per §2-7-202(6), C.R.S., the Agenda must contain:

- (a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;
- (b) The statutory or other basis for adoption of the proposed rules;
- (c) The purpose of the proposed rules;
- (d) The contemplated schedule for adoption of the rules;
- (e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register. CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S. CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda. The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Mar.	1 CCR 211-2, Rule 6 (subparts 6 (B)(1) and 6 (D) (1)).	Revision	§§ 24-1-107, 24-1-117, 24-35-103, 42-1-102(24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S. ; Colorado Rule of Professional Conduct; Colorado Rules of Judicial Conduct; Colorado Rules of Civil Procedure		Change address in "incorporation by reference" paragraphs to 1707 Cole Boulevard, Suite 300, Golden, Colorado (removing 1881 Pierce Street, Lakewood, Colorado)	Public, DMV	March
Mar.	1 CCR 211-2, Rule 7	Repeal	§§ 24-1-107, 24-1-117, 24-35-103, 24-35-116, 42-1-102 (24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S.		Repealing previously adopted Rule 7 "Requirement for Written and Timely Request for Hearing" which has never been formally implemented by the Hearings Division due to administrative staff burden and DRIVES programming issues.	Public, DMV	March
Mar.	1 CCR 211-2, Rule 7 (A) (2)	New	§§ 24-1-107, 24-1-117, 24-35-103, 24-35-116, 42-1-102 (24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S.		Adding new language to (renumbered) rule to explain how to request a hearing	Public, DMV	March

Hearings Division 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda. Per §2-7-202(6), C.R.S., the Agenda must contain:

- (a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;
- (b) The statutory or other basis for adoption of the proposed rules;
- (c) The purpose of the proposed rules;
- (d) The contemplated schedule for adoption of the rules;
- (e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register. CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S. CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda. The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Mar.	1 CCR 211-2, Rule 7 (C)	New	§§ 24-1-107, 24-1-117, 24-35-103, 24-35-116, 42-1-102 (24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S.		Adding new language to (renumbered) rule to explain dates when driving restraints will be made effective, and also to explain under which circumstances a Respondent may waive written notice of a hearing.	Public, DMV, Colorado Defense Bar	March
Mar.	1 CCR 211-2, Rule 8	Revision	§§ 24-1-107, 24-1-117, 24-35-103, 24-35-116, 42-1-102 (24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S.		Existing Rule 8 will be renumbered as the new Rule 7	Public, DMV	March
Mar.	1 CCR 211-2, Rule 8 (C)	Revision	§§ 24-1-107, 24-1-117, 24-35-103, 24-35-116, 42-1-102 (24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S.		Striking Rule 8 (C) (previously rule 9 (C)) to eliminate "good cause" requirement to reschedule and hearing, as well as limiting hearing no-shows to two. The purpose of striking this rule is to provide Respondents with greater due process rights.	Public, DMV, Colorado Defense Bar	March
Mar.	1 CCR 211-2, Rule 9	Revision	§§ 24-1-107, 24-1-117, 24-35-103, 24-35-116, 42-1-102 (24), 42-1-201, 42-1-204, 42-2-126, and more generally, Article 1 Parts 1 and 2, Article 2 Parts 1 through 5, and Article 7 of Title 42, C.R.S.		Existing Rule 9 will be renumbered as Rule 8	Public, DMV	March

Marijuana Enforcement Division 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda. Per §2-7-202(6), C.R.S., the Agenda must contain:

(a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;

(b) The statutory or other basis for adoption of the proposed rules;

(c) The purpose of the proposed rules;

(d) The contemplated schedule for adoption of the rules;

(e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register. CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S. CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda. The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Jul.	1 CCR 212-3 Rule 2-100 through 2-140 Fees	Revision	44-10-103, 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(b), 44-10-203(2)(h), 44-10-203(2)(q), 44-10-203(2)(w), 44-10-203(2)(dd)(XII), 44-10-303(2)(b), 44-10-310(7), 44-10-313, 44-10-401, 44-10-801, 44-10-802, 44-10-803, 44-10-1201, 44-10-1202, C. R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16 (5)(a)(II).		Statutory mandate to evaluate fees annually to reflect direct and indirect costs of administering the program	MED Stakeholder List	Fall 2026
Jul.	1 CCR 212-3 Rule 2-145 Social Equity Fees	Revision	44-10-103, 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(b), 44-10-203(2)(h), 44-10-203(2)(q), 44-10-203(2)(w), 44-10-203(2)(dd)(XII), 44-10-303(2)(b), 44-10-308(5); 44-10-310(7), 44-10-313, 44-10-401, 44-10-801, 44-10-802, 44-10-803, 44-10-1201, 44-10-1202, C.R.S		Statutory mandate to evaluate fees annually to reflect direct and indirect costs of administering the program. Additionally, the State Licensing Authority is expressly permitted by statute to adopt reduced fees for Social Equity Licensees	MED Stakeholder List	Fall 2026
Aug.	1 CCR 212-3 Rule 3-335 Production of Regulated Marijuana Concentrate and Regulated Marijuana Products: Specific Health and Safety Requirements	Revision	44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(2)(g), 44-10-203(2)(h), 44-10-203(2)(i), 44-10-202(2)(y), 44-10-203(3)(b), 44-10-203(3)(c), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-203(3)(g), and 44-10-1001, C.R.S.	X	Pursuant to section 24-4-103.3, C.R.S.	MED Stakeholder List	Fall 2026

Marijuana Enforcement Division 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda. Per §2-7-202(6), C.R.S., the Agenda must contain:

(a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;

(b) The statutory or other basis for adoption of the proposed rules;

(c) The purpose of the proposed rules;

(d) The contemplated schedule for adoption of the rules;

(e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register. CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S. CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda. The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Aug.	1 CCR 212-3 Rule 4-215 Regulated Marijuana Testing Program: Contaminant Testing	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	X	Pursuant to section 24-4-103.3, C.R.S.	MED Stakeholder List	Fall 2026
Aug.	CCR 2-213 5-305 Medical Marijuana Products Manufacturer: License Privileges	Revision	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(1)(m), 44-10-203(2)(d)(I)-(VI), 44-10-313(14), and 44-10-503, C.R.S.	X	Pursuant to section 24-4-103.3, C.R.S.	MED Stakeholder List	Fall 2026
Aug.	1 CCR 2-213 6-305 Retail Marijuana Products Manufacturer: License Privileges	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(2)(g), 44-10-203(2)(i), 44-10-203(2)(y), 44-10-203(2)(aa), 44-10-307(1)(j), 44-10-313(14), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), and 44-10-603, and 44-10-608, C.R.S.	X	Pursuant to section 24-4-103.3, C.R.S.	MED Stakeholder List	Fall 2026
Aug.	1 CCR 212-3 Rule 2-220 Initial Application Requirements for Regulated Marijuana Businesses	Revision	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(c), 44-10-203(1)(j), 44-10-203(1)(k), 44-10-203(2)(a), 44-10-203(2)(w), 44-10-203(2)(ee), 44-10-203(7), 44-10-301, 44-10-305, 44-10-307, 44-10-308, 44-10-309, 44-10-310, 44-10-311, 44-10-312, 44-10-313, and 44-10-316, C.R.S.		Continued refinement of SB24-076 implementation pending pilot launch of unified applications.	MED Stakeholder List	Fall 2026

Marijuana Enforcement Division 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda.

Per §2-7-202(6), C.R.S., the Agenda must contain:

- (a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;
- (b) The statutory or other basis for adoption of the proposed rules;
- (c) The purpose of the proposed rules;
- (d) The contemplated schedule for adoption of the rules;
- (e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda.

The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
<i>month</i>	<i>(ex: 1 CCR 201-1, Rule #101)</i>		<i>(ex: 2-3-401, C.R.S.)</i>	<i>X if yes</i>	<i>(Purpose for the change, ex: legislation)</i>		
Aug.	1 CCR 212-3 Rule 2-225 Renewal Application Requirements for All Licensees	Revision	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(c), 44-10-203(2)(a), 44-10-203(2)(c), 44-10-203(2)(w), 44-10-203(2)(ee), 44-10-203(7), 44-10-305(2)(b)(l)(C), 44-10-307, 44-10-308, 44-10-309, 44-10-313, 44-10-314, and 44-10-316 C.R.S.		Continued refinement of SB24-076 implementation pending pilot launch of unified applications.	MED Stakeholder List	Fall 2026

Division of Natural Medicine 2026 Regulatory Agenda

The Colorado Department of Revenue (CDOR) submits the following 2026 Regulatory Agenda (Agenda) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file their Agenda. Per §2-7-202(6), C.R.S., the Agenda must contain:

- (a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;
- (b) The statutory or other basis for adoption of the proposed rules;
- (c) The purpose of the proposed rules;
- (d) The contemplated schedule for adoption of the rules;
- (e) An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register. CDOR must also present its Agenda as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S. CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Agenda. The Agenda covers Calendar Year 2026 (CY26).

Schedule	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review?	Purpose	Stakeholders	Anticipated Hearing Date
month	(ex: 1 CCR 201-1, Rule #101)		(ex: 2-3-401, C.R.S.)	X if yes	(Purpose for the change, ex: legislation)		
Mar.	1-CCR-213-1, Rule 2000 Series	Revision	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(c), 44-50-203(2)(a), 44-50-601(2)-(3), and 44-50-602, C.R.S.		Licensing updates	NMD Stakeholder List	Spring 2026
Mar.	1-CCR-213-1, Rule 2005	Revision	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(c), 44-50-203(2)(a), 44-50-601(2)-(3), and 44-50-602, C.R.S.	X	Annual required fee review	NMD Stakeholder List	Spring 2026
Mar.	1-CCR-213-1, Rule 2005	New	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(c), 44-50-203(2)(a), 44-50-601(2)-(3), and 44-50-602, C.R.S.		Creation of Owner Entity fee	NMD Stakeholder List	Spring 2026
Aug.	1-CCR-213-1, Rule 3000 Series	Revision	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(k), and 44-50-301(4), C.R.S.		Clarification of Transfer rules	NMD Stakeholder List	Fall 2026
Aug.	1-CCR-213-1, Rule 8000 Series	Revision	44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(d), 44-50-203(1)(g), 44-50-203(1)(l), 44-50-203(2)(a), and 44-50-401, C.R.S.		Clarifying transfers, tracking and reporting requirements for healing centers	NMD Stakeholder List	Fall 2026
Aug.	1-CCR-213-1, Rule 9040(G)	Revision	44-50-202(1)(b), 44-50-202(1)(c), 44-50-202(1)(e), 44-50-203(1)(a), 44-50-203(1)(b), 44-50-203(2)(l), 44-50-203(2)(n), and 44-50-203(2)(r), 24-4-104, 24-4-105, and 44-50-701, C.R.S.		Internal reference typo	NMD Stakeholder List	Fall 2026



COLORADO
Department of Revenue

Colorado Department of Revenue

2025 Regulatory Agenda Report

(January 1, 2025 - December 31, 2025)

Taxation Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

Results of Activity Included in Last Regulatory Agenda(2025) (Rule Review items in the next section below)

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose (For the change, ex: legislation)	Stakeholders	Status	Adoption Date (if applicable)	Comments
1 CCR 201-2, Rule 39-22-509	Alternative Transportation Options Credit	New	§ 39-21-112(1) and 39-22-509, C.R.S.	Clarify the requirements for claiming the alternative transportation options income tax credit	Employers, Transportation Management Organizations, Tax Practitioners	Adopted	June 2, 2025	
1 CCR 201-2, Rule 39-22-629	Advance Payment of Tax Credits	New	§ 39-21-112(1), 39-22-555, and 39-22-629, C.R.S.	Provide guidance on the advance payment of tax credits established and permitted under House Bill 23-1272	All Taxpayers, Tax Practitioners	Adopted	August 18, 2025	
1 CCR 201-2, Rule 39-22-555	Electric Bicycle Tax Credit	New	§ 39-21-112(1) and 39-22-555, C.R.S.	Provide guidance on the electric bicycle tax credit passed by House Bill 23-1272	Retailers, Tax Practitioners	Adopted	August 18, 2025	
1 CCR 201-2, Rule 39-22-516	Innovative Motor Vehicle and Innovative Truck Credits	Revision	§ 39-21-112(1), 39-22-516.7, and 39-22-516.8, C.R.S.	Provide additional guidance and clarification regarding the reports financing entities are required to file with the Department.	Automobile Dealers, Financing Companies, Tax Practitioners	Adopted	August 18, 2025	
1 CCR 201-2, Rule 39-22-601.5-1	Federal Partnership Adjustments	New	§ 39-21-112(1) and 39-22-601.5, C.R.S.	Provide guidance regarding reporting and payment requirements established for partnerships and partners relating to federal adjustments.	Partnerships and Partners, Tax Practitioners	Adopted	August 18, 2025	
1 CCR 201-4, Special Rule	Mainframe Computer Access	New	§ 39-21-112(1), 39-26-102, 39-26-104, 39-26-122, and 39-26-713(1)(a), C.R.S.	Provide guidance regarding the tax treatment of mainframe computer access, including the sourcing of taxable sales, the distinction between mainframe computer access and computer software, the taxability of mixed transactions involving both mainframe computer access and computer software.	Retailers, Tax Practitioners	Ongoing		
1 CCR 201-4, Special Rule	Leases	New	§ 39-21-112(1), 39-26-102, 39-26-104, 39-26-105, and 39-26-713(1)(a), C.R.S.	Provide guidance regarding sales tax on leases.	All Taxpayers, Retailers, Tax Practitioners	Ongoing		
1 CCR 201-4, Rule 39-26-102(23)	Long Term Leases	Repeal	§ 39-21-112(1), 39-26-102, 39-26-104, 39-26-105, and 39-26-713(1)(a), C.R.S.	Repeal the rule because it will be replaced by the new special rule.	All Taxpayers, Retailers, Tax Practitioners	Ongoing		
1 CCR 201-4, Rule 39-26-713-1	Leases	Repeal	§ 39-21-112(1), 39-26-102, 39-26-104, 39-26-105, and 39-26-713(1)(a), C.R.S.	Repeal the rule because it will be replaced by the new special rule.	All Taxpayers, Retailers, Tax Practitioners	Ongoing		
1 CCR 201-4, Special Rule	Mixed Transactions	New	§ 39-21-112(1), 39-26-102, 39-26-104, 39-26-104, and 39-26-122, C.R.S.	Provide guidance regarding the tax treatment of mixed transactions that include both taxable and nontaxable components.	All Taxpayers, Retailers, Tax Practitioners	Ongoing		
1 CCR 201-4, Rule 39-26-105-4	Maintenance Agreements	Revision	§ 39-21-112(1), 39-26-105(4), 39-26-122, and 39-26-713(1)(a), C.R.S.	Provide additional guidance regarding the sales tax treatment of maintenance and service contracts.	All Taxpayers, Retailers, Tax Practitioners	Ongoing		
1 CCR 201-1, Rule 39-21-119.5-1	Requirements for Electronic Filing and Electronic Payment	Revision	§ 39-21-102, 39-21-112(1), 39-21-119, 39-21-119.5, and 39-22-608, C.R.S.	Update rule to remove references to Digital Bill Pay	All Taxpayers, Retailers, Tax Practitioners	Ongoing		
1 CCR 201-1, Rule 39-21-119.5-2	Mandatory Electronic Filing of the Retail Sales Tax Return	New	§ 24-90-110.7, 25-42-103, 29-1-204.5, 29-2-203, 29-2-212, 30-11-107.9, 30-20-604.5, 37-50-110, 39-21-112, 39-21-119.5, 39-26-103.5, 39-26-105, and 43-4-605, C.R.S.	Require electronic filing of the retail sales tax return required to be filed pursuant to section 39-26-105, C.R.S.	All Retailers, Tax Practitioners	Ongoing		

Taxation Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

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The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 201-1, Rule 39-21-119.5-3	Mandatory Electronic Filing of the Aviation Fuel Sales Tax Return	New	§ 39-21-112, 39-21-119.5, and 39-26-105, C.R.S.	Require electronic filing of the aviation fuel sales tax return required to be filed pursuant to section 39-26-105, C.R.S.	Aviation Jet Fuel Distributors and Users, Tax Practitioners	Ongoing		
1 CCR 201-1, Rule 39-21-119.5-4	Mandatory Electronic Filing and Payment of the Daily Vehicle Rental Fee and Congestion Impact Fee	New	§ 39-21-112, 39-21-119.5, 43-4-804(1)(b), and 43-4-806(7.6), C.R.S.	Require the electronic filing of the daily vehicle rental fee return and the electronic payment of the daily vehicle rental fee and the congestion impact fee required to be filed and remitted pursuant to section 43-4-804, C.R.S.	All Entities Renting Vehicles, Tax Practitioners	Ongoing		
1 CCR 201-1, Rule 39-21-119.5-5	Mandatory Electronic Filing and Payment of the Public Utility Fee	New	§ 39-21-112, 39-21-119.5, 40-2-111, and 40-2-113, C.R.S.	Require electronic filing of the public utility return required to be filed pursuant to section 40-2-111, C.R.S., and require electronic payment of the public utility fee required to be made pursuant to 40-2-113, C.R.S.	All Public Utilities	Ongoing		
1 CCR 201-1, Rule 39-21-119.5-6	Mandatory Electronic Filing and Payment of the Motor Fuel Tax or Fee	New	§ 39-21-112, 39-21-119.5, 39-27-105, and 39-27-303, C.R.S.	Require the electronic filing of the international fuel tax agreement tax report and the electronic payment of the motor fuel tax and fees required to be filed and paid pursuant to section 39-27-303, C.R.S.	All International Fuel Tax Agreement Licensees	Ongoing		
1 CCR 201-1, Rule 39-21-119.5-7	Mandatory Electronic Filing and Payment of the Alcohol Beverages Excise Tax	New	§ 39-21-112, 39-21-119.5, and 43-3-503(3), C.R.S.	Require the electronic filing of the monthly report of excise tax for alcohol beverages and the electronic payment of the alcohol beverages excise tax required to be filed and paid pursuant to section 44-3-503, C.R.S.	All Alcoholic Beverage Manufacturers and Wholesalers	Ongoing		
1 CCR 201-1, Rule 39-21-119.5-8	Mandatory Electronic Filing and Payment of the Alcohol Beverages Excise Tax by a Holder of a Winery Direct Shipper Permit	New	§ 39-21-112, 39-21-119.5, and 43-3-503, C.R.S.	Require the electronic filing of the wine shipper return and the electronic payment of the alcohol beverages excise tax required to be filed and paid pursuant to section 44-3-503, C.R.S.	All Holders of a Winery Direct Shipper Permit	Ongoing		
1 CCR 201-1, Rule 39-21-119.5-9	Mandatory Electronic Filing of the Oil and Gas Severance Tax Withholding Statement	New	§ 39-21-112, 39-21-119.5, 39-29-111, and 39-29-115(1.5), C.R.S.	Require electronic filing of any the oil and gas severance tax withholding return required to be filed pursuant to section 39-29-111, C.R.S.	All Producers or First Purchasers of Oil and Gas	Ongoing		
1 CCR 201-2, Rule 39-22-550	Electric Lawn Equipment Tax Credit	New	§ 39-21-112(1) and 39-22-550, C.R.S.	Provide guidance on the electric lawn equipment tax credit passed by Senate Bill 23-016	Retailers, Tax Practitioners	Ongoing		
1 CCR 201-18, Rule 39-28.8-101	Retail Marijuana Definitions	Revision	§ 39-21-112(1), 39-26-102, 39-28.8-101, 39-28.8-201, 39-28.8-205, and 39-28.8-308, C.R.S.	Update rule to reflect updated statutes and MED rules, and include new terms used throughout our retail marijuana rules	Retail Marijuana Industry, Tax Practitioners	Ongoing		
1 CCR 201-18, Rule 39-28.8-201	Retail Marijuana Sales Tax Procedures	Revision	§ 24-35-108, 39-21-112(1), 39-21-113, 39-26-103, 39-26-105, 39-26-116, 39-26-118(2), 39-28.8-201, and 39-28.8-205, C.R.S.	Set forth procedures governing the collection, administration, and enforcement of the retail marijuana sales tax	Retail Marijuana Industry, Tax Practitioners	Ongoing		
1 CCR 201-18, Rule 39-28.8-202	Retail Marijuana Sales Tax Imposition and Collection	Revision	§ 39-21-112(1), 39-26-102, 39-26-105, 39-28.8-101, 39-28.8-201, 39-28.8-202, and 39-28.8-205, C.R.S.	Provide guidance regarding the imposition and collection of the retail marijuana sales tax and the applicability of the retail marijuana sales tax to wholesale sales	Retail Marijuana Industry, Tax Practitioners	Ongoing		

Taxation Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 201-18, Rule 39-28.8-302-1	Average Market Rate	Revision	§ 39-21-112(1), 39-28.8-101(1.5), and 39-28.8-308, C.R.S.	Establish rules governing the calculation of the average market rate for purposes of the retail marijuana excise tax	Retail Marijuana Industry, Tax Practitioners	Ongoing		
1 CCR 201-18, Rule 39-28.8-302	Retail Marijuana Excise Tax Imposition and Calculation	Revision	§ 39-21-112(1), 39-28.8-301, 39-28.8-302, 39-28.8-308, and 44-10-503, C.R.S.	Provide guidance regarding the imposition and calculation of the retail marijuana excise tax	Retail Marijuana Industry, Tax Practitioners	Ongoing		
1 CCR 201-18, Rule 39-28.8-303	Recordkeeping Requirements	Revision	§ 24-35-108(1)(f), 39-21-112(1), 39-21-113, 39-26-116, 39-26-118(2), 39-28.8-301, 39-28.8-303, and 39-28.8-308, C.R.S.	Detail the recordkeeping requirements for the retail marijuana excise tax	Retail Marijuana Industry, Tax Practitioners	Ongoing		
1 CCR 201-18, Rule 39-28.8-304	Retail Marijuana Excise Tax Procedures	Revision	§ 24-35-108(1)(f), 39-21-112(1), 39-21-113, 39-26-103, 39-26-105, 39-26-116, 39-26-118(2), 39-28.8-301, 39-28.8-304, and 39-28.8-308, C.R.S.	Establish procedures governing the collection, administration, and enforcement of the retail marijuana excise tax	Retail Marijuana Industry, Tax Practitioners	Ongoing		
1 CCR 201-2, Rule 39-22-104(4)(n.5)	Wildfire Mitigation Measures Subtraction	Repeal	§ 39-21-112(1) and 39-22-104(4)(n.5), C.R.S.	Repeal the rule because beginning January 1, 2025, the subtraction is no longer able to be claimed pursuant to House Bill 24-1036.	All Taxpayers, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-2, Rule 39-22-504(6)		Repeal	§ 39-21-112(1), 39-22-504.6, and 39-22-504.7, C.R.S.	Repeal this rule because the applicable statute was repealed by House Bill 24-1036.	All Taxpayers, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-2, Rule 39-22-504(7)	Medical Savings Accounts	Repeal	§ 39-21-112(1), 39-22-504.6, and 39-22-504.7, C.R.S.	Repeal this rule because the statute was repealed by House Bill 24-1036.	All Taxpayers, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-4, Rule 39-26-717-3	Incontinence Products	Revision	§ 39-21-112(1) and 39-26-717, C.R.S.	Clarify the applicability of the credit with respect to clothing.	All Taxpayers, Retailers, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-4, Rule 29-2-106(9)		Repeal	§ 39-21-112(1) and 29-2-106, C.R.S.	Repeal the rule because the corresponding statutory section mandating this form was repealed in SB24-025	All Taxpayers, Retailers, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-4, Rule 39-26-704-3		Repeal	§ 39-21-112(1) and 39-26-704, C.R.S.	Repeal this rule because it is duplicative of the statute	All Taxpayers, Retailers, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-4, Rule 39-26-704-5		Repeal	§ 39-21-112(1) and 39-26-704, C.R.S.	Repeal this rule because it is duplicative of the statute	All Taxpayers, Retailers, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-5, Special Rule 5	Broadcasting Stations and Other Media	Repeal	§ 39-21-112(1), 39-26-102, and 39-26-104, 39-26-105, 39-26-202, and 39-26-204, C.R.S.	Repeal this rule because it is duplicative of basic sales tax principles that apply to all retailers and are set forth in statutes and other rules	Media Businesses, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-6, Rule 39-35-105	Aircraft Manufacturer New Employee Income Tax Credit	Repeal	§ 39-21-112(1) and 39-30-104, C.R.S.	Repeal the rule because the statute has been repealed and the credit was last allowed in tax year 2022.	Aircraft Manufacturers	Adopted	September 9, 2025	
1 CCR 201-10, Rule 39-29-107	Oil Shale Severance Tax	Repeal	§ 39-21-112(1) and 39-29-107, C.R.S.	Repeal the rule because the reference to subsection (2) is obsolete because of House Bill 23-1121, and the remainder of the rule is obsolete because the severance of oil shale does not occur in Colorado.	Oil Shale Producers, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-4, Rule 39-26-105-1	Remittance of Sales Tax	Revision	§ 39-21-112(1), 39-21-112(1), 39-21-119, 39-26-105, 39-26-107, 39-26-109, 39-26-112, 39-26-118, 39-26-122, and 39-26-704(2), C.R.S.	Update the rule to conform to the Department's current drafting standards and to include a statutory reference to paragraph (3) that was added to the statute after the previous adoption of this rule.	All Taxpayers, Retailers, Tax Practitioners	Adopted	September 9, 2025	

Taxation Division 2025 Regulatory Agenda Report

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(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

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1 CCR 201-4, Rule 39-26-106-1	Separately Stated Tax	Revision	§ 39-21-112(1), 39-26-104, 39-26-105, 39-26-106, and 39-26-122 C.R.S.	Update the rule to address how retailers that do not provide a written or electronic invoice, receipt, or other documentation must show the amount of sales taxes collected. Additionally, the amendment sets forth that retail delivery fees may not be included on the same line as sales taxes on any invoice, receipt, or other document showing the purchase price.	All Taxpayers, Retailers, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-4, Rule 39-26-109	Sales Tax Filing Schedules	Revision	§ 39-21-112(1), 39-26-105, 39-26-109, and 39-26-122, C.R.S.	Conform the rule to legislative changes made in House Bill 24-1041.	All Taxpayers, Retailers, Tax Practitioners	Ongoing		
1 CCR 201-4, Rule 39-26-118	Sales Taxes Held in Trust	Repeal	§ 39-21-112(1), 39-26-106, and 39-26-118, C.R.S.	Repeal the rule because it is duplicative of the statute	All Taxpayers, Retailers, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-4, Rule 39-26-122		Repeal	§ 39-21-112(1), 39-26-104, 39-26-105, 39-26-106, and 39-26-122, C.R.S.	Repeal the rule because it is duplicative of the statute	All Taxpayers, Retailers, Tax Practitioners	Adopted	September 9, 2025	
1 CCR 201-4, Rule 39-26-102(7)-2	Purchase Price Involving a Donation to a Charitable Organization	New	§ 39-21-112(1), 39-21-113, 39-26-102(7)(a), 39-26-104, 39-26-116, 39-26-201(1), and 39-26-202, C.R.S.	Establish the conditions under which a portion of a payment for a sale made by a charitable organization is considered a donation and therefore excluded from the taxable purchase price and to clarify recordkeeping requirements related thereto	All Taxpayers, All Charitable Organizations, Tax Practitioners	Ongoing		
1 CCR 201-4, Rule 39-26-718	Charitable Organizations	Revision	§ 39-21-112(1), 39-26-102(2.5), 39-26-713(2)(d), and 39-26-718, C.R.S.	Provide clarification on the obligations of charitable organizations that conduct retail sales	All Taxpayers, All Charitable Organizations, Tax Practitioners	Ongoing		
1 CCR 201-2, Rule 39-22-604-1	Colorado Income Tax Withholding for Wages	Revision	§ 39-21-112(1), 39-21-119(3), 39-22-103(11), and 39-22-604, C.R.S.	Renumbering the rule to accommodate two new rules under section 39-22-604, C.R.S., and making minor, non-substantive revisions.	All Taxpayers, All Employers, Tax Practitioners	Ongoing		
1 CCR 201-2, Rule 39-22-604-2	Colorado Income Tax Withholding for Gambling Winnings	Revision	§ 39-21-112(1), 39-21-119(3), and 39-22-604, C.R.S.	Establish the withholding percentage for gambling winnings and to prescribe remittance and filing requirements for the payer.	Payers Required to Withhold Colorado Income Taxes from Gambling Winnings	Ongoing		
1 CCR 201-2, Rule 39-22-604-3	Voluntary Colorado Income Tax Withholding for Other Payments	New	§ 39-21-112(1), 39-21-119(3), and 39-22-604, C.R.S.	Provide guidance to payers and payees for voluntary Colorado income tax withholding by mutual agreement on payments not otherwise subject to Colorado income tax withholding requirements.	All Taxpayers, Tax Practitioners	Ongoing		
1 CCR 201-2, Rule 39-22-604-4	Employer Notice of Certain Federal and State Tax Credits	New	§ 39-21-112(1) and 39-22-604, C.R.S.	Set forth requirements for Colorado employers to provide written notice about the availability of certain tax credits to each employee who receives an annual wage and tax statement document.	All Taxpayers, All Employers, Tax Practitioners	Ongoing		

Results of Mandatory Rules Efficiency Review

Schedule (month & year reviewed)	Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	Statutory or other basis for adoption of rule	Did review result in revisions to regulation?	Did review result in repeal of any part of the regulation? If so, how many rules?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)	Comments (optional)
January 2025	1 CCR 201-4, Rule 39-26-102(23)	Long Term Leases	§ 39-21-112(1), 39-26-102, 39-26-104, 39-26-105, and 39-26-713(1)(a), C.R.S.	Review resulted in amendments identified that could improve the rule but are not immediately necessary.	No	No		

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January 2025	1 CCR 201-4, Rule 39-26-713-1	Leases	§ 39-21-112(1), 39-26-102, 39-26-104, 39-26-105, and 39-26-713(1)(a), C.R.S.	Review resulted in recommendation to repeal the rule but is not necessary to do so immediately.	Yes, proposing to repeal 1 rule	No		
February 2025	1 CCR 201-4, Rule 39-26-711	Commercial Airlines	§ 39-21-112(1) and 39-26-711, C.R.S.	Review resulted in amendments identified that could improve the rule but are not immediately necessary.	No	No		
September 2025	1 CCR 201-4, Rule 39-26-715	Fuel	§ 39-21-112(1) and 39-26-715, C.R.S.	Review resulted in recommendation to repeal the rule but is not necessary to do so immediately.	Yes, proposing to repeal 1 rule	No		
	1 CCR 201-1, Rule 39-21-103-2	Assessments	§ 39-21-112(1) and 39-21-103, C.R.S.	No	No	No		
	1 CCR 201-1, Rule 39-21-112(3.5)	Notice and Reporting Requirements for Non-Collecting Retailers	§ 39-21-112(1) and 39-21-112(3.5), C.R.S.	No	No	No		
	1 CCR 201-1, Rule 39-21-116	Closing Agreements	§ 39-21-112(1) and 39-21-116, C.R.S.	No	No	No		
February 2025	1 CCR 201-7, Rule 39-28-101	Definition of Cigarette	§ 39-21-112(1) and article 28 of title 39, C.R.S.	No	No	No		
February 2025	1 CCR 201-7, Rule 39-28-102	Wholesale or Wholesale Subcontractor Change of Business Location	§ 39-21-112(1) and 39-28-303(2)(a), C.R.S.	No	No	No		
February 2025	1 CCR 201-7, Rule 39-28-104	Wholesaler's Service Fee	§ 39-21-112(1), 39-28-104, and 39-28-109, C.R.S.	No	No	No		
February 2025	1 CCR 201-7, Rule 39-28-107	Unstamped Cigarettes	§ 39-21-112(1) and 39-28-107, C.R.S.	No	No	No		
September 2025	1 CCR 201-7, Rule 39-28-202	Tobacco Distributors	§ 39-21-112(1), 39-28-202, 39-28-302, and 39-28-305, C.R.S.	Review resulted in amendments identified that could improve the rule but are not immediately necessary.	No	No		
September 2025	1 CCR 201-7, Rule 39-28-303	Tobacco Product Manufacturer Certification	§ 39-21-112(1) and 39-28-303, C.R.S.	Review resulted in recommendation to repeal the rule but is not necessary to do so immediately.	Yes, proposing to repeal 1 rule	No		
September 2025	1 CCR 201-7, Rule 39-28-303(2)(a)(II)	Decertification	§ 39-21-112(1) and 39-28-303(2)(a), C.R.S.	Review resulted in recommendation to repeal the rule but is not necessary to do so immediately.	Yes, proposing to repeal 1 rule	No		
September 2025	1 CCR 201-7, Rule 39-28-303(2)(c)	Electronic Mail Address	§ 39-21-112(1) and 39-28-303(2)(c), C.R.S.	Review resulted in recommendation to repeal the rule but is not necessary to do so immediately.	Yes, proposing to repeal 1 rule	No		
September 2025	1 CCR 201-7, Rule 39-28-305	Stamping Agent Reporting and Payment Requirements	§ 39-21-112(1) and 39-28-305, C.R.S.	Review resulted in recommendation to repeal the rule but is not necessary to do so immediately.	Yes, proposing to repeal 1 rule	No		

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Results of Activity Included in Last Regulatory Agenda (2025) (Rule Review items in the next section below)

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose (For the change, ex: legislation)	Stakeholders	Status	Adoption Date (if applicable)	Comments
1 CCR 203-2 Regulation 47-950.	Display of Alcohol Beverages Immediately Adjacent to Soft Drinks, Fruit Juices, Cereal, Candy, or Toys, crossover alcohol products, and Non-alcoholic Alternative Beverages	Revision	§44-3-202, C.R.S.	With the passage of SB24-048, the Liquor Enforcement Division is required to make rule changes related to the display of alcoholic beverages in grocery and convenience stores for the purpose of assisting individuals in substance abuse disorder recovery.	LED Liquor Stakeholder List and LED Substance Use Disorder Recovery Stakeholder List	Ongoing	January 1, 2026	

Results of Mandatory Rules Efficiency Review

Schedule (month & year reviewed)	Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	Statutory or other basis for adoption of rule	Did review result in revisions to regulation?	Did review result in repeal of any part of the regulation? If so, how many rules?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable, if not put N/A and describe in the comments)	Comments (optional)
May, 2025	1 CCR 203-2 Regulation 47-312.	Change of Location.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions clarify that neither the state nor local licensing authorities may approve the change of location for a Liquor Licensed Drugstore license unless certain requirements are met, pursuant to SB 25-033.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-313.	Tastings.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions corrected grammar edits in this regulation.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-314.	Limited Liability Company.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions corrected grammar edits in this regulation.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-315.	Entertainment Facility License.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revision adds "Sports" to the description of activities that do not qualify for the Entertainment Facility License.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-316.	Advertising Practices.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the proposed revision clarifies the process whereby a supplier may or may not provide rebates or coupons at retail.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-317.	Market Research - Non-Licensed Locations.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the proposed revision add the appropriate email to contact the Division.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-318.	Liquor Licensed Drugstore Manager Permit.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	No	No	No	n/a	There were no revisions to this regulation.

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May, 2025	1 CCR 203-2 Regulation 47-319.	Signs and Interior Displays.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	No	No	No	n/a	There were no revisions to this regulation.
May, 2025	1 CCR 203-2 Regulation 47-320.	Signs and Interior Displays.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the proposed revision clarifies acceptable signs and interior displays for advertising alcohol by suppliers and retailers.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-321.	Bona Fide Loyalty or Rewards Programs - Discontinued Sales - Close-Out Sales.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the proposed revision clarifies the sale of alcohol below the cost at which the retailer purchased the products from the wholesaler, as well as clarifies the application of a bona fide loyalty or rewards program by a retailer.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-322.	Unfair Trade Practices and Competition.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the proposed revisions clarify the prohibition of suppliers influencing retailers in their product purchase selection, as well as prohibit suppliers from requiring any labor on another supplier's behalf.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-323.	Unlawful Extension of Credit.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the proposed revision ensure all necessary license types are within the definition of "Retailer," following the inclusion of new license type in SB24-231.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-324.	Concurrent Application Review.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions corrected grammar edits in this regulation.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-326.	Distance Restriction - Applicability and Measurement.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions corrected grammar edits in this regulation.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-328.	Entertainment Districts	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	No	No	No	n/a	There were no revisions to this regulation.
May, 2025	1 CCR 203-2 Regulation 47-400.	Licensed Breweries, Distilleries, and Wineries.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	No	No	No	n/a	There were no revisions to this regulation.
May, 2025	1 CCR 203-2 Regulation 47-402.	Confiscated Shipments.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	No	No	No	n/a	There were no revisions to this regulation.
May, 2025	1 CCR 203-2 Regulation 47-404.	Foreign Trade Zones.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions corrected grammar edits in this regulation.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-405.	Festival Permit.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the proposed revision clarify the requirements for a wholesaler's beer license to participate in festival tastings.	No	No	1/1/2026	

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May, 2025	1 CCR 203-2 Regulation 47-406.	Wholesaler Dealer - Importation.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions corrected grammar edits in this regulation.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-407.	Liquor-Licensed Drugstore.	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the proposed revisions update the definitions of "food items" and "open to the public" for Liquor Licensed Drugstores.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-1010.	Special Event Permit - Possession of Beverages	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	No	No	No	n/a	There were no revisions to this regulation.
May, 2025	1 CCR 203-2 Regulation 47-1012.	Special Event Permit - Permitted Age of Servers	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	No	No	No	n/a	There were no revisions to this regulation.
May, 2025	1 CCR 203-2 Regulation 47-1014.	Special Event Permit - Discipline Against Special Event Permittees and Special Event Festival Licensees	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions corrected grammar edits in this regulation.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-1016.	Special Event Permit - Purchase and Storage of Alcohol Beverages	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions corrected grammar edits in this regulation.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-1018.	Special Event Permittee - Supplier Financial Assistance	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	No	No	No	n/a	There were no revisions to this regulation.
May, 2025	1 CCR 203-2 Regulation 47-1020.	Alcohol Beverage Donations	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions corrected grammar edits in this regulation.	No	No	1/1/2026	
May, 2025	1 CCR 203-2 Regulation 47-1022.	Donated Alcohol Beverages in Sealed Containers for Auction For Fundraising Purposes	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions corrected grammar edits in this regulation.	No	No	1/1/2026	

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May, 2025	1 CCR 203-2 Regulation 47-1101.	Delivery and Takeout Sales By On-Premises Licensees	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	Yes, the revisions corrected grammar edits in this regulation.	No	No	1/1/2026	
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Unplanned Rulemaking - Not Part of Regulatory Agenda or Mandatory Rules Review

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date (if applicable)	Comments (optional)
1 CCR 203-2 Regulation 47-004.	Fermented Malt Beverages On or On/Off - Possession of Alcohol Liquors.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-4-104(1)(c)(I)(A), and 44-4-107(1), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-008.	Fermented Malt Beverages - Limitations of License.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(R), 44-4-107(1), 44-3-901(6)(k), and 44-3-911(6)(a)(I), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-100.	Definitions.	Revision	44-3-103, 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), and 44-3-202(2)(a)(I)(R), C.R.S.	The proposed revisions address changes to the Lodging Facility License and Entertainment Facility License pursuant to SB 24-231.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-303.	License Renewal.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(C), 44-3-202(2)(a)(I)(D), 44-3-202(2)(a)(I)(R), 44-3-302, 44-3-501, and 44-4-105, C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-304.	Transfer of Ownership and Changes in Licensed Entities.	Revision	44-3-103, 44-3-107(1), 44-3-202(1)(a), 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(J), 44-3-202(2)(a)(I)(O), 44-3-202(2)(a)(I)(R), 44-3-301(3)(a)(I), 44-3-301(7), 44-3-303(1)(c), 44-3-303(3)(b), 44-3-308, 44-3-409(6), and 44-3-409(7), C.R.S.	The proposed revisions make non substantive changes to the regulation surrounding the sale of alcohol beverage inventory or one retail liquor store to another and repeal a redundant sentence regarding possession of a liquor license through operation of law.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-305.	Transfers - Wholesaler Confirmation.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(C), and 44-3-303(1)(d), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-307.	Master Files.	Revision	44-3-103, 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(R), and 44-3-304(1)(d), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-310.	Application - General Provisions.	Revision	44-3-103, 44-3-202(1)(a), 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(R), 44-3-303(1)(b), 44-3-304(1), 44-3-307, and 24-5-101 C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	

Liquor Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 203-2 Regulation 47-408.	Purchases by Retailers.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(O), 44-3-202(2)(a)(I)(R), 44-3-409(6), 44-3-411, 44-3-413, 44-3-414, 44-3-416, 44-3-417, 44-3-418, 44-3-419, 44-3-420, 44-3-422, 44-3-426, 44-3-428, 44-3-432, and 44-3-901(6)(f), C.R.S.	The proposed revision clarifies that the Division will post on its website, each year on January 1, the updated limit for which a retailer may purchase alcohol beverages from another retailer in a given calendar year.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-410.	Retail Warehouse Storage Permit.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(K), and 44-3-202(2)(a)(I)(R), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-414.	Purchases by Wholesalers.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), and 44-3-202(2)(a)(I)(R), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-416.	Items Approved for Sale in Retail Liquor Stores.	Revision	44-3-202(1)(b) and 44-3-202(2)(a)(I)(A), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-418.	Restaurants.	Revision	44-3-103, 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(L), 44-3-202(2)(a)(I)(M), 44-3-202(2)(a)(I)(R), and 44-3-413, C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-420.	Minibar Container Size.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(R), and 44-3-413(5), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-428.	Sales Rooms.	Revision	44-3-103(49), 44-3-202(1)(b), 44-3-202(a)(I)(R), 44-3-202(2)(a)(I)(T), 44-3-402, 44-3-403, 44-3-407, and 44-3-911(6)(a)(I), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-436.	Retail Establishment Permit, Including but not Limited to Art Galleries.	Revision	2-4-107, 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(R), 44-3-424, 44-3-501(1)(t), 44-3-502, and 44-3-505, C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-502.	Excise Taxes, Surcharges, and Fees Reports.	Revision	44-3-202(1)(b), and 44-3-503, C.R.S.	The proposed amendments and/or additions to this regulation are in response to Senate Bill 25-026 whereby the General Assembly repealed the unsalable alcohol tax credit.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-503.	Payment of Excise Taxes - Colorado Licensed Wineries.	Revision	44-3-202(1)(b) and 44-3-503(2), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-504.	Payment of Excise Taxes by Non-licensees.	Revision	44-3-106(4), 44-3-202(1)(b), and 44-3-503(2), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	

Liquor Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

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1 CCR 203-2 Regulation 47-505.	Methods of payment of fees, fines, or other payments made to the State Licensing Authority.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(B), 44-3-202(2)(a)(I)(C), 44-3-202(2)(a)(I)(D), 44-3-202(2)(a)(I)(R), 44-3-601, 44-4-104, 44-4-105 and 44-5-104, C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-601.	Written Warnings and Assurances of Voluntary Compliance.	Revision	44-3-202(1)(b) and 44-3-202(2)(a)(I)(E), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-602.	Temporary-Summary Suspension.	Revision	44-3-202(1)(b) and 44-3-202(2)(a)(I)(E), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-603.	Assessment of Penalties.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(C), 44-3-202(2)(a)(I)(E), 44-3-202(2)(a)(I)(R), and 44-3-601, C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-605.	Responsible Alcohol Beverage Vendor.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), and 44-3-1002(2), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-606.	Disciplinary and Denial Process for State Licensing Authority.	Revision	44-3-202(1)(b), 44-3-202(1)(c), 44-3-202(1)(d), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(E), 44-3-202(2)(a)(I)(R), 44-3-601, 44-3-901, 24-4-104, 24-4-105, and 24-5-101, C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-607.	Administrative Subpoenas.	Revision	44-3-202(1)(b), 44-3-202(1)(c), 44-3-202(1)(d), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(E), 44-3-202(2)(a)(I)(R), 44-3-601, and 24-4-105, C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-700.	Inspection of the Licensed Premises.	Revision	44-3-102, 44-3-201, 44-3-202(1)(b), 44-3-202(2)(a)(I)(C), 44-3-202(2)(a)(I)(E), 44-3-202(2)(a)(I)(O), and 44-3-202(2)(a)(I)(R), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-900.	Conduct of Establishment.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(L), 44-3-202(2)(a)(I)(M), 44-3-202(2)(a)(I)(P), 44-3-202(2)(a)(I)(R), and 44-3-901(6)(q), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-904.	Product Labeling, Substitution, Sampling and Analysis.	Revision	44-3-202(1)(b) and 44-3-202(2)(a)(I)(M), and 44-3-202(2)(a)(I)(N), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-906.	Container Size.	Revision	44-3-202(1)(b) and 44-3-202(2)(a)(I)(A), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	

Liquor Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

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1 CCR 203-2 Regulation 47-912.	Identification.	Revision	44-3-103, 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(a)(I)(R), 44-3-410(2)(a)(IV), and 44-3-901(11)(a), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-913.	Age of Employees.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(R), 44-3-424(1)(b)(X) and (XI), 44-3-901(6)(p), and 44-4-106(1), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-916.	Advertising - Alcohol Content.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(H), and 44-3-202(2)(a)(I)(N), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-922.	Gambling.	Revision	18-10-102(2), 18-10-102(3), 18-10.5-102(2), 18-10.5-102(3.5), 18-10.5-102(6), 44-3-202(1)(b), 44-3-202(2)(a)(I)(M), 44-3-901(6)(n), and 44-30-103(30)(a), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-1000.	Qualifications for Special Event Permit.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(R), and 44-5-102, C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-1002.	Application for Special Event Permit.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(C), 44-3-202(2)(a)(I)(D), 44-3-202(2)(a)(I)(R), 44-5-106, and 44-5-107, C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-1008.	Special Event Permit - Private Residence: Multiple Use.	Revision	44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(D), and 44-3-202(2)(a)(I)(A), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-1103.	Communal Outdoor Dining Areas.	Revision	44-3-103(11.5), 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-2020(2)(a)(I)(F), 44-3-202(2)(a)(I)(L), 44-3-202(2)(a)(I)(M), 44-3-202(2)(a)(I)(R), 44-3-601, 44-3-912(6), and 24-4-104(4)(a), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-1107.	Rent.	Revision	44-3-103, 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(J), 44-3-202(2)(a)(I)(R), and 44-3-301(3)(A)(I), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
1 CCR 203-2 Regulation 47-1108.	Name, Image, or Likeness.	Revision	44-3-202(1)(a)-(b), 44-3-202(2)(a)(I)(R), 44-3-402(5)(a), 44-3-403(6), 44-3-406(6), 44-3-407(2) - (3), 44-3-409(4), 44-3-410(4), 44-3-411(3), 44-3-412(5), 44-3-413(14), 44-3-414(3), 44-3-415(2), 44-3-416(4), 44-3-417(5), 44-3-418(4), 44-3-420(4), 44-3-421(2), 44-3-422(5), 44-3-426(5), and 44-3-428(3), C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	

Liquor Enforcement Division 2025 Regulatory Agenda Report

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1 CCR 203-2 Regulation 47-1110.	Non-Profit Member-Specific Data.	Revision	44-3-202(1)(A), 44-3-202(1)(B), 44-3-202(1)(C), 44-3-202(1)(D), 44-3-202(1)(f), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(D), 44-3-202(2)(a)(I)(G), 44-3-202(2)(a)(I)(J), 44-3-202(2)(a)(I)(O), 44-3-202(2)(a)(I)(R), 7-90-102, and 7-90-107, C.R.S.	The revisions corrected grammar edits in this regulation.	Liquor Industry	Ongoing	1/1/2026	
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Tobacco Rulemaking

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date (if applicable)	Comments (optional)
1 CCR 203-1 Regulation 7-100.	Definitions.	Revision	44-7-104(5), 18-13-121(5), 22-33-104(2)(b), 25-14-204(3), 25-14-203(4), 44-3-103(50), and 44-30-103(18), C.R.S.	The proposed amendments/ additions to this rule include adding a definition for "Retail Location" and making non-substantive typographical revisions.	Tobacco Industry	Ongoing	January 1,2026	
1 CCR 203-1 Regulation 7-200.	Petitions for Statements of Position and Declaratory Orders.	Revision	44-7-104(5)(a) and 24-4-105(11), C.R.S.	The proposed amendments and/or additions to this rule are to remove a typographical error in the existing tobacco rules.	Tobacco Industry	Ongoing	January 1,2026	
1 CCR 203-1 Regulation 7-300.	Large-Operators.	Revision	44-7-104(5)(a)(I), and 44-7-104(5)(a)(II), C.R.S.	The proposed amendments and/or additions to this rule are to remove a typographical error in the existing tobacco rules.	Tobacco Industry	Ongoing	January 1,2026	
1 CCR 203-1 Regulation 7-311.	Tobacco Festivals.	Revision	44-7-104(5), 44-7-104.5(1)(a)(I), 18-18-102(5), and 44-7-105.5, C.R.S.	The proposed amendments and/or additions to this rule make non-substantive typographical edits; clarify that each licensed retailer at the tobacco festival must hold a tobacco festival permit; clarify that wholesalers and manufacturers may participate in the festival, so long as they are listed on the application; clarify that all sales must be made only by the tobacco festival permittee, not the manufacturer or wholesaler; and clarify the process whereby fines may be levied in the event of a violation of the Tobacco Code or Tobacco Rules.	Tobacco Industry	Ongoing	January 1,2026	
1 CCR 203-1 Regulation 7-500.	Fees.	Revision	44-7-104(5), 44-7-104.5(1), and 44-7-104.7(3)(b), C.R.S.	The proposed amendments and/or additions to this rule are to remove a typographical error in the existing tobacco rules.	Tobacco Industry	Ongoing	January 1,2026	
1 CCR 203-1 Regulation 7-600.	Complaints.	Revision	44-7-104(5)(a)(IV), C.R.S.	The proposed amendments and/or additions to this rule are to remove a typographical error in the existing tobacco rules.	Tobacco Industry	Ongoing	January 1,2026	
1 CCR 203-1 Regulation 7-601.	Penalties.	Revision	44-7-103, 44-7-105, and 44-7-106, C.R.S.	The proposed amendments and/or additions to this rule are to remove a typographical error in the existing tobacco rules.	Tobacco Industry	Ongoing	January 1,2026	
1 CCR 203-1 Regulation 7-700.	Inspection of the Retail Location.	Revision	Review pursuant to §24-4-103.3, C.R.S., Mandatory Review of Rules.	The proposed amendments and/or additions to this rule are to remove a typographical error in the existing tobacco rules.	Tobacco Industry	Ongoing	January 1,2026	

Division of Motor Vehicles 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in 52-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity. Pursuant to 52-7-202(6), C.R.S., the Report must contain:
 (f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.
 Pursuant to 52-4-103.3(4), C.R.S., the Report must contain:
 (4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.
 The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.
 CDOR must also present its Report as part of its "SMART Act" presentation pursuant to 52-7-203(2)(a), C.R.S.
 CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.
 The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

Results of Activity Included in Last Regulatory Agenda(2025) (Rule Review items in the next section below)

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose (For the change, ex: legislation)	Stakeholders	Status	Adoption Date (if applicable)	Comments
1 CCR 204-30, Rule 1	Rules for Application for a Colorado Road and Community Safety Act ID 42-2-501 CRS	Revision	C.R.S. Title 24-4-103, 24-72.1-103, 42-1-204, and Title 42, Article 2, Parts 1, 2, 3, and 5	Legislation, SB24-182	All citizens	Adopted	3/31/2025	
1 CCR 204-10, Rule 17	Horseless Carriage	Revision	42-1-204 and 42-12-301, C.R.S.	Regulatory Agenda Review	DMV Stakeholders, Counties	Not Adopted		Reviewed, no changes needed
1 CCR 204-10, Rule 20	License Plate Retirement	Revision	42-1-204, 42-3-207, 42-3-212(7), 42-3-214(7), 42-3-221(6), 42-3-222(6), 42-3-223(6), 42-3-224(2)(a), 42-3-225(2)(b), 42-3-226(2)(a), 42-3-227(6), 42-3-228(6), 42-3-229(2)(a), 42-3-230(6), 42-3-231(6)(a), 42-3-232(6)(a), 42-3-233(6), 42-3-234(6)(a), 42-3-237(6), 42-3-238(2)(a), 42-3-239(2)(a), 42-3-240(2)(a), 42-3-241(2)(a), 42-3-242(2)(a), 42-3-243(2)(a), 42-3-244(2)(a), 42-3-245(2)(a), 42-3-246(2)(a), 42-3-247(2)(a), 42-3-248(2)(a), 42-3-249(2)(a), 42-3-250(2)(a), 42-3-251(2)(a), and 42-3-252(3)(a), C.R.S.	Regulatory Agenda Review	DMV Stakeholders, Counties	Not Adopted		Reviewed, no changes needed
1 CCR 204-10, Rule 23	Special Mobile Machinery Rentals	Revision	42-1-204 and 42-3-107(16), C.R.S.	Regulatory Agenda Review	DMV Stakeholders, SMM Vendors, Counties	Ongoing		Hearing scheduled for November 6, 2025
1 CCR 204-10, Rule 32	Special License Plate Fee	Revision	42-1-204, 42-3-114, 42-3-201, 42-3-202, 42-3-207, 42-3-208, 42-3-211 to 42-3-218, 42-3-221 to 42-3-234, 42-3-237 to 42-3-254 and 42-3-312, C.R.S.	Regulatory Agenda Review	DMV Stakeholders, Counties	Not Adopted		Reviewed, no changes needed
1 CCR 204-10, Rule 38	Year of Manufacturer License Plates	Revision	42-1-204, 42-3-103, 42-3-201 through 42-3-207, and 42-12-301 through 42-12-302, C.R.S.	Regulatory Agenda Review	DMV Stakeholders, Counties	Not Adopted		Reviewed, no changes needed
1 CCR 204-10, Rule 40	Low-Power Scooter	Revision	42-1-102(48.5), 42-1-204, 42-2-103(2), 42-3-105(1)(d), 42-3-105(2), 42-3-105(4), 42-3-301, 42-3-311, and 42-3-304(18)(d), C.R.S.	Regulatory Agenda Review	DMV Stakeholders, Counties	Ongoing		Hearing completed September 5, 2025. Rule is pending adoption.
1 CCR 204-10, Rule 41	Permanent Disposal of a License Plate or Product	Revision	42-1-204 and 42-3-201(6), C.R.S.	Regulatory Agenda Review	DMV Stakeholders, Counties	Ongoing		Hearing scheduled for October 30, 2025
1 CCR 204-30 Rule 4	Rules for a Disability Symbol to be Placed on a Driver License, Identification Card or Identification Document	Revision	12-240-107; 12-240-113; 12-245-101 et seq.; and 12-255-111; 24-4-103; 24-72.1-102(5); 42-1-204; 42-2-107; 42-2-113; 42-2-114; 42-2-302; 42-2-303 C.R.S. This regulation applies to documents issued under Title 42, Article 2, Parts 1, 3, and 5.	Regulatory Agenda Review	DMV Stakeholders, Counties	Not Adopted		Reviewed, no changes needed
1 CCR 204-30, Rule 9	Motorcycle Rules and Regulations for RST Organizations and RST Testers	Revision	24-4-103; 24-4-104; 42-1-102(43.5); 42-1-102(55); 42-1-102(58); 42-1-204; 42-2-103; 42-2-106 and 42-2-111; 42-4-1502, C.R.S. (2016)	Regulatory Agenda Review	RST Tester, DMV Stakeholders	Not Adopted		Reviewed, no changes needed
1 CCR 204-30, Rule 11	Interlock-Restricted Licenses	Revision	24-4-103, 42-1-204, and 42-2-132.5, C.R.S.	Regulatory Agenda Review	Interlock-Vendors, DMV Stakeholders	Not Adopted		Reviewed, no changes needed
1 CCR 204-30, Rule 13	Rules for Access To and Use of Images and Image Comparison Technology	Revision	42-2-114(1)(a)(IV) and (V), C.R.S.	Regulatory Agenda Review	Law Enforcement, DMV Stakeholders	Not Adopted		Reviewed, no changes needed

Results of Mandatory Rules Efficiency Review

Division of Motor Vehicles 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity. Pursuant to §2-7-202(6), C.R.S., the Report must contain:
 (f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.
 Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:
 (4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.
 The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.
 CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.
 CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.
 The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

Schedule (month & year reviewed)	Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	Statutory or other basis for adoption of rule	Did review result in revisions to regulation?	Did review result in repeal of any part of the regulation? If so, how many rules?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable, if not put N/A and describe in the comments)	Comments (optional)

Unplanned Rulemaking - Not Part of Regulatory Agenda or Mandatory Rules Review

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date (if applicable)	Comments (optional)
1 CCR 204-30, Rule 1	Rules for Application for a Colorado Road and Community Safety Act ID 42-2-501 CRS	Revision	C.R.S. Title 24-4-103, 24-72.1-103, 42-1-204, and Title 42, Article 2, Parts 1, 2, 3, and 5	Emergency Rule, fee change	All citizens	Adopted	6/17/2025	Fee change in place as of 6/30/2025
1 CCR 204-30, Rule 17	Fees for Testing and for Issuance of Records, Licenses, Permits, and Identification Documents by the Colorado Department of Revenue	Revision	24-4-103, 24-72.1-103, 42-1-206 (2), 42-2-107, 42-2-114, 42-2-114.5, 42-2-117, 42-2-118, 42-2-127.7, 42-2-133, 42-2-306, and 42-2-406, C.R.S.	Emergency Rule, fee change	All citizens	Adopted	6/17/2025	Fee change in place as of 6/30/2026
1 CCR 204-30, Rule 1	Rules for Application for a Colorado Road and Community Safety Act ID 42-2-501 CRS	Revision	C.R.S. Title 24-4-103, 24-72.1-103, 42-1-204, and Title 42, Article 2, Parts 1, 2, 3, and 5	Fee change. Promulgation to cauterize the Emergency Rule.	All citizens	Adopted	8/14/2025	
1 CCR 204-30, Rule 17	Fees for Testing and for Issuance of Records, Licenses, Permits, and Identification Documents by the Colorado Department of Revenue	Revision	24-4-103, 24-72.1-103, 42-1-206 (2), 42-2-107, 42-2-114, 42-2-114.5, 42-2-117, 42-2-118, 42-2-127.7, 42-2-133, 42-2-306, and 42-2-406, C.R.S.	Fee change. Promulgation to cauterize the Emergency Rule.	All citizens	Adopted	8/14/2025	
1 CCR 204-10, Rule 34	Dealer Issued Temporary Registration Permits	Revision	2-4-108(2), 42-1-204 and 42-3-203(3)(b), C.R.S.	Updates needed	DMV Employees, CO Drivers, County Offices, Licensed Dealers	Ongoing	TBD	Rule in workshop
1 CCR 204-30, Rule 8	Rules and Regulations for the Class R Driver Testing and Education Program	Revision	24-4-103, 104 and 105; 42-1-102 (43.5); 42-1-204; 42-1-211; 42-1-222; 42-2-105.5; 42-2-106; 42-2-111; 42-2-601, 602, 603, and 604, C.R.S.	HB25-1076	Third Party Testing Agencies, General Public	Ongoing	TBD	Rule in workshop
1 CCR 204-30, Rule 3	Driver License Re-Examination / Medical Examination	Revision	42-2-111, 42-2-112, and 42-2-104, C.R.S	HB25-1076	Medical Professionals, DMV Stakeholders	Ongoing	TBD	Rule in workshop

Motor Vehicle Dealer Board 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity. Pursuant to §2-7-202(6), C.R.S., the Report must contain:
 (f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.
 Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:
 (4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S. The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.
 CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.
 CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.
 The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

Results of Activity Included in Last Regulatory Agenda(2025) (Rule Review items in the next section below)

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose (For the change, ex: legislation)	Stakeholders	Status	Adoption Date (if applicable)	Comments
1CCR 205-1, Regulation 44-20-104(3)(e)	Delegation for defaults against a motor vehicle licensee who fails to provide a written response required by 24-4-105(2)(b) C. R.S.	Revision	§44-20-104(3)(e)	To add the ability to send notification via electronic mail	Motor Vehicle Dealers and the Organizations representing New and Used Motor Vehicle Dealers and New and Used Powersports Vehicle Dealers	Ongoing		This will be part of the 2026 Regulatory Agenda.
1 CCR 205-2, Regulation 44-20-404(1)(e)(l)	Delegation for defaults against a powersports licensee who fails to provide a written response required by 24-4-105(2)(b) C. R.S.	Revision	44-20-404(1)(e)(l)	To add the ability to send notification via electronic mail	Powersports Vehicle Dealers, and the Organizations representing New and Used Motor Vehicle Dealers and New and Used Powersports Vehicle Dealers	Ongoing		This will be part of the 2026 Regulatory Agenda.
1CCR 205-1, Regulation 44-20-121(4)	Regulations related to the discipline of a wholesaler of motor vehicles.	New	§44-20-121(4)	Address consignment sales by Wholesalers	Motor Vehicle Dealers and the Organizations representing New and Used Motor Vehicle Dealers and New and Used Powersports Vehicle Dealers	Ongoing		This will be part of the 2026 Regulatory Agenda.
1 CCR 205-2, Regulation 44-20-420(4)	Regulations related to the discipline of a wholesaler of powersports.	New	§44-20-420(4)	Address consignment sales by Wholesalers	Powersports Vehicle Dealers, and the Organizations representing New and Used Motor Vehicle Dealers and New and Used Powersports Vehicle Dealers	Ongoing		This will be part of the 2026 Regulatory Agenda.
1 CCR 205-1, Regulation 44-20-121(3)(h) B.	Disclosure of Material Particulars	Revision	§44-20-121(3)(h)	Clarify that wholesale transactions require the disclosures related to material particulars.	Motor Vehicle Dealers and the Organizations representing New and Used Motor Vehicle Dealers and New and Used Powersports Vehicle Dealers	Ongoing		This will be part of the 2026 Regulatory Agenda.

Colorado Lottery 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity. Pursuant to §2-7-202(6), C.R.S., the Report must contain:
 (f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.
 Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:
 (4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S. The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.
 CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.
 CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.
 The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

Results of Activity Included in Last Regulatory Agenda(2025) (Rule Review items in the next section below)

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose (For the change, ex: legislation)	Stakeholders	Status	Adoption Date (if applicable)	Comments
1 CCR 206-1 Rule #1	GENERAL RULES, REGULATIONS, AND DEFINITIONS	Revision	C.R.S. 44-40-101(5), 44-40-109(1)(a) and (2), and 44-40-110	Definitions were added and updated to enhance business processes and define Couriers and Courier Customers.	Lot Stakeholders List	Adopted	3/12/2025	Effective date 4/30/2025
1 CCR 206-1, Rule #2	LICENSING GENERAL RULES AND REGULATIONS	Revision	C.R.S. 44-40-107 and 44-40-109(1)(a) and (2)	To add provisions for retailers who sell lottery products to couriers.	Lot Stakeholders List	Adopted	3/12/2025	Effective date 4/30/2025
1 CCR 206-1, Rule #10.A	IN-STATE JACKPOT GAME "COLORADO LOTTO"	Revision	C.R.S. 44-40-109 (1)(a) and (2), 44-40-113 and 44-40-114	To add provisions for how plays are entered on the Jackpot Gaming Terminal using a Play Slip.	Lot Stakeholders List	Adopted	3/12/2025	Effective date 4/30/2025
1 CCR 206-1, Rule #14.A	MULTI-STATE JACKPOT GAME, "POWERBALL®"	Revision	C.R.S. 44-40-101, 44-40-109 (1)(a) and (2), 44-40-113, and 44-40-114	To add provisions for how plays are entered on the Jackpot Gaming Terminal using a Play Slip.	Lot Stakeholders List	Adopted	3/12/2025	Effective date 4/30/2025

Results of Mandatory Rules Efficiency Review

Schedule (month & year reviewed)	Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	Statutory or other basis for adoption of rule	Did review result in revisions to regulation?	Did review result in repeal of any part of the regulation? If so, how many rules?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable, if not put N/A and describe in the comments)	Comments (optional)

Unplanned Rulemaking - Not Part of Regulatory Agenda or Mandatory Rules Review

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date (if applicable)	Comments (optional)
1 CCR 206-1, Rule #1	GENERAL RULES, REGULATIONS, AND DEFINITIONS	Revision	C.R.S. 44-40-101(5), 44-40-109(1)(a) and (2), and 44-40-110.	Changes were to improve grammar, formatting and clarity.	LOT Stakeholders List	Adopted	11/13/2024	Effective date 4/4/2025
1 CCR 206-1, Rule #2	LICENSING GENERAL RULES AND REGULATIONS	Revision	C.R.S. 44-40-107 and 44-40-109(1)(a) and (2)	Changes were to improve grammar, formatting and clarity.	LOT Stakeholders List	Adopted	11/13/2024	Effective date 4/4/2025
1 CCR 206-1, Rule #5	LOTTERY SCRATCH GAMES	Revision	C.R.S. 44-40-109(1), (2) and (3), 44-40-113 and 44-40-114.	Changes were to improve grammar, formatting and clarity.	LOT Stakeholders List	Adopted	11/13/2024	Effective date 4/4/2025
1 CCR 206-1, Rule #14.C	COLORADO LOTTERY MULTI-STATE JACKPOT GAME, MEGA MILLIONS®	Revision	C.R.S. 44-40-101, 44-40-104, 44-40-105, 44-40-109 (1) (a) and (2), 44-40-113 and 44-40-114.	The change is to improve the odds of winning a jackpot and increase the value of prizes by adding a new feature called "The Multiplier."	LOT Stakeholders List	Adopted	11/13/2024	Effective date 4/4/2025
1 CCR 206-1, Rule #14.D	COLORADO LOTTERY MULTI-STATE JACKPOT GAME, "MEGA MILLIONS" - "MEGAPLIER®"	Repeal	C.R.S. 44-40-101, 44-40-109 (1) (a) and (2), and 44-40-113.	The game was retired by the Multi-State Lottery Association and no longer needed.	LOT Stakeholders List	Adopted	11/13/2024	Effective date 4/4/2025

Division of Gaming - Rules Promulgated by Gaming Commission 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

Results of Activity Included in Last Regulatory Agenda(2025) (Rule Review items in the next section below)

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose (For the change, ex: legislation)	Stakeholders	Status	Adoption Date (if applicable)	Comments
1 CCR 207-1 Rule 14	Gaming Tax	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-602, C.R.S., and 44-30-604, C.R.S., (1991)	Annual tax setting hearings	Gaming Commission, Limited Gaming Licensees, Div. of Gaming Employees, recipients of Gaming Fund money, the public	Other	N/A	The Division did not recommend any changes to the Gaming tax rate. The Gaming Commission determined that no changes were necessary. The Rulemaking was terminated.
1 CCR 207-1 Rule 3	Applications, Investigations, and Licensure	Revision	§44-30-102, C.R.S., 44-30-103, C.R.S., 44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., and part 5 of article 30 of title 44, C.R.S.	Annual fee analysis	Limited Gaming Licensees, Div. of Gaming Employees.	Other	N/A	The analysis done by the Gaming budget team determined that no changes to the fees were necessary this year so no rulemaking was filed with the SOS.

Results of Mandatory Rules Efficiency Review

Schedule (month & year reviewed)	Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	Statutory or other basis for adoption of rule	Did review result in revisions to regulation?	Did review result in repeal of any part of the regulation? If so, how many rules?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable, if not put N/A and describe in the comments)	Comments (optional)
October 2025	1 CCR 207-1 Rule 8	Rules for Blackjack	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-816, C.R.S., and 44-30-818, C.R.S.	No	No	No	N/A	The Division determined that no changes to the rules were warranted due to rule review.
October 2025	1 CCR 207-1 Rule 21	Rules for Blackjack/Poker Combination Games	§44-30-201, C.R.S., 44-30-302, C.R.S., 44-30-816, C.R.S., and 44-30-818, C.R.S.	No	No	No	N/A	The Division determined that no changes to the rules were warranted due to rule review.

Unplanned Rulemaking - Not Part of Regulatory Agenda or Mandatory Rules Review

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date (if applicable)	Comments (optional)
1 CCR 207-1 Rule 8	Rules for Blackjack	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-816, C.R.S., and 44-30-818, C.R.S.	Amendments to Gaming Rule 8, in order to include rules of play for new games approved for use in Colorado Casinos.	Limited Gaming Licensees, Div. of Gaming Employees, gaming patrons	Adopted	1/16/25	Effective 3/17/2025
1 CCR 207-1 Rule 12	Gaming Equipment	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., and 44-30-806, C.R.S.	Amendments to Gaming Rule 12, in order to include rules of play for new games approved for use in Colorado Casinos.	Limited Gaming Licensees, Div. of Gaming Employees, gaming patrons	Adopted	1/16/25	Effective 3/17/2025
1 CCR 207-1 Rule 21	Rules for BJ-Poker Combination	Revision	44-30-201, C.R.S., 44-30-302, C.R.S., 44-30-816, C.R.S., and 44-30-818, C.R.S.	Amendments to Gaming Rule 21, in order to include rules of play for new games approved for use in Colorado Casinos.	Limited Gaming Licensees, Div. of Gaming Employees, gaming patrons	Adopted	1/16/25	Effective 3/17/2025

Division of Gaming - Rules Promulgated by Gaming Commission 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 207-1 Rule 8	Rules for Blackjack	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-816, C.R.S., and 44-30-818, C.R.S.	Amendments to Gaming Rule 8, in order to include rules of play for new games approved for use in Colorado Casinos.	Limited Gaming Licensees, Div. of Gaming Employees, gaming patrons	Adopted	2/20/25	Effective 04/14/2025
1 CCR 207-1 Rule 28	Rules for Baccarat	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-816, C.R.S., and 44-30-818, C.R.S.	Amendments to Gaming Rule 28, in order to include rules of play for new games approved for use in Colorado Casinos.	Limited Gaming Licensees, Div. of Gaming Employees, gaming patrons	Adopted	3/20/25	Effective 05/15/2025
1 CCR 207-1 Rule 2	Powers & Duties of Commission and Director	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-301, C.R.S., 44-30-302, C.R.S., 44-30-501, C.R.S., 44-30-502, C.R.S., 44-30-507, C.R.S., 44-30-1103, C.R.S., and 24-4-105, C.R.S.	Amendments to Gaming Rule 2, Powers and Duties of Commission and Director, to better define the responsible gaming rules and for the sake of consistency and clarification within the Rules.	Gaming employees, patrons, licensees, Div. of Gaming Employees, Responsible Gaming programs	Not Adopted	07/17/25	Terminated - The Division determined additional review of these rules were necessary.
1 CCR 207-1 Rule 29	Responsible Gaming and Self-Restriction	Revision	§44-30-201, C.R.S., 44-30-202, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-502, C.R.S., 44-30-510, C.R.S., 44-30-528, C.R.S., 44-30-531, C.R.S., 44-30-827, C.R.S., 44-30-833, C.R.S., 4-30-1701, C.R.S., 44-30-1702, C.R.S., and 44-30-1703, C.R.S.	Amendments to Gaming Rule 29, Responsible Gaming and Self-Restriction to better define the responsible gaming rules and for the sake of consistency and clarification within the Rules.	Gaming employees, patrons, licensees, Div. of Gaming Employees, Responsible Gaming programs	Not Adopted	07/17/25	Terminated - The Division determined additional review of these rules were necessary.
1 CCR 207-2 Rule 9	Responsible Gaming and Self-Restriction	Revision	§44-30-201, C.R.S., 44-30-202, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-502, C.R.S., 44-30-510, C.R.S., 44-30-528, C.R.S., 44-30-531, C.R.S., 44-30-827, C.R.S., 44-30-833, C.R.S., 18-20-112, C.R.S., 44-30-1701, C.R.S., 44-30-1702, C.R.S., and 44-30-1703, C.R.S., and part 15 of article 30 of title 44, C.R.S.	Amendments to Sports Betting Rule 9, Responsible Gaming and Self-Restriction in order to clarify and expand requirements for responsible gaming as well as for the sake of consistency and clarification within the Rules.	Gaming employees, patrons, licensees, Div. of Gaming Employees, Responsible Gaming programs	Not Adopted	07/17/25	Terminated - The Division determined additional review of these rules were necessary.
1 CCR 207-1 Rule 21	Rules for BJ-Poker Combination Games	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-816, C.R.S., and 44-30-818, C.R.S.	Amendments to Gaming Rule 21, in order to include rules of play for new games approved for use in Colorado Casinos.	Limited Gaming Licensees, Div. of Gaming Employees, gaming patrons	Not Adopted	09/18/25	Terminated due to an error in the rule filing.
1 CCR 207-1 Rule 8	Rules for BJ-Poker Combination Games	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-816, C.R.S., and 44-30-818, C.R.S.	Amendments to Gaming Rule 8, in order to include rules of play for new games approved for use in Colorado Casinos.	Limited Gaming Licensees, Div. of Gaming Employees, gaming patrons	Ongoing	10/16/25	Anticipated effective date 12/15/2025
1 CCR 207-1 Rule 23	Rules for Craps	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., and 44-30-818, C.R.S.	Amendments to Gaming Rule 23, in order to include rules of play for new games approved for use in Colorado Casinos.	Limited Gaming Licensees, Div. of Gaming Employees, gaming patrons	Ongoing	10/16/25	Anticipated effective date 12/15/2025
1 CCR 207-1 Rule 2	Powers & Duties of Commission and Director	Revision	§44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-301, C.R.S., 44-30-302, C.R.S., 44-30-501, C.R.S., 44-30-502, C.R.S., 44-30-507, C.R.S., 44-30-1103, C.R.S., and 44-30-1702 C.R.S.	Amendments to Gaming Rule 2, Powers and Duties of Commission and Director, to better define the responsible gaming rules and for the sake of consistency and clarification within the Rules.	Gaming employees, patrons, licensees, Div. of Gaming Employees, Responsible Gaming programs	Ongoing	11/20/25	Anticipated effective date 1/14/2026

Colorado Racing Commission 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

Results of Activity Included in Last Regulatory Agenda(2025) (Rule Review items in the next section below)

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose (For the change, ex: legislation)	Stakeholders	Status	Adoption Date (if applicable)	Comments
1 CCR 208-1, Rule 3.104, Chapter 1 Definitions	Definitions	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of all language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 3.104	Work eligibility for children 14 and older	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 3.512	Trainer may not allow animals owned by disqualified persons into their stable/kennel	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 3.734	The Division's privilege to not register a stable/kennel name	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 3.810	Kennel operators' responsibility to notify division of all persons with independent access to their kennel	Repeal	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 5.350	Restriction of all persons except licensed veterinarians from possessing any injectable medication or syringe	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 5.354	Medication storage requirements	Repeal	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 5.356	Process for having medication approved for storage or use	Repeal	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		

Colorado Racing Commission 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

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1 CCR 208-1, Rule 5.358	A copy of all authorized drugs and medications must be posted in the area where greyhounds are kenneled	Repeal	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 5.359.1(C)	Only licensed veterinarians are authorized to possess substances that are prohibited in an animal on race day	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 5.360	Medical Labeling	Repeal	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 5.400	Drug testing	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 9.410	Commission requirements to listen to requests for distribution of purse trust fund	Repeal	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Chapter 11 (100) ASSOCIATIONS/SIMULCASTING FACILITIES	General Provisions (Horse and Greyhound)	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 11.330	Capital Improvements Fund	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels . Correct language.	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 11.514	Stable/Kennel name & Owner identification on the official program	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 11.532	Grants full access of racing and simulcast facilities to the Commission and Division	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels, and to align the language.	Owners and breeders associations, horsemen, track staff	Ongoing		

Colorado Racing Commission 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 208-1, Rule 11.534	Security requirements for the racetrack and simulcast facilities	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels . Align the language.. And to add the ability to send electronic notification via electronic mail.	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 11.538	Permissions to search persons, track, and simulcast facilities	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 11.541	Requirement to construct guidelines for conduct of licensees	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 11.542	Fire safety	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 11.556	Greyhound Security	Repeal	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 11.558	Greyhound Security	Repeal	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 11.560	Greyhound Security	Repeal	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 12.342 (4)	Requirement of host track to implement communication protocols between it and all simulcast facilities	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 12.344	Communication requirements for wagering format changes	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 12.580	Requirement of associations to advertise post time on video display	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		
1 CCR 208-1, Rule 12-710.12	Entry restrictions	Revision	HB 23-1041 & CRS 44-32-101 to 44-33-108 (Effective October 1, 2024)	Repeal of language referencing Greyhound Racing/Simulcasting/Kennels	Owners and breeders associations, horsemen, track staff	Ongoing		

Marijuana Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

Results of Activity Included in Last Regulatory Agenda(2025) (Rule Review items in the next section below)

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose (For the change, ex: legislation)	Stakeholders	Status	Adoption Date (if applicable)	Comments
1 CCR 212-3 Rule 2-100 Series	Fees	New	44-10-103, 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(b), 44-10-203(2)(h), 44-10-203(2)(q), 44-10-203(2)(w), 44-10-203(2)(dd)(XII), 44-10-303(2)(b), 44-10-310(7), 44-10-313, 44-10-401, 44-10-801, 44-10-802, 44-10-803, 44-10-1201, 44-10-1202, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a) (II).	Revision, Statutory, HB 25-1209 Legislation Implementation and SB 24-076 Legislation Implementation	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	HB 25-1209 required a new copy fee, SB 24-076 required a reduction in fees for unified applications
1 CCR 212-3 Rule 2-145 Social Equity Fees	Fees	New	44-10-103, 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(b), 44-10-203(2)(h), 44-10-203(2)(q), 44-10-203(2)(w), 44-10-203(2)(dd)(XII), 44-10-303(2)(b), 44-10-308(5); 44-10-310(7), 44-10-313, 44-10-401, 44-10-801, 44-10-802, 44-10-803, 44-10-1201, 44-10-1202, C.R.S	Revision, Statutory, and SB 44-076 Legislation Implementation	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	SB 24-076 required a reduction in fees for unified applications
MED Stakeholder List:		The standard MED stakeholder list includes Licensees, Division listserv subscribers, local licensing authorities, local law enforcement, healthcare providers, researchers, public safety advocates, Colorado Department of Agriculture, Colorado Department of Public Health and Environment, and the general public.						

Results of Mandatory Rules Efficiency Review

Schedule (month & year reviewed)	Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	Statutory or other basis for adoption of rule	Did review result in revisions to regulation?	Did review result in repeal of any part of the regulation? If so, how many rules?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable, if not put N/A and describe in the comments)	Comments (optional)
August 2025	1 CCR 212-3 Rule 3-330	Cultivation of Regulated Marijuana: Specific Health and Safety Requirements	44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(g), 44-10-203(2)(h), 44-10-203(2)(i), 44-10-203(3)(c), 44-10-203(3)(e), and 44-10-1001, C.R.S.	Yes	No	No	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

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Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

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August 2025	1 CCR 212-3 Rule 4-215	Regulated Marijuana Testing Program: Contaminant Testing	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Yes	No	No	Anticipated adoption date 11/5/2025	
August 2025	1 CCR 212-3 Rule 4-240	Regulated Marijuana Testing Program: Contaminated Product and Failed Test Results and Procedures	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Yes	No	No	Anticipated adoption date 11/5/2025	
August 2025	1 CCR 212-3 Rule 5-440	Medical Marijuana Testing Facilities: Quality Assurance and Quality Control	44-10-203(2)(d), 44-10-401(2)(a)(IV), and 44-10-504, C.R.S.	Yes	No	No	Anticipated adoption date 11/5/2025	
August 2025	1 CCR 212-3 Rule 6-440	Retail Marijuana Testing Facilities: Quality Assurance and Quality Control	44-10-202(4), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-401(2)(b)(IV), and 44-10-604, C.R.S.	Yes	No	No	Anticipated adoption date 11/5/2025	
Unplanned Rulemaking - Not Part of Regulatory Agenda or Mandatory Rules Review								
Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date (if applicable)	Comments (optional)

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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1 CCR 212-3 Rule 1-115	Definitions	Revision	44-10-202(1)(c), 44-10-202(1)(j), and 44-10-103, C.R.S.	<p>Added the following definitions: Active THC, Physical Separation-Based Regulated Marijuana Concentrate, R-and-D Unit, Unified Application</p> <p>Clarified, updated, or corrected the following definitions: Adverse Health Event, Adverse Weather Event, Beneficial Owner, Denied Applicant, Employee License, Harvest Batch, Identification Badge, Indirect Financial Interest Holder, Inventory Tracking System, Kief, Limited Access Area, Multiple-Serving Edible Retail Marijuana Product, Owner License, Penny Stock, Production Batch, Public Money, Qualified Institutional Investor, Regulated Marijuana Cultivation Facility, Regulated Marijuana Products Manufacturer, Regulated Marijuana Store, Restricted Access Area, Retail Marijuana Business, Retail Marijuana Cultivation Facility, Retail Marijuana Products Manufacturer, Retail Marijuana Store, Sample Increment, Single-Serving Edible Retail Marijuana Product, Standardized Serving of Marijuana</p> <p>Removed the following definitions: Identification Badge, Physical Separation-Based Medical Marijuana Concentrate, Physical Separation-Based Retail Marijuana Concentrate, Sample Manager, Sampling Unit</p>	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
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Marijuana Enforcement Division 2025 Regulatory Agenda Report

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<p>1 CCR 2-213 2-110(A)(1)(c)(ii) & 1 CCR 2-213 2-145(B)(1)(c)(ii)</p>	<p>Requests for a Finding of Suitability, Owner License and Temporary Appointees - Initial Application and Renewal Fees. Social Equity Fees</p>	<p>Revision</p>	<p>44-10-103, 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(b), 44-10-203(2)(h), 44-10-203(2)(q), 44-10-203(2)(w), 44-10-203(2)(dd)(XII), 44-10-303(2)(b), 44-10-310(7), 44-10-313, 44-10-401, 44-10-801, 44-10-802, 44-10-803, 44-10-1201, 44-10-1202, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(II). and</p> <p>44-10-103, 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(b), 44-10-203(2)(h), 44-10-203(2)(q), 44-10-203(2)(w), 44-10-203(2)(dd)(XII), 44-10-303(2)(b), 44-10-308(5); 44-10-310(7), 44-10-313, 44-10-401, 44-10-801, 44-10-802, 44-10-803, 44-10-1201, 44-10-1202, C.R.S.</p>	<p>Rule was revised to clarify when the first License Fee payment is due to the Division.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	
<p>1 CCR 2-213 2-115(E) & 1 CCR 2-213 2-125(D)</p>	<p>Regulated Marijuana Business Initial Application & License Fees</p>	<p>New</p>	<p>44-10-103, 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(b), 44-10-203(2)(h), 44-10-203(2)(q), 44-10-203(2)(w), 44-10-203(2)(dd)(XII), 44-10-303(2)(b), 44-10-310(7), 44-10-313, 44-10-401, 44-10-801, 44-10-802, 44-10-803, 44-10-1201, 44-10-1202, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(II). and</p> <p>44-10-103, 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(b), 44-10-203(2)(h), 44-10-203(2)(q), 44-10-203(2)(w), 44-10-203(2)(dd)(XII), 44-10-303(2)(b), 44-10-310(7), 44-10-313, 44-10-401, 44-10-801, 44-10-802, 44-10-803, 44-10-1201, 44-10-1202, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(II).</p>	<p>Added new Rule to account for Unified Application fee reduction in accordance with SB 24-076.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

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1 CCR 2-213 2-120(B)(2)	Permit Fees	Revision	44-10-103, 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(b), 44-10-203(2)(h), 44-10-203(2)(q), 44-10-203(2)(w), 44-10-203(2)(dd)(XII), 44-10-303(2)(b), 44-10-310(7), 44-10-313, 44-10-401, 44-10-801, 44-10-802, 44-10-803, 44-10-1201, 44-10-1202, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a) (II).	Rule was revised to clarify which fees the rule is referring to.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 2-140(A)	Other Application Fees	New	44-10-103, 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(b), 44-10-203(2)(h), 44-10-203(2)(q), 44-10-203(2)(w), 44-10-203(2)(dd)(XII), 44-10-303(2)(b), 44-10-310(7), 44-10-313, 44-10-401, 44-10-801, 44-10-802, 44-10-803, 44-10-1201, 44-10-1202, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a) (II).	A license application copy request fee was introduced. The new fee is required under HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 2-145(C)(4) & 1 CCR 212-3 2-145(D)(4)	Social Equity Fees	New	44-10-103, 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(b), 44-10-203(2)(h), 44-10-203(2)(q), 44-10-203(2)(w), 44-10-203(2)(dd)(XII), 44-10-303(2)(b), 44-10-308(5); 44-10-310(7), 44-10-313, 44-10-401, 44-10-801, 44-10-802, 44-10-803, 44-10-1201, 44-10-1202, C.R.S.	Added new Rule to account for Unified Application fee reduction.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 2-215(E)(1) & 1 CCR 212-3 2-215(E)(2)	All Application Requirements	Revision	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(a), 44-10-203(2)(c), 44-10-203(2)(k), 44-10-203(2)(w), 44-10-305, 44-10-307, 44-10-308, 44-10-309, 44-10-310, 44-10-311, 44-10-312, 44-10-313, 44-10-314 and 44-10-316, C.R.S.	Made LLA and Local Jurisdiction plural to account for Unified Applications that may have licenses in different jurisdictions.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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1 CCR 212-3 2-220(A.5)	Initial Application Requirements for Regulated Marijuana Businesses	New	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(c), 44-10-203(1)(j), 44-10-203(1)(k), 44-10-203(2)(a), 44-10-203(2)(w), 44-10-203(2)(ee), 44-10-203(7), 44-10-301, 44-10-305, 44-10-307, 44-10-308, 44-10-309, 44-10-310, 44-10-311, 44-10-312, 44-10-313, and 44-10-316, C.R.S.	New rule to clarify when documents apply to more than one license in a Unified Application only a single copy of the document is required to be submitted.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 2-225(A)(1)	Renewal Application Requirements for All Licenses	Revision	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(c), 44-10-203(2)(a), 44-10-203(2)(c), 44-10-203(2)(w), 44-10-203(2)(ee), 44-10-203(7), 44-10-305(2)(b)(l)(C), 44-10-307, 44-10-308, 44-10-309, 44-10-313, 44-10-314, and 44-10-316 C.R.S.	Added Owner Entity Licenses for clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 2-225(A)(1)(a)	Renewal Application Requirements for All Licenses	New	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(c), 44-10-203(2)(a), 44-10-203(2)(c), 44-10-203(2)(w), 44-10-203(2)(ee), 44-10-203(7), 44-10-305(2)(b)(i)(C), 44-10-307, 44-10-308, 44-10-309, 44-10-313, 44-10-314, and 44-10-316, C.R.S.	New rule to account for expiration date alignment of licenses included in Unified Applications.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 2-225(B)(1)	Renewal Application Requirements for All Licenses	New	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(c), 44-10-203(2)(a), 44-10-203(2)(c), 44-10-203(2)(w), 44-10-203(2)(ee), 44-10-203(7), 44-10-305(2)(b)(l)(C), 44-10-307, 44-10-308, 44-10-309, 44-10-313, 44-10-314, and 44-10-316 C.R.S.	Rule was revised to remove the requirement to mail the renewal notice and it was replaced with electronic mailing address of record in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 2-225(G.5)	Renewal Application Requirements for All Licenses	New	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(c), 44-10-203(2)(a), 44-10-203(2)(c), 44-10-203(2)(w), 44-10-203(2)(ee), 44-10-203(7), 44-10-305(2)(b)(l)(C), 44-10-307, 44-10-308, 44-10-309, 44-10-313, 44-10-314, and 44-10-316 C.R.S.	New rule to clarify when documents apply to more than one license in a Unified Application only a single copy of the document is required to be submitted .	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

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1 CCR 212-3 2-245(C)(2) (c), 1 CCR 212-3 2-265(B) (3), 1 CCR 212-3 2-265 (C), 1 CCR 212-3 2-265 (E)(1)(c), 1 CCR 212-3 2-265(I)(2), & 1 CCR 212-3 2-265(J)(2)	Change of Beneficial Owner Application or Notification Owner and Employee License: License Requirements, Applications, Qualifications, and Privileges	Revision	44-10-202(1)(e), 44-10-203(1)(d), 44-10-203(1)(k), 44-10-203(2)(ee) (l)(A) and (E), 44-10-203(7), 44-10-308(3)(b), 44-10-309, 44-10-310, 44-10-311, 44-10-312, 44-10-505(1)(a), and 44-10-605(1)(a), C. R.S. and 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(l), 44-10-203(2)(b)-(c), 44-10-203(2)(e), 44-10-203(2)(t)-(u), 44-10-203(2)(w), 44-10-307, 44-10-308(2), 44-10-313(6), 44-10-401(2)(c), 44-10-901(1), 24-76.5-101 et seq., C.R.S.	Revised rules to remove "identification badge" from the rules in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 2-255(C) & 1 CCR 212-3 2-255(C.5)	Change of Location of a Regulated Marijuana Business	Revision	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(2)(a), 44-10-203(2)(e), 44-10-203(2)(w), 44-10-203(2)(cc), 44-10-305, 44-10-313(8), and 44-10-313(13), C. R.S.	Revised Change of Location (COL) rules to issue either a COL permit or COL approval letter.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 2-255(F)(1) (e)	Change of Location of a Regulated Marijuana Business	Repeal	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(2)(a), 44-10-203(2)(e), 44-10-203(2)(w), 44-10-203(2)(cc), 44-10-305, 44-10-313(8), and 44-10-313(13), C. R.S.	Repealed requirement for a mobile hospitality vehicle to provide a automated vehicle tag with a change of location.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 2-265 Basis & Purpose & 1 CCR 212-3 3-205 Basis & Purpose	Owner and Employee License: License Requirements, Applications, Qualifications, and Privileges Limited Access Areas	Revision	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(l), 44-10-203(2)(b)-(c), 44-10-203(2)(e), 44-10-203(2)(t)-(u), 44-10-203(2)(w), 44-10-307, 44-10-308(2), 44-10-313(6), 44-10-401(2)(c), 44-10-901(1), 24-76.5-101 et seq., C.R.S. and 44-10-103(14), 44-10-103(26), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(l), 44-10-203(2)(h), 44-10-203(2)(p), and 44-10-203(2)(t), C.R.S.	Added citation for new employee license requirement in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 2-265(C)(1)	Owner and Employee License: License Requirements, Applications, Qualifications, and Privileges	Revision	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(l), 44-10-203(2)(b)-(c), 44-10-203(2)(e), 44-10-203(2)(t)-(u), 44-10-203(2)(w), 44-10-307, 44-10-308(2), 44-10-313(6), 44-10-401(2)(c), 44-10-901(1), 24-76.5-101 et seq., C.R.S.	Revised rule to clarify activities that a person performs which will require an employee license to "handle or transport".	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

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The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 212-3 2-265(C)(3)	Owner and Employee License: License Requirements, Applications, Qualifications, and Privileges	Revision	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(l), 44-10-203(2)(b)-(c), 44-10-203(2)(e), 44-10-203(2)(t)-(u), 44-10-203(2)(w), 44-10-307, 44-10-308(2), 44-10-313(6), 44-10-401(2)(c), 44-10-901(1), 24-76.5-101 et seq., C.R.S.	Added language to clarify that if an employee enters data into the ITS they need an employee license.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 2-265(D) & 1 CCR 212-3 2-265(F)	Owner and Employee License: License Requirements, Applications, Qualifications, and Privileges	Repeal	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(l), 44-10-203(2)(b)-(c), 44-10-203(2)(e), 44-10-203(2)(t)-(u), 44-10-203(2)(w), 44-10-307, 44-10-308(2), 44-10-313(6), 44-10-401(2)(c), 44-10-901(1), 24-76.5-101 et seq., C.R.S.	Repealed, moved to rule 3-205.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 2-265(H) & 1 CCR 212-3 2-265(I)(2)	Owner and Employee License: License Requirements, Applications, Qualifications, and Privileges	Repeal	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(l), 44-10-203(2)(b)-(c), 44-10-203(2)(e), 44-10-203(2)(t)-(u), 44-10-203(2)(w), 44-10-307, 44-10-308(2), 44-10-313(6), 44-10-401(2)(c), 44-10-901(1), 24-76.5-101 et seq., C.R.S.	Repealed rules related to Colorado residency.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 2-265(I)(1)(d)	Owner and Employee License: License Requirements, Applications, Qualifications, and Privileges	Revision	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(l), 44-10-203(2)(b)-(c), 44-10-203(2)(e), 44-10-203(2)(t)-(u), 44-10-203(2)(w), 44-10-307, 44-10-308(2), 44-10-313(6), 44-10-401(2)(c), 44-10-901(1), 24-76.5-101 et seq., C.R.S.	Removed fingerprint requirement for CBOs at renewal in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 2-265(I)(1)(e), 1 CCR 212-3 2-265(I)(2)(a) & 1 CCR 212-3 2-265(I)(2)(b)	Owner and Employee License: License Requirements, Applications, Qualifications, and Privileges	Repeal	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(l), 44-10-203(2)(b)-(c), 44-10-203(2)(e), 44-10-203(2)(t)-(u), 44-10-203(2)(w), 44-10-307, 44-10-308(2), 44-10-313(6), 44-10-401(2)(c), 44-10-901(1), 24-76.5-101 et seq., C.R.S.	Repealed - no longer needed with no Colorado residency requirement and no differentiation between ID badge and Owner License	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 2-270(G)	Application Denial, Voluntary Withdrawal, and Effect of License Surrender, Revocation, or Expiration on Related Applications	New	44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(2)(a), 44-10-203(2)(l)-(m), 44-10-203(2)(w), 44-10-305, 44-10-306, 44-10-307, 44-10-313(8), 24-4-104, and 24-4-105, C.R.S.	New rule to account for Unified Applications in accordance with SB 24-076.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 3-110(C)(2)(a)	Regulated Marijuana Businesses: General Restrictions	Revision	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(g), 44-10-203(2)(h), 44-10-401(2), 44-10-701(1)(a), 44-10-701(3)(d), and 44-10-701(3)(f), C.R.S.	Rule was revised to add a Regulated Marijuana Testing Facility may share a Licensed Premises with a Natural Medicine Testing Facility. Rules were also added for the use of shared equipment and space.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

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1 CCR 212-3 3-205(A)	Limited Access Areas	Revision	44-10-103(14), 44-10-103(26), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(l), 44-10-203(2)(h), 44-10-203(2)(p), and 44-10-203(2)(t), C.R.S.	Rule was revised to account for eventual shift to digit badges, so licensees are no longer required to "wear" their badge, but must have access to it and can present it when asked.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-205(B)(1)	Limited Access Areas	Revision	44-10-103(14), 44-10-103(26), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(l), 44-10-203(2)(h), 44-10-203(2)(p), and 44-10-203(2)(t), C.R.S.	Rule was revised to incorporate repealed 2-265 and clarify who needs a visitor badge. Includes revision that Owner licensees and employee licensees are not visitors	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-205(B)(2)	Limited Access Areas	Revision	44-10-103(14), 44-10-103(26), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(l), 44-10-203(2)(h), 44-10-203(2)(p), and 44-10-203(2)(t), C.R.S.	Rule was revised to incorporate repealed 2-265 and clarify expectations of escorting and monitoring visitors.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-205(B)(5) & 1 CCR 212-3 3-205(B)(6)	Limited Access Areas	Revision	44-10-103(14), 44-10-103(26), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(l), 44-10-203(2)(h), 44-10-203(2)(p), and 44-10-203(2)(t), C.R.S.	Rules were revised to remove "Acceptable forms of" for reference to rule 3-405.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-205(G)(3)	Limited Access Areas	Repeal	44-10-103(14), 44-10-103(26), 44-10-202(1)(c), 44-10-202(1)(e), 44-10-203(1)(k), 44-10-203(1)(l), 44-10-203(2)(h), 44-10-203(2)(p), and 44-10-203(2)(t), C.R.S.	Repealed surveillance requirement in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-220(A)(3)	Security Alarm Systems and Lock Standards	Repeal	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(e), and 29-2-114(8)(a), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(IV).	Rule was repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-220(A)(5)(e)	Security Alarm Systems and Lock Standards	Revision	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(e), and 29-2-114(8)(a), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(IV).	Rule was revised to correct the rule citation with the proper citation.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-225(A)(3)	Video Surveillance	Revision	44-10-203(2)(h), 44-10-203(1)(k), 44-10-203(2)(e), 44-10-313(14), and 44-10-1001, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VI).	Rule was revised to clarify that video surveillance footage shall still be made available for viewing to Division investigators while at the Licensed Premises.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-225(A)(3)(a)	Video Surveillance	New	44-10-203(2)(h), 44-10-203(1)(k), 44-10-203(2)(e), 44-10-313(14), and 44-10-1001, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VI).	A new rule was added regarding allowing licensees 72 hours to respond to a written request for a copy of video recordings in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

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1 CCR 212-3 3-225(C)(1)	Video Surveillance	Revision	44-10-203(2)(h), 44-10-203(1)(k), 44-10-203(2)(e), 44-10-313(14), and 44-10-1001, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VI).	Rule was revised to list the areas where camera coverage is required in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-225(C)(5)	Video Surveillance	Revision	44-10-203(2)(h), 44-10-203(1)(k), 44-10-203(2)(e), 44-10-313(14), and 44-10-1001, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VI).	Rule was revised to strike requirement for ingress and egress of Flowering areas to remain constantly illuminated for recording purposes.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-225(C)(6)	Video Surveillance	Revision	44-10-203(2)(h), 44-10-203(1)(k), 44-10-203(2)(e), 44-10-313(14), and 44-10-1001, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VI).	Rule was revised to aligned where cameras are required with (C)(1) and removed requirement for camera to be facing the primary entry door.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-225(C)(7), 1 CCR 212-3 3-225(C)(8), & 1 CCR 212-3 3-225(D) (3)	Video Surveillance	Repeal	44-10-203(2)(h), 44-10-203(1)(k), 44-10-203(2)(e), 44-10-313(14), and 44-10-1001, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VI).	Rules were repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-225(E)(1)	Video Surveillance	Revision	44-10-203(2)(h), 44-10-203(1)(k), 44-10-203(2)(e), 44-10-313(14), and 44-10-1001, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VI).	Rule was revised to aligned expectations of where in the LAA must be continuously recorded with (C)(1).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-225(F)(1)	Video Surveillance	Revision	44-10-203(2)(h), 44-10-203(1)(k), 44-10-203(2)(e), 44-10-313(14), and 44-10-1001, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VI).	Rule was revised to strike reference to map of camera locations and maintenance and access logs.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-230 Basis & Purpose	Waste Disposal	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(i), and 44-10-203(2)(x), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Basis and Purpose was revised to add Fibrous Waste statutes from 3-235.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

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1 CCR 212-3 3-230(A)	Waste Disposal	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(i), and 44-10-203(2)(x), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a) (VII).	Rule was revised to add "and Fibrous Waste" to the existing rule.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-230(E)(2) (b)(iii) & 1 CCR 212-3 3-230(E)(2)(b)(vi)	Waste Disposal	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(i), and 44-10-203(2)(x), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a) (VII).	Rule was repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-230(G.5)	Waste Disposal	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(i), and 44-10-203(2)(x), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a) (VII).	Rule was revised to add requirements for Fibrous Waste from 3-235 that were not duplicative.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-235	Transfers of Fibrous Waste	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(2)(h), 44-10-203(2)(i), 44-10-203(1)(k), and 44-10-203(2)(x), C.R.S.	Rules were repealed and condensed into rule 3-230.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-240(C)(1) (e)	Collection of Marijuana Consumer Waste	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), and 44-10-203(2)(bb), C.R.S.	Rule was repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-240(F)	Collection of Marijuana Consumer Waste	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), and 44-10-203(2)(bb), C.R.S.	Rule was revised to remove the reference to 3-905 and requirement for contracts and receipts related to consumer waste be maintained.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-330(D)(1) (b), 1 CCR 212-3 3-330 (D)(1)(b)(i), 1 CCR 212-3 3-330(D)(1)(b)(iii), & 1 CCR 212-3 3-330(D)(1)(c)	Cultivation of Regulated Marijuana: Specific Health and Safety Requirements	Revision	44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(g), 44-10-203(2)(h), 44-10-203(2)(i), 44-10-203(3)(c), 44-10-203(3)(e), and 44-10-1001, C.R.S.	Rules were revised to add "Production Batches" for clarity and compliance.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-330(D)(1) (c)	Cultivation of Regulated Marijuana: Specific Health and Safety Requirements	Revision	44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(g), 44-10-203(2)(h), 44-10-203(2)(i), 44-10-203(3)(c), 44-10-203(3)(e), and 44-10-1001, C.R.S.	Rule was revised to add "Regulated Marijuana" and "Production Batches" for clarity and compliance.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

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1 CCR 212-3 3-335(D)(4)(f)(ii)	Production of Regulated Marijuana Concentrate and Regulated Marijuana Products: Specific Health and Safety Requirements	Revision	44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(2)(g), 44-10-203(2)(h), 44-10-203(2)(i), 44-10-202(2)(y), 44-10-203(3)(b), 44-10-203(3)(c), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-203(3)(g), and 44-10-1001, C.R.S.	Rule was revised to remove reference to Rule 6-1110(C.5).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-405(A)(1)(c)	Identification	Revision	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(v), 44-10-203(2)(z), 44-10-401(2)(a)(I), 44-10-401(2)(b)(I), 44-10-501(3)(b), 44-10-501(3)(c), 44-10-501(3)(d), 44-10-501(4), 44-10-501(10)(b)(II), 44-10-601(3)(b), 44-10-701(1)(b), 44-10-701(2)(a), 44-10-701(4)(a), and 44-10-701(5)(a), C.R.S.	Rule was revised to clarify that the physician certification must be presented by a patient to a Medical store prior to any Transfer to a patient by the Medical store.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-610(E)	Off-Premises Storage of Regulated Marijuana: All Regulated Marijuana Businesses	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(n), 44-10-313(14), 44-10-505(2), 44-10-605(2), and 44-10-1001(2), C.R.S.	Rule was revised to remove "Transfer" from the rule for clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-615(A)(5)(b)(iii)	Regulated Marijuana Delivery Permits	New	44-10-202(1), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(n), 44-10-203(2)(dd), C.R.S.	New rule to account for delivery permit license terms changing to maintain an aligned expiration date with associated Unified Applications.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-615(F)(3) & 1 CCR 212-3 3-615(F)(6)	Regulated Marijuana Delivery Permits	Revision	44-10-202(1), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(n), 44-10-203(2)(dd), C.R.S.	Rules were revised to strike references to 3-905 and requirement to maintain delivery contracts.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-615(G)(9)	Regulated Marijuana Delivery Permits	Revision	44-10-202(1), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(n), 44-10-203(2)(dd), C.R.S.	Rule was revised to change citation from 3-235 (now repealed) to 3-230.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-805(E)(5)(a)	Regulated Marijuana Businesses: Inventory Tracking System	New	, 44-10-201(1), 44-10-202(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-501(1)(b), 44-10-502(2), 44-10-503(1)(b), 44-10-505(3), 44-10-601(1)(d), 44-10-602(3), 44-10-603(1)(b), 44-10-605(3), and 44-10-610(3)(a), C.R.S.	A new rule was added to allow for the combining of packages of trim allocated for extraction prior to testing, with conditions.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

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1 CCR 212-3 3-805(l)(4)	Regulated Marijuana Businesses: Inventory Tracking System	Revision	, 44-10-201(1), 44-10-202(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-501(1)(b), 44-10-502(2), 44-10-503(1)(b), 44-10-505(3), 44-10-601(1)(d), 44-10-602(3), 44-10-603(1)(b), 44-10-605(3), and 44-10-610(3)(a), C.R.S.	Rule was revised to add "maintaining, or re-authorizing" and "in accordance with Inventory tracking System functionality" for clarity and compliance.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 3-820 Basis & Purpose	Sampling Units Tracking Requirements	Revision	44-10-201, 44-10-202(1)(a), 44-10-202(1)(c), 44-10-502(3), 44-10-503(10), 44-10-602(6), 44-10-603(10), 44-10-607, and 44-10-608, C.R.S.	Basis and Purpose was revised to add new statutory sections 44-10-607 and 44-10-608.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 3-905 Basis & Purpose	Business Records	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-301, and 44-10-1001(1), C.R.S.	Basis and Purpose was revised to add new statutory section 44-10-1001(1)(4).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 3-905(A)(2) (a) & 1 CCR 212-3 3-905 (A)(2)(b)	Business Records	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-301, and 44-10-1001(1), (3), and (4), C.R.S.	Rules were revised to add an exception for tax documents to not be maintained or archived on the Licensed Premises.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 3-905(B)(8), 1 CCR 212-3 3-905(B)(9), 1 CCR 212-3 3-905(B)(10), 1 CCR 212-3 3-905(B)(14), 1 CCR 212-3 3-905(B)(15), 1 CCR 212-3 3-905(B)(20), 1 CCR 212-3 3-905(B)(26), 1 CCR 212-3 3-905(B)(27), 1 CCR 212-3 3-905(B)(28), 1 CCR 212-3 3-905(B)(31) & 1 CCR 212-3 3-905(B)(34)	Business Records	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-301, and 44-10-1001(1), (3), and (4), C.R.S.	Rules were repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 3-905(C)	Business Records	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-301, and 44-10-1001(1), (3), and (4), C.R.S.	Rule was revised to add "licensees are not required to maintain duplicate copies of records that are required to be maintained in the Inventory Tracking System".	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 3-905(C)(3)	Business Records	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-301, and 44-10-1001(1), (3), and (4), C.R.S.	Rule was revised to require only managers and employees who are designated to receive R-and-D Units to be required to be listed in an Regulated Marijuana Businesses Inventory Tracking System (ITS). Previously the rule required all employees who report to the Licensed Premises be in the ITS. Additionally, added Designated Test Batch Collectors to align with Rule 4-225.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 3-905(G)	Business Records	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-301, and 44-10-1001(1), (3), and (4), C.R.S.	Added a new rule (G) stating the SLA may require a licensee to maintain additional records upon a finding of a violation.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025

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1 CCR 212-3 3-920(C)	Regulated Marijuana Business Reporting Requirements	Revision	44-10-201(4), 44-10-202(1)(c), 44-10-202(1)(a), 44-10-204(1)(a), 44-10-203(1)(k), 44-10-313(12), and 44-10-701(2)(a), C.R.S.	Rule was revised to change "48 hours" to "two calendar days" and add reporting requirements for Adverse Health Events which were removed from the definition.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-930 Basis & Purpose	Request for Business Records from the Division	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-204, 44-10-301, 44-10-801(3)(a)(VI), and 44-10-1001(1), C.R.S.	Basis and Purpose was revised to add statutory citation for new 44-10-801(3)(a)(VI).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-930(A)(1)	Request for Business Records from the Division	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-204, 44-10-301, 44-10-801(3)(a)(VI), and 44-10-1001(1), C.R.S.	Rule was revised to replace "two calendar years" with "four calendar years" to account for two year license terms and new fee requirement for application copy requests.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-930(A)(4)	Request for Business Records from the Division	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-204, 44-10-301, 44-10-801(3)(a)(VI), and 44-10-1001(1), C.R.S.	Rule was revised to add fee requirements for application copy requests in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-1005(E)(2) (e) & 1 CCR 212-3 3-1005(E)(2)(f)	Packaging and Labeling: Minimum Requirements Prior to Transfer to a Regulated Marijuana Business, except to a Regulated Marijuana Testing Facility	Repeal	44-10-202(1)(a), 44-10-202(1)(c), 44-10-202(6), 44-10-203(2)(f), 44-10-203(1)(k), 44-10-203(3)(a)-(b), 44-10-601(2)(a), 44-10-601(5), 44-10-603(1)(d), 44-10-603(4)(a), and 44-10-603(8), C.R.S.	Rules were repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-1005(E)(2) (h)	Packaging and Labeling: Minimum Requirements Prior to Transfer to a Regulated Marijuana Business, except to a Regulated Marijuana Testing Facility	New	44-10-202(1)(a), 44-10-202(1)(c), 44-10-202(6), 44-10-203(2)(f), 44-10-203(1)(k), 44-10-203(3)(a)-(b), 44-10-601(2)(a), 44-10-601(5), 44-10-603(1)(d), 44-10-603(4)(a), and 44-10-603(8), C.R.S.	Added new rule that an R-and-D Unit label must include that it cannot be sold or resold.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-1010(D)(1) (d)	Packaging and Labeling: General Requirements Prior to Transfer to a Patient or Consumer	Revision	44-10-202(1)(a), 44-10-202(1)(c), 44-10-202(6), 44-10-203(2)(f), 44-10-203(1)(k), 44-10-203(3)(a)-(b), 44-10-601(2)(a), 44-10-601(5), 44-10-603(1)(d), 44-10-603(4)(a), and 44-10-603(8), C.R.S.	Rule was revised to add "Single serving" for clarity. In addition, made existing "Single Serving" lowercase (not a defined term).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-1010(D)(4) (a) & 1 CCR 212-3 3-1010(D)(4)(b)	Packaging and Labeling: General Requirements Prior to Transfer to a Patient or Consumer	New	44-10-202(1)(a), 44-10-202(1)(c), 44-10-202(6), 44-10-203(2)(f), 44-10-203(1)(k), 44-10-203(3)(a)-(b), 44-10-601(2)(a), 44-10-601(5), 44-10-603(1)(d), 44-10-603(4)(a), and 44-10-603(8), C.R.S.	Added new rule to clarify packaging requirements for pre-rolled and infused pre-rolled marijuana.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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1 CCR 212-3 3-1015(B)(3)(c)(ii)	Additional Labeling Requirements Prior to Transfer to a Patient or Consumer	Revision	44-10-202(1)(a), 44-10-202(1)(c), 44-10-202(6), 44-10-203(2)(d)(IV)(A)-(C), 44-10-203(2)(f), 44-10-203(2)(w), 44-10-203(1)(a), 44-10-601(2)(a), 44-10-603(4)(a), and 44-10-603(8), C.R.S.	Rule was revised to add "past the labeled expiration date" to clarify when an edible product cannot be transferred to a patient or consumer.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-1020(B)(2)	Packaging and Labeling: Requirements for Transfers to a Consumer at a Retail Marijuana Hospitality and Sales Business	Revision	44-10-202(1)(a), 44-10-202(1)(c), 44-10-202(6), 44-10-203(2)(ff), 44-10-305(2)(b), 44-10-609, and 44-10-610, C.R.S.	Rule was revised for clarity to encompass new defined term Active THC.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-1025(B)	Packaging and Labeling: Minimum Requirements for Test Batch Transfers to a Regulated Marijuana Testing Facility	Revision	44-10-202(1)(a), 44-10-202(1)(c), 44-10-202(6), 44-10-203(2)(f), 44-10-203(1)(k), 44-10-203(3)(a)-(b), C.R.S.	Rule was revised to remove transfer restrictions to testing facilities.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-1025(B)(2)(a) & 1 CCR 212-3 3-1025(B)(2)(b)	Packaging and Labeling: Minimum Requirements for Test Batch Transfers to a Regulated Marijuana Testing Facility	Revision	44-10-202(1)(a), 44-10-202(1)(c), 44-10-202(6), 44-10-203(2)(f), 44-10-203(1)(k), 44-10-203(3)(a)-(b), C.R.S.	Rule was revised to add "Regulated Marijuana" for clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-1025(C)(2)(d)	Packaging and Labeling: Minimum Requirements for Test Batch Transfers to a Regulated Marijuana Testing Facility	Revision	44-10-202(1)(a), 44-10-202(1)(c), 44-10-202(6), 44-10-203(2)(f), 44-10-203(1)(k), 44-10-203(3)(a)-(b), C.R.S.	Rule was revised to add labeling requirement to include at least Active THC.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 3-1025(D)(2)(a) & 1 CCR 212-3 3-1025(D)(2)(b)	Packaging and Labeling: Minimum Requirements for Test Batch Transfers to a Regulated Marijuana Testing Facility	Revision	44-10-202(1)(a), 44-10-202(1)(c), 44-10-202(6), 44-10-203(2)(f), 44-10-203(1)(k), 44-10-203(3)(a)-(b), C.R.S.	Rules were revised to add "Regulated Marijuana flower or trim" for clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

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1 CCR 212-3 4-210(A)(2)(b)	Regulated Marijuana Testing Program: Potency Testing	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to replace "THC" with "Cannabinoid".	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 4-210(E)(4)(b) & 1 CCR 212-3 4-210(E)(4)(c)	Regulated Marijuana Testing Program: Potency Testing	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to add "Active" before "THC" to align with the new definition.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 4-210(F)(1)	Regulated Marijuana Testing Program: Potency Testing	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to remove restrictions on testing of multiple strain Harvest Batches for Pre-Rolls.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

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<p>1 CCR 212-3 4-215(B)(1) - Table, 1 CCR 212-3 4-225 (F)(4)(c)(iv)</p>	<p>Regulated Marijuana Testing Program: Contaminant Testing</p> <p>Regulated Marijuana Testing Program: Sampling Procedures</p>	<p>Revision</p>	<p>44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII). and</p> <p>44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).</p>	<p>Rule was revised to replace "pre-roll" with "Pre-rolled Marijuana & Infused Pre-Rolled Marijuana" for clarity.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	
<p>1 CCR 212-3 4-215(C)(1) - Table</p>	<p>Regulated Marijuana Testing Program: Contaminant Testing</p>	<p>Revision</p>	<p>44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).</p>	<p>Rule was revised to add "**Water or Heat/Pressure-Based Concentrate will only need to be tested for mycotoxins if the WWP used to create the concentrate was not tested for microbial contaminants" for clarity".</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 212-3 4-215(D)(1) - Table	Regulated Marijuana Testing Program: Contaminant Testing	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to clarify residual solvents testing in Hemp products is a "Yes".	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 4-215(E)(3)	Regulated Marijuana Testing Program: Contaminant Testing	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to add "and Hemp Products", and to make reference to substances to be tested more general. Finally, updated the note that not all solvents in the table are approved for use.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

<p>1 CCR 212-3 4-215(E)(5) & 1 CCR 212-3 4-225(F) (2)</p>	<p>Regulated Marijuana Testing Program: Contaminant Testing</p> <p>Regulated Marijuana Testing Program: Sampling Procedures</p>	<p>Revision</p>	<p>44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII). and</p> <p>44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).</p>	<p>Rule was revised to add "flower, trim, shake, and wet whole plant" for clarity and compliance.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	
<p>1 CCR 212-3 4-215(J)(5) (a)(i)</p>	<p>Regulated Marijuana Testing Program: Contaminant Testing</p>	<p>Revision</p>	<p>44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).</p>	<p>Rule was revised to add rule reference to 4-240 (C)(3) for clarity.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

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The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 212-3 4-215(J)(6) (a)(ii)	Regulated Marijuana Testing Program: Contaminant Testing	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to remove "if a solvent was used" from Hemp Product requirements for clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 4-215(J)(6) (a) 1 - Table	Regulated Marijuana Testing Program: Contaminant Testing	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to add an effective through date June 30, 2026.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 4-215(J)(6) (a) 1 - Note	Regulated Marijuana Testing Program: Contaminant Testing	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to the correct rule citation and added "or in Hemp Products" for additional clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

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The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 212-3 4-215(J)(6) (a) 2 - Table & Note	Regulated Marijuana Testing Program: Contaminant Testing	New	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	A new table was created to align with hemp testing requirements with an effective date July 1, 2026.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 4-215(J)(7) (a) - Table & 1 CCR 212-3 4-215(J)(7)(c) - Table	Regulated Marijuana Testing Program: Contaminant Testing	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	The table was revised for clarity of testing requirements by adding "Chromium".	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

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Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

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<p>1 CCR 212-3 4-220 Basis & Purpose, 1 CCR 212-3 4-220(A), 1 CCR 212-3 4-220(A)(1), 1 CCR 212-3 4-220(A)(1)(b), 1 CCR 212-3 4-220(A)(2)(a), 1 CCR 212-3 4-220(A)(2) 9b), 1 CCR 212-3 4-220(A)(2)(b)(ii) & 1 CCR 212-3 4-225(B)(3)</p>	<p>Regulated Marijuana Testing Program: R&D Testing</p> <p>Regulated Marijuana Testing Program: Sampling Procedures</p>	<p>Revision</p>	<p>44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII). and</p> <p>44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).</p>	<p>Rule was revised to replace "R&D" with "Research & Development" to distinguish it from new R-and-D Units.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	
<p>1 CCR 212-3 4-225(F)(4) (c)(iv) - Table</p>	<p>Regulated Marijuana Testing Program: Sampling Procedures</p>	<p>Revision</p>	<p>44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).</p>	<p>Table was revised for clarity of testing requirements.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

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The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 212-3 4-230(A) - Table	Regulated Marijuana Testing Program: Reduced Testing Allowance Procedures	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to clarify "Scope of products that must be tested to qualify for RTA" to "Scope of products that must pass testing to qualify for RTA". Rule was also revised to add "water Activity" to testing for Regulated Marijuana. Finally, the rule was revised to add "Pesticides, Elemental Impurities" to Wet Whole Plant for clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 4-230(B)(2)	Regulated Marijuana Testing Program: Reduced Testing Allowance Procedures	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to add "different hardware (such as different cartridge size, design, volume, or manufacturer)) or" to the rule for clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 4-230(D)(1)(a)(i) & 1 CCR 212-3 4-230(D)(2)(a)(i)	Regulated Marijuana Testing Program: Reduced Testing Allowance Procedures	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to replace "THC" with "Cannabinoid".	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 212-3 4-230(G) - Table	Regulated Marijuana Testing Program: Reduced Testing Allowance Procedures	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to remove "microbial only" from wet whole plant" testing for clarity and compliance.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 4-230(M)(1)	Regulated Marijuana Testing Program: Reduced Testing Allowance Procedures	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	The MED Address was updated to reflect the move to a different suite.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 4-240(B)	Regulated Marijuana Testing Program: Contaminated Product and Failed Test Results and Procedures	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to remove reference to pesticide testing to new rule 4-240(B.5).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

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1 CCR 212-3 4-240(B.5)	Regulated Marijuana Testing Program: Contaminated Product and Failed Test Results and Procedures	New	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	New Rule for Failed Pesticide contamination Testing (removed from 4-240(B)).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 4-240(C)(2) (a)(ii)	Regulated Marijuana Testing Program: Contaminated Product and Failed Test Results and Procedures	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(g), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-501(6), 44-10-502(3), 44-10-503(8), 44-10-504(1)(b), 44-10-504(2), 44-10-601(4), 44-10-602(4), 44-10-603(6), 44-10-604(1)(b), and 44-10-604(2), C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(VII).	Rule was revised to add "Decontaminate and test in accordance with this subparagraph (C)(2)" for clarity and compliance.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-225(A)(1) (a)	Medical Marijuana Cultivation Facility: Production Management	Repeal	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(5), 44-10-401(2)(a)(II), 44-10-502, C.R.S.	Rule was repealed.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-225(C)(3)	Medical Marijuana Cultivation Facility: Production Management	New	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(5), 44-10-401(2)(a)(II), 44-10-502, C.R.S.	New rule for mixed cultivation facilities to allow for on hand inventory.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-230(A)	Medical Marijuana Cultivation Facility: Sampling Unit Protocols	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(II), and 44-10-502(5), C.R.S.	Rule was revised to allow R-and-D Units to any employee designated to receive R-and-D Units in the Inventory Tracking System (ITS).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-230(A)(5)	Medical Marijuana Cultivation Facility: Sampling Unit Protocols	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(II), and 44-10-502(5), C.R.S.	Rule was revised to add Standard Operating Procedures (SOP) requirements for internal written experimental proposal.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-230(B)(1) & 1 CCR 212-3 5-230(B) (2)	Medical Marijuana Cultivation Facility: Sampling Unit Protocols	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(II), and 44-10-502(5), C.R.S.	Rule was repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

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Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

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1 CCR 212-3 5-230(B)(3) & 1 CCR 212-3 5-230(B)(4)	Medical Marijuana Cultivation Facility: Sampling Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(II), and 44-10-502(5), C.R.S.	A new rule was added for R-and-D Unit Testing requirements, including how the addition of flavors and non-marijuana ingredients works.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-230(C)(3)	Medical Marijuana Cultivation Facility: Sampling Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(II), and 44-10-502(5), C.R.S.	Rule was relabeled to "R-and-D Unit Transfer Limits". Additionally, rules were made (a) pertaining to monthly limits and (b) pertaining to daily sales limits in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-230(C)(7)	Medical Marijuana Cultivation Facility: Sampling Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(II), and 44-10-502(5), C.R.S.	A new rule was added that clarifies an employee is not required to accept a R-and-D Unit.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-230(D)(2)	Medical Marijuana Cultivation Facility: Sampling Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(II), and 44-10-502(5), C.R.S.	A new rule was added to clarify that a Licensee may not receive compensation for a R-and-D Unit.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-230(G)	Medical Marijuana Cultivation Facility: Ability to Change Designation of Regulated Marijuana	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(II), and 44-10-502(5), C.R.S.	Rule was repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-305 Basis & Purpose	Medical Marijuana Products Manufacturer: License Privileges	Revision	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(1)(m), 44-10-203(2)(d)(I)-(VI), 44-10-313(14), and 44-10-503, C.R.S.	Basis and Purpose was revised to add new statutory section 44-10-203(1)(m).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-310(A)	Medical Marijuana Products Manufacturer: General Limitations or Prohibited Acts	Revision	44-10-202(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(III), and 44-10-503, C.R.S.	Rule was revised to remove the requirement for contracts to be current and available on the Licensed Premises and reference to 3-905 in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-315(B)(1)	Medical Marijuana Products Manufacturer: Medical Marijuana Concentrate Production	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(i), 44-10-401(2)(a)(III), and 44-10-503, C.R.S.	Rule was revised to remove "current" and reference to 3-905 in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-315(B)(7)(b) & 1 CCR 212-3 5-315(B)(7)(c)	Medical Marijuana Products Manufacturer: Medical Marijuana Concentrate Production	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(i), 44-10-401(2)(a)(III), and 44-10-503, C.R.S.	Rule was revised to remove reference to 3-905 and to incorporate requirements from (c).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

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1 CCR 212-3 5-315(B)(7)(c)	Medical Marijuana Products Manufacturer: Medical Marijuana Concentrate Production	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(i), 44-10-401(2)(a)(III), and 44-10-503, C.R.S.	Rule was repealed and incorporated into 5-315(B)(7)(b).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-315(B)(8)	Medical Marijuana Products Manufacturer: Medical Marijuana Concentrate Production	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(i), 44-10-401(2)(a)(III), and 44-10-503, C.R.S.	Rule was repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-315(D)(1)(f)	Medical Marijuana Products Manufacturer: Medical Marijuana Concentrate Production	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(i), 44-10-401(2)(a)(III), and 44-10-503, C.R.S.	Rule was repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-320(A)	Medical Marijuana Products Manufacturer: R-and-D Unit Protocols	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(III), and 44-10-503 C.R.S.	Rule was revised to allow R-and-D Units to any employee designated to receive R-and-D Units in the Inventory Tracking System.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-320(A)(5)	Medical Marijuana Products Manufacturer: R-and-D Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(III), and 44-10-503 C.R.S.	A new rule was added for SOP requirements for internal written experimental proposal.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-320(B)(1), 1 CCR 212-3 5-320(B)(2), & 1 CCR 212-3 5-320(B)(3)	Medical Marijuana Products Manufacturer: R-and-D Unit Protocols	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(III), and 44-10-503 C.R.S.	Rule was repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-320(B)(4) & 1 CCR 212-3 5-320(B)(5)	Medical Marijuana Products Manufacturer: R-and-D Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(III), and 44-10-503 C.R.S.	A new rule was added for R-and-D Unit Testing requirements, including how the addition of flavors and non-marijuana ingredients works.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-320(C)(3)	Medical Marijuana Products Manufacturer: R-and-D Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(III), and 44-10-503 C.R.S.	Rule was relabeled to "R-and-D Unit Transfer Limits". Additionally, rules were made (a) pertaining to monthly limits and (b) pertaining to daily sales limits in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-320(C)(7)	Medical Marijuana Products Manufacturer: R-and-D Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(III), and 44-10-503 C.R.S.	A new rule was added to clarify that an employee is not required to accept a R-and-D Unit.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

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1 CCR 212-3 5-320(D)(2)	Medical Marijuana Products Manufacturer: R-and-D Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(III), and 44-10-503 C.R.S.	A new rule was added to clarify that a Licensee may not receive compensation for a R-and-D Unit.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-320(G)	Medical Marijuana Products Manufacturer: R-and-D Unit Protocols	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-401(2)(a)(III), and 44-10-503 C.R.S.	Rule was repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-415(C)(6)	Medical Marijuana Testing Facilities: Certification Requirements	Revision	44-10-202(1)(c), 44-10-203(2)(h), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f)(II), 44-10-203(2)(f)(IV), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-313(8)(a), 44-10-401(2)(a)(IV), and 44-10-504, C.R.S.	Rule was revised to add "if required by the Division" for clarity and compliance.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-420(D)(3)	Medical Marijuana Testing Facilities: Personnel	Revision	44-10-202(1)(c), 44-10-203(2)(h), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f)(II), 44-10-203(2)(f)(IV), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-313(8)(a), 44-10-401(2)(a)(IV), and 44-10-504, C.R.S.	Revised the rule to include the process for submitting a waiver for an additional 60 days to appoint a permanent laboratory director.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-420(D)(4)	Medical Marijuana Testing Facilities: Personnel	Repeal	44-10-202(1)(c), 44-10-203(2)(h), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-203(2)(f)(II), 44-10-203(2)(f)(IV), 44-10-203(3)(d), 44-10-203(3)(e), 44-10-313(8)(a), 44-10-401(2)(a)(IV), and 44-10-504, C.R.S.	Repealed the rule related to submitting a waiver for additional time to hire a permanent laboratory director.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-430(I)(10)	Medical Marijuana Testing Facilities: Analytical Processes	Revision	44-10-203(2)(d), 44-10-401(2)(a)(IV), and 44-10-504, C.R.S.	Rule was reworded for clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-430(M)(1), 1 CCR 212-3 5-430(M)(2), 1 CCR 212-3 5-430(M)(3), 1 CCR 212-3 5-430(M)(4), 1 CCR 212-3 5-430(M)(5), 1 CCR 212-3 5-430(M)(6) & 1 CCR 212-3 5-430(M)(7)	Medical Marijuana Testing Facilities: Analytical Processes	Revision	44-10-203(2)(d), 44-10-401(2)(a)(IV), and 44-10-504, C.R.S.	Rule was revised to remove "recovery" and add "a variance of" for clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-435(A)	Medical Marijuana Testing Facilities: Proficiency Testing	Revision	44-10-203(2)(d), 44-10-401(2)(a)(IV), and 44-10-504, C.R.S.	Rule was revised to add "if required by the Division" for clarity and compliance.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

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1 CCR 212-3 5-505(E)(1) & 1 CCR 212-3 5-505(E)(2)	Medical Marijuana Transporter: License Privileges	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(n), 44-10-203(3)(c), 44-10-313(14), 44-10-401(2)(a)(V), 44-10-505, C.R.S.	Repealed subparagraph (1) and updated subparagraph (2) by striking the effective date.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 5-715(A)(2)(f) & 1 CCR 212-3 5-715(A)(3)(e)	Marijuana Research and Development Facility: Project Approval	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(1)(i), 44-10-203(2)(s), 44-10-401(1)(a)(VII), and 44-10-507, C.R.S.	Rules were repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-100 Series - Title	Retail Marijuana Stores	Revision	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(I), 44-10-401(2)(b)(XI), 44-10-601, and 44-10-611, C.R.S.	Rule title was revised to include Accelerator Stores to the series	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-101	Retail Marijuana Store and Accelerator Store Interchangeable	New	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(I), 44-10-401(2)(b)(XI), 44-10-601, and 44-10-611, C.R.S.	New rule clarifying that the definition of Retail Marijuana Store includes Accelerator Store.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-105(A)(2)	Retail Marijuana Store: License Privileges	New	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-203(2)(dd), 44-10-313(14), 44-10-401(2)(b)(I), 44-10-401(2)(b)(XI), 44-10-601, and 44-10-605, and 44-10-611, C.R.S.	A new rule was added clarifying that a shared Licensed Premises between Retail Marijuana Stores and Accelerator Stores are permitted.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-105(A)(3)	Retail Marijuana Store: License Privileges	New	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-203(2)(dd), 44-10-313(14), 44-10-401(2)(b)(I), 44-10-401(2)(b)(XI), 44-10-601, and 44-10-605, and 44-10-611, C.R.S.	A new rule was added clarifying that a separate Licensed Premises with an Accelerator-Endorsed Retail Marijuana Store and Accelerator Store are permitted.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-105(A)(4)	Retail Marijuana Store: License Privileges	New	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-203(2)(dd), 44-10-313(14), 44-10-401(2)(b)(I), 44-10-401(2)(b)(XI), 44-10-601, and 44-10-605, and 44-10-611, C.R.S.	A new rule was added clarifying that a shared Licensed Premises and operational separation with an Accelerator-Endorsed Retail Marijuana Store and Accelerator Store are permitted.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-105(H)(1) & 1 CCR 212-3 6-105(H)(2)	Retail Marijuana Store: License Privileges	Repeal	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-203(2)(dd), 44-10-313(14), 44-10-401(2)(b)(I), 44-10-401(2)(b)(XI), 44-10-601, and 44-10-605, and 44-10-611, C.R.S.	Repealed subparagraph (1) and updated subparagraph (2) by striking the effective date.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-200 Series - Title	Retail Marijuana Cultivation Facilities and Accelerator Cultivators	Revision	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602, and 44-10-607, C.R.S.	Rule series was revised to add Accelerator Cultivators to the series.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

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(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

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1 CCR 212-3 6-201	Retail Marijuana Cultivation Facility and Accelerator Cultivator Interchangeable	New	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602, and 44-10-607, C.R.S.	New rule clarifying that the definition of Retail Marijuana Cultivation Facility includes Accelerator Cultivator	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-205(A.5)	Retail Marijuana Cultivation Facility: License Privileges	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(j), 44-10-203(2)(r), 44-10-203(3)(c), 44-10-313(14), 44-10-401(2)(b)(II), and 44-10-602, C.R.S.	New rules for Licensed Premises - Accelerator Cultivators	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-205(A.5) (1)	Retail Marijuana Cultivation Facility: License Privileges	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(j), 44-10-203(2)(r), 44-10-203(3)(c), 44-10-313(14), 44-10-401(2)(b)(II), and 44-10-602, C.R.S.	A new rule was added clarifying that shared Licensed Premises between Accelerator-Endorsed Retail Marijuana Cultivation Facility and Accelerator Cultivator are permitted.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-205(A.5) (2)	Retail Marijuana Cultivation Facility: License Privileges	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(j), 44-10-203(2)(r), 44-10-203(3)(c), 44-10-313(14), 44-10-401(2)(b)(II), and 44-10-602, C.R.S.	A new rule was added clarifying that separate Licensed Premises with Accelerator-Endorsed Retail Marijuana Cultivation Facility and Accelerator Cultivator are permitted.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-205(A.5) (3)	Retail Marijuana Cultivation Facility: License Privileges	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(j), 44-10-203(2)(r), 44-10-203(3)(c), 44-10-313(14), 44-10-401(2)(b)(II), and 44-10-602, C.R.S.	A new rule was added clarifying that shared Licensed Premises and operational separation with Accelerator-Endorsed Retail Marijuana Cultivation Facility and Accelerator Cultivator are permitted.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-220(A)(1)	Retail Marijuana Cultivation Facility: Production Management	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-203(6), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602, and 44-10-607, C.R.S.	Rule was revised to change the reference from 6-220(A)(2) to 6-220(A)(1.5). Additionally, the rule was revised to reference the collapsing in 6-220(A)(2).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-220(A) (1.5)	Retail Marijuana Cultivation Facility: Production Management	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-203(6), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602, and 44-10-607, C.R.S.	New rules for number of Accelerator Cultivators per Licensed Premises	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-220(A) (1.5)(a)	Retail Marijuana Cultivation Facility: Production Management	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-203(6), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602, and 44-10-607, C.R.S.	A new rule was added to clarify an Accelerator Cultivator may only own and operate a single Accelerator Cultivation per Licensed Premises.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-220(A) (1.5)(b)	Retail Marijuana Cultivation Facility: Production Management	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-203(6), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602, and 44-10-607, C.R.S.	A new rule was added to clarify that an Accelerator-Endorsed Retail Marijuana Cultivation Facility may host more than one Accelerator Cultivation owned by different social equity licensees at a single Licensed Premises.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025

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1 CCR 212-3 6-220(C)(3)	Retail Marijuana Cultivation Facility: Production Management	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-203(6), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602, and 44-10-607, C.R.S.	New rule for mixed cultivation facilities to allow for on hand inventory.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-225(A)(4)	Retail Marijuana Cultivation Facility: Sampling Unit Protocols	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602(6), and 44-10-607, C.R.S.	Rule was revised to add Standard Operating Procedure requirements for internal written experimental proposal.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-225(B)(1) & 1 CCR 212-3 6-225(B)(2)	Retail Marijuana Cultivation Facility: Sampling Unit Protocols	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602(6), and 44-10-607, C.R.S.	Rules were repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-225(B)(3) & 1 CCR 212-3 6-225(B)(4)	Retail Marijuana Cultivation Facility: Sampling Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602(6), and 44-10-607, C.R.S.	A new rule was added for R-and-D Unit Testing requirements, including how the addition of flavors and non-marijuana ingredients works.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-225(D)(3)	Retail Marijuana Cultivation Facility: Sampling Unit Protocols	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602(6), and 44-10-607, C.R.S.	Rule was relabeled to "R-and-D Unit Transfer Limits". Additionally, rules were made (a) pertaining to monthly limits and (b) pertaining to daily sales limits in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-225(D)(7)	Retail Marijuana Cultivation Facility: Sampling Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602(6), and 44-10-607, C.R.S.	A new rule was added that clarifies an employee is not required to accept a R-and-D Unit.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-225(E)(2)	Retail Marijuana Cultivation Facility: Sampling Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602(6), and 44-10-607, C.R.S.	A new rule was added to clarify that a Licensee may not receive compensation for a R-and-D Unit.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-225(H)	Retail Marijuana Cultivation Facility: Sampling Unit Protocols	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(II), 44-10-401(2)(b)(VII), 44-10-602(6), and 44-10-607, C.R.S.	Rule was repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-300 Series - Title	Retail Marijuana Products Manufacturing Facilities	Revision	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603, and 44-10-608, C.R.S.	Rule series was revised to add Accelerator Manufacturers to the series.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-301	Retail Marijuana Products Manufacturing Facilities	New	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603, and 44-10-608, C.R.S.	New rule clarifying that the definition of Retail Marijuana Products Manufacturing Facilities includes Accelerator Manufacturers.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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1 CCR 212-3 6-305(A.5)	Retail Marijuana Products Manufacturer: License Privileges	New	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(2)(g), 44-10-203(2)(i), 44-10-203(2)(y), 44-10-203(2)(aa), 44-10-307(1)(j), 44-10-313(14), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603, and 44-10-608, C.R.S.	New rules for Licensed Premises - Accelerator Manufacturer	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-305(A.5) (1)	Retail Marijuana Products Manufacturer: License Privileges	New	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(2)(g), 44-10-203(2)(i), 44-10-203(2)(y), 44-10-203(2)(aa), 44-10-307(1)(j), 44-10-313(14), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603, and 44-10-608, C.R.S.	A new rule was added to clarify that a shared Licensed Premises between Accelerator-Endorsed Retail Marijuana Products Manufacturer and Accelerator Manufacturer is permitted.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-305(A.5) (2)	Retail Marijuana Products Manufacturer: License Privileges	New	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(2)(g), 44-10-203(2)(i), 44-10-203(2)(y), 44-10-203(2)(aa), 44-10-307(1)(j), 44-10-313(14), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603, and 44-10-608, C.R.S.	A new rule was added to clarify that a separate Licensed Premises with Accelerator-Endorsed Retail Marijuana Products Manufacturer and Accelerator Manufacturer is permitted.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-315(B)(1)	Retail Marijuana Products Manufacturer: Retail Marijuana Concentrate Production	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(g), 44-10-203(2)(i), 44-10-203(2)(aa), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603, and 44-10-608, C.R.S.	Rule was revised to remove "current" and reference to 3-905.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-315(B)(7) (b)	Retail Marijuana Products Manufacturer: Retail Marijuana Concentrate Production	Revision	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(g), 44-10-203(2)(i), 44-10-203(2)(aa), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603, and 44-10-608, C.R.S.	Rule was revised to remove reference to 3-905 and incorporate requirements from 6-315(B)(7) (c).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-315(B)(7) (c)	Retail Marijuana Products Manufacturer: Retail Marijuana Concentrate Production	Repeal	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(g), 44-10-203(2)(i), 44-10-203(2)(aa), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603, and 44-10-608, C.R.S.	Rule was repealed and incorporated into 6-315(B) (7)(b).	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-315(B)(8) & 1 CCR 212-3 6-315(D) (1)(f)	Retail Marijuana Products Manufacturer: Retail Marijuana Concentrate Production	Repeal	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(g), 44-10-203(2)(i), 44-10-203(2)(aa), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603, and 44-10-608, C.R.S.	Rules were repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

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The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1 CCR 212-3 6-320(A)(4)	Retail Marijuana Products Manufacturer: Sampling Unit Protocols	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(2)(d), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(aa), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603(10), and 44-10-608, C.R.S.	Rule was revised to add Standard Operating Procedure requirements for internal written experimental proposal.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-320(B)(1), 1 CCR 212-3 6-320(B)(2) & 1 CCR 212-3 6-320(G)	Retail Marijuana Products Manufacturer: Sampling Unit Protocols	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(2)(d), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(aa), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603(10), and 44-10-608, C.R.S.	Rules were repealed in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-320(B)(3) & 1 CCR 212-3 6-320(B)(4)	Retail Marijuana Products Manufacturer: Sampling Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(2)(d), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(aa), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603(10), and 44-10-608, C.R.S.	A new rule was added for R-and-D Unit Testing requirements, including how the addition of flavors and non-marijuana ingredients works.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-320(C)(3)	Retail Marijuana Products Manufacturer: Sampling Unit Protocols	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(2)(d), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(aa), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603(10), and 44-10-608, C.R.S.	Rule was relabeled to "R-and-D Unit Transfer Limits". Additionally, rules were made (a) pertaining to monthly limits and (b) pertaining to daily sales limits in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-320(C)(7)	Retail Marijuana Products Manufacturer: Sampling Unit Protocols	New	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(2)(d), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(aa), 44-10-401(2)(b)(III), 44-10-401(2)(b)(VIII), 44-10-603(10), and 44-10-608, C.R.S.	A new rule was added to clarify that a Licensee may not receive compensation for a R-and-D Unit.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-415(C)(6)	Retail Marijuana Testing Facilities: Certification Requirements	Revision	44-10-202(1)(a), 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(4), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(c), 44-10-203(2)(d), 44-10-203(2)(h), 44-10-203(2)(y), 44-10-203(3)(c), 44-10-203(3)(d), 44-10-401(2)(b)(IV), and 44-10-604, C.R.S.	Rule was revised to add "if required by the Division" for clarity and compliance.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-420(D)(3)	Retail Marijuana Testing Facilities: Personnel	Revision	44-10-202(1)(a), 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(4), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(c), 44-10-203(2)(d), 44-10-203(3)(c), 44-10-203(3)(d), 44-10-401(2)(b)(IV), 44-10-604, C.R.S.	Revised the rule to include the process for submitting a waiver for an additional 60 days to appoint a permanent laboratory director.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

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1 CCR 212-3 6-420(D)(4)	Retail Marijuana Testing Facilities: Personnel	Repeal	44-10-202(1)(a), 44-10-202(1)(b), 44-10-202(1)(c), 44-10-202(4), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(c), 44-10-203(2)(d), 44-10-203(3)(c), 44-10-203(3)(d), 44-10-401(2)(b)(IV), 44-10-604, C.R.S.	Repealed rule related to submitting a waiver for additional time to hire a permanent laboratory director	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-425(A)(20)	Retail Marijuana Testing Facilities: Standard Operating Procedure Manual	Revision	44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-202(4), 44-10-401(2)(b)(IV), and 44-10-604, C.R.S.	Rule was revised for additionally clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-430(I)(10)	Retail Marijuana Testing Facilities: Analytical Processes	Revision	44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-202(4), 44-10-401(2)(b)(IV), and 44-10-604, C.R.S.	Rule was revised for additionally clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-430(M)(1), 1 CCR 212-3 6-430(M)(2), 1 CCR 212-3 6-430(M)(3), 1 CCR 212-3 6-430(M)(4), 1 CCR 212-3 6-430(M)(5), 1 CCR 212-3 6-430(M)(6) & 1 CCR 212-3 6-430(M)(7)	Retail Marijuana Testing Facilities: Analytical Processes	Revision	44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-202(4), 44-10-401(2)(b)(IV), and 44-10-604, C.R.S.	Rule was revised to remove "recovery" and add "a variance of" for clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-430(N)	Retail Marijuana Testing Facilities: Analytical Processes	Revision	44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-202(4), 44-10-401(2)(b)(IV), and 44-10-604, C.R.S.	Rule was revised to "Retail" marijuana from "Medical" marijuana	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-435(A)	Retail Marijuana Testing Facilities: Proficiency Testing	Revision	44-10-202(4), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(d), 44-10-401(2)(b)(IV), and 44-10-604, C.R.S.	Rule was revised to add "if required by the Division" for clarity and compliance.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-441 Basis & Purpose	Retail Marijuana Testing Facilities: Certificate of Analysis (COA)	Revision	44-10-203(2)(d), 44-10-401(2)(a)(IV), and 44-10-604, C.R.S.	Rule was revised to correct the reference from 44-10-504 to 44-10-604.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-505(E)	Retail Marijuana Transporter: License Privileges	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(n), 44-10-203(3)(c), 44-10-313(14), 44-10-401(2)(b)(V), and 44-10-605, C.R.S.	Repealed subparagraph (1) and updated subparagraph (2) by striking the effective date.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 6-620(A)(1)	Retail Marijuana Business Operators: Business Records Required	Revision	44-10-202(1)(c), 44-10-203(1)(c), and 44-10-203(1)(k), C.R.S.	Rule was revised to remove reference to diagram of the Licensed Premises in accordance to HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

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1 CCR 212-3 6-700 Series	Accelerator Cultivator Licenses	Repeal	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(h), 44-10-203(2)(j), 44-10-203(2)(r), 44-10-203(2)(aa), 44-10-203(3)(c), 44-10-401(2)(b)(VII), 44-10-602, and 44-10-607 C.R.S.	Accelerator Rule series repealed - rules integrated into the Retail marijuana series.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-800 Series	Accelerator Manufacturer Licenses	Repeal	44-10-202(1)(c), 44-10-203(1)(a), 44-10-203(2)(d), 44-10-203(2)(f), 44-10-203(2)(g), 44-10-203(2)(i), 44-10-203(2)(y), 44-10-203(2)(aa), 44-10-307(1)(j), 44-10-401(2)(b)(VIII), 44-10-603 and 44-10-608, C.R.S.	Accelerator Rule series repealed - rules integrated into the Retail marijuana series.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-905(O)(2)	Licensed Hospitality Businesses: General Provisions	Revision	44-10-202(1), 44-10-203(2)(ff), 44-10-305(2)(b), 44-10-609, and 44-10-610, C.R.S.	Rule was revised to remove reference to 3-905 and the requirement to document destruction of Regulated marijuana on a waste log.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-915(D)	Licensed Hospitality Businesses: Operation Within a Retail Food Establishment	Revision	44-10-202(1), 44-10-203(2)(ff), 44-10-305(2)(b), 44-10-609, and 44-10-610, C.R.S.	Rule was revised to remove "and Identification Badge" in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-926(D)	Licensed Marijuana Hospitality Businesses: Spa Businesses	Revision	44-10-202(1), 44-10-203(2)(ff), 44-10-305(2)(b), 44-10-609, and 44-10-610, C.R.S.	Rule was revised to remove video surveillance requirement for all points of ingress and egress in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-940(C)(5)	Marijuana Hospitality Business: Requirements for Mobile Premises	Repeal	44-10-202(1), 44-10-203(2)(ff), 44-10-305(2)(b), and 44-10-609, C.R.S.	Rule was repealed.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-940(D)	Marijuana Hospitality Business: Requirements for Mobile Premises	Revision	44-10-202(1), 44-10-203(2)(ff), 44-10-305(2)(b), and 44-10-609, C.R.S.	Rule was revised to remove what "operation" of mobile premises means.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 6-1100 Series	Accelerator Store Licenses	Repeal	44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(aa), 44-10-203(2)(dd), 44-10-401(2)(b)(I), 44-10-601, 44-10-605, and 44-10-611, C.R.S.	Accelerator Rule series repealed - rules integrated into the Retail marijuana series.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025
1 CCR 212-3 7-115(B), 1 CCR 212-3 7-115(C) & 1 CCR 212-3 7-115(F)	Pesticide Manufacturers	Revision	44-10-202(1)(a)(II), 44-10-202(1)(c), 44-10-203(1)(c), and 44-10-203(1)(k), C.R.S.	Rules were revised to remove reference to 3-905 in accordance with HB 25-1209.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025

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1 CCR 212-3 8-110(B)(2)(b), 1 CCR 212-3 8-110(B.5)(2)(c), 1 CCR 212-3 8-115(B)(2) & 1 CCR 212-3 8-115(B)(3)	Requirement for Inspections and Investigations, Searches, Administrative Holds, Embargos, Voluntary Surrenders	Revision	44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(f), 44-10-202(1)(g), 44-10-203(2)(g), 44-10-203(2)(h), 44-10-207, 44-10-203(1)(k), and 44-10-902, C.R.S. and 44-10-202(1)(c), 44-10-203(1)(c), 44-10-203(1)(f), 44-10-203(1)(g), 44-10-203(1)(k), and 44-10-902, C.R.S.	Rules were revised to add "video" in front of surveillance for consistency and clarity.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 8-215(B)(3)	Suspension Process: Regular and Summary Suspensions	New	44-10-202(1)(c), 44-10-202(1)(d), 44-10-203(1)(k), 44-10-203(2)(a), 44-10-203(2)(l), 44-10-701, 44-10-901, 24-4-104(4)(a), and 24-4-105, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(l).	A new rule was added to clarify that a during a period of active suspension of an employee license, the employee is not allowed to exercise any privileges.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 8-220(A)(4)	Administrative Hearings	Revision	44-10-202(1)(c), 44-10-202(1)(d), 44-10-203(1)(k), 44-10-203(2)(a), 44-10-203(2)(g), 44-10-203(2)(l), 44-10-204(1)(a), 44-10-701, 44-10-901, 24-4-104, and 24-4-105, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(l).	Rule was revised to replace "pleadings" with "filings" for a more accurate description.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
1 CCR 212-3 8-240(A)	Confidential Information and Former State Licensing Authority Employees	Revision	44-10-201(3), 44-10-201(4), 44-10-202(1)(c), 44-10-203(1)(k), 44-10-203(2)(l), 44-10-203(2)(m), 44-10-203(1)(e), and 44-10-204(1)(a), C.R.S.	Rule was revised from a class 1 misdemeanor to a class 2 misdemeanor.	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

<p>1 CCR 212-3 3-240(C)(1) (a), 1 CCR 212-3 3-325 (A), 1 CCR 212-3 3-330 Basis & Purpose, 1 CCR 212-3 3-335(A)(2), 1 CCR 212-3 3-335(B), 1 CCR 212-3 3-335(C), 1 CCR 212-3 3-335(C)(2), 1 CCR 212-3 3-336(B), 1 CCR 212-3 3-610(E)(1), 1 CCR 212-3 3-615(A)(4), 1 CCR 212-3 3-615(A)(5)(a), 1 CCR 212-3 3-615(A)(5) (b), 1 CCR 212-3 3-615 (A)(5)(c), 1 CCR 212-3 3-615(C), 1 CCR 212-3 3-615(E)(1), 1 CCR 212-3 3-615(E)(2), 1 CCR 212-3 3-615(F)(1), 1 CCR 212-3 3-615(F)(2), 1 CCR 212-3 3-615(F)(4), 1 CCR 212-3 3-615(F)(5), 1 CCR 212-3 3-615(F)(6), 1 CCR 212-3 3-615(G)(1), 1 CCR 212-3 3-615(G)(2), 1 CCR 212-3 3-615(G)(3), 1 CCR 212-3 3-615(G)(4), 1 CCR 212-3 3-615(G)(5), 1 CCR 212-3 3-615(G)(7)(a), 1 CCR 212-3 3-615(G)(8)(c), 1 CCR 212-3 3-615(G)(8) (d), 1 CCR 212-3 3-615 (G)(9), 1 CCR 212-3 3-615(H), 1 CCR 212-3 3-820(A), 1 CCR 212-3 3-820(B)(1), 1 CCR 212-3 3-820(B)(2), 1 CCR 212-3 3-820(B)(3), 1 CCR 212-3 3-920(A), 1 CCR 212-3 3-1005(B)(2)(a), 1 CCR 212-3 3-1005(B)(2)(c), 1 CCR 212-3 3-1005(B)(2) (d), 1 CCR 212-3 3-1005 (E)(2)(a), 1 CCR 212-3 3-1005(F), 1 CCR 212-3 3-1005(J), 1 CCR 212-3 3-1010(B)(11)(a), 1 CCR 212-3 3-1010(B)(11)(b), 1 CCR 212-3 3-1010(C), 1 CCR 212-3 3-1010(D), 1 CCR 212-3 3-1010(E), 1 CCR 212-3 3-1010(E)(3) (a)(i), 1 CCR 212-3 3-1010(E)(3)(a)(ii), 1 CCR 212-3 3-1010(E)(3)(d), 1 CCR 212-3 4-230(B)(1) & 1 CCR 212-3 4-230(D)(1)</p>	<p>Various sections throughout rule</p>	<p>Revision</p>	<p>44-10-202(1)(b)-(c), 44-10-203(1) (a), 44-10-203(1)(c), 44-10-203(1) (k), 44-10-203(2)(l), 44-10-203(2) (m), and 44-10-901(1), C.R.S.</p>	<p>Rules were revised to combine "Medical" licenses, "Retail" licenses, and "Accelerator" licenses into "Regulated marijuana licenses".</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	
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Marijuana Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S. The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

<p>1 CCR 212-3 3-110(A)(2), 1 CCR 212-3 3-805(l)(7), 1 CCR 212-3 3-805(l)(8), 1 CCR 212-3 3-810(A)(1), 1 CCR 212-3 3-820 Basis & Purpose, 1 CCR 212-3 3-820 Title, 1 CCR 212-3 3-820(B)(1), 1 CCR 212-3 3-820(B)(2), 1 CCR 212-3 3-820(B)(3), 1 CCR 212-3 3-920(A), 1 CCR 212-3 3-1005(E), 1 CCR 212-3 3-1005(E)(1), 1 CCR 212-3 3-1005(E)(2), 1 CCR 212-3 3-1005(E)(2)(a), 1 CCR 212-3 3-1005(E)(2)(b), 1 CCR 212-3 3-1005(E)(2)(d)(i), 1 CCR 212-3 3-1005(E)(2)(d)(ii), 1 CCR 212-3 3-1005(E)(2)(g)(i), 1 CCR 212-3 5-115(E), 1 CCR 212-3 5-205(C)(2), 1 CCR 212-3 5-205(F), 1 CCR 212-3 5-210(B), 1 CCR 212-3 5-230 Basis & Purpose, 1 CCR 212-3 5-230(A), 1 CCR 212-3 5-230(A)(1), 1 CCR 212-3 5-230(A)(2), 1 CCR 212-3 5-230(A)(3), 1 CCR 212-3 5-230(A)(4), 1 CCR 212-3 5-230(A)(5), 1 CCR 212-3 5-230(B), 1 CCR 212-3 5-230(C), 1 CCR 212-3 5-230(C)(1), 1 CCR 212-3 5-230(C)(2), 1 CCR 212-3 5-230(C)(3), 1 CCR 212-3 5-230(C)(4), 1 CCR 212-3 5-230(C)(5), 1 CCR 212-3 5-230(C)(6), 1 CCR 212-3 5-230(D)(1), 1 CCR 212-3 5-230(E), 1 CCR 212-3 5-230(F), 1 CCR 212-3 5-305(B)(3), 1 CCR 212-3 5-305(G), 1 CCR 212-3 5-310(C), 1 CCR 212-3 5-320 Basis & Purpose, 1 CCR 212-3 5-320 Title, 5-320(B), 1 CCR 212-3 5-320(A), 1 CCR 212-3 5-320(A)(1), 1 CCR 212-3 5-320(A)(2), 1 CCR 212-3 5-320(A)(3), 1 CCR 212-3 5-320(A)(4), 1 CCR 212-3 5-320(A)(5), 1 CCR 212-3 5-230(C)(1), 1 CCR 212-3 5-230(C)(2), 1 CCR 212-3</p>	<p>Various sections throughout rule</p>	<p>Revision</p>	<p>44-10-202(1)(b)-(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(l), 44-10-203(2)(m), and 44-10-901(1), C.R.S.</p>	<p>Rules were revised to replace "Sampling Managers" with "designated employees" & "sampling" with "R-and-D" units in accordance with HB 25-1209.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	
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Marijuana Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

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The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

<p>1 CCR 212-3 6-105 Basis & Purpose, 1 CCR 212-3 6-110 Basis & Purpose, 1 CCR 212-3 6-115 Basis & Purpose, 1 CCR 212-3 6-205 Basis & Purpose, 1 CCR 212-3 6-210 Basis & Purpose, 1 CCR 212-3 6-215 Basis & Purpose, 1 CCR 212-3 6-220 Basis & Purpose, 1 CCR 212-3 6-225 Basis & Purpose, 1 CCR 212-3 6-230 Basis & Purpose, 1 CCR 212-3 6-235 Basis & Purpose, 1 CCR 212-3 6-305 Basis & Purpose, 1 CCR 212-3 6-310 Basis & Purpose & 1 CCR 212-3 6-315 Basis & Purpose</p>	<p>Various sections throughout rule</p>	<p>Revision</p>	<p>44-10-202(1)(b)-(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(l), 44-10-203(2)(m), and 44-10-901(1), C.R.S.</p>	<p>Basis and Purposes were revised to add Accelerator statute citations.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	
<p>1 CCR 212-3 6-105 Basis & Purpose, 1 CCR 212-3 6-110 Basis & Purpose, 1 CCR 212-3 6-115 Basis & Purpose, 1 CCR 212-3 6-205 Basis & Purpose, 1 CCR 212-3 6-210 Basis & Purpose, 1 CCR 212-3 6-215 Basis & Purpose, 1 CCR 212-3 6-220 Basis & Purpose, 1 CCR 212-3 6-225 Basis & Purpose, 1 CCR 212-3 6-230 Basis & Purpose, 1 CCR 212-3 6-235 Basis & Purpose, 1 CCR 212-3 6-305 Basis & Purpose, 1 CCR 212-3 6-310 Basis & Purpose, 1 CCR 212-3 6-315 Basis & Purpose, 1 CCR 212-3 6-325 Basis & Purpose, 1 CCR 212-3 6-335 Basis & Purpose,</p>	<p>Various sections throughout rule</p>	<p>Revision</p>	<p>44-10-202(1)(b)-(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(l), 44-10-203(2)(m), and 44-10-901(1), C.R.S.</p>	<p>Rules were revised to remove reference to Accelerator Stores and to remove Accelerator rules citations throughout the rules.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	

Marijuana Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

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The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

<p>3-320(D)(1), 3-1005(G)(1), 3-1010(C)(3)(e)(i), 3-1025(B)(2)(a), 3-1025(D)(2)(a), 4-210(C)(1), 4-210(C)(2)(a), 4-215(E)(1), 4-215(E)(2), 4-215(E)(4), 4-215(E)(5), 4-215(G), 4-215(I), 4-225(E)(2)(c), 4-225(F)(2), 4-225(F)(4)(c)(i) - Table, 4-230(B)(1), 4-230(C), 4-230(H) & (H)(3), 4-230(I), 4-230(L)(1), (2) & (3), 4-230(M)(1)(a), (a)(i) & (a)(ii), 4-230(N)(3)(b), 4-240(C)(2)(a)(i), 4-240(C)(2)(a)(ii), 4-240(C)(3)(a)(i) & (ii), 4-240(C)(3)(c)(iv)(A), (C), (H) & (I), 4-245(B)(1) & (2), 4-245(C), 5-205(C)(3)(b)(vi), 6-205(C)(3)(b)(vi),</p>	<p>Various sections throughout rule</p>	<p>Revision</p>	<p>44-10-202(1)(b)-(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(l), 44-10-203(2)(m), and 44-10-901(1), C.R.S.</p>	<p>Rules were revised to replace "Harvest Batch" with "Production Batch" for clarity and compliance.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	
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Marijuana Enforcement Division 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

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The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

<p>1 CCR 212-3 3-315(B)(4), 1 CCR 212-3 3-336(D)(1), 1 CCR 212-3 3-336(D)(2) (b)(iv), 1 CCR 212-3 3- 336(D)(2)(c)(vi), 1 CCR 212-3 3-605(G)(3)(a), 1 CCR 212-3 3-920(C), 1 CCR 212-3 3-1010(C)(3) (b), 1 CCR 212-3 4-205 (A)(2), 1 CCR 212-3 4- 215(A)(1), 1 CCR 212-3 4-215(E)(6)(a), 1 CCR 212-3 4-215(E)(6)(b), 1 CCR 212-3 4-215(F), 1 CCR 212-3 4-220(A)(2), 1 CCR 212-3 4-220(A)(2)(b) (ii), 1 CCR 212-3 4-225 (A)(2), 1 CCR 212-3 4- 225(3), 1 CCR 212-3 4- 225(B), 1 CCR 212-3 4- 225(B)(1)(a), 1 CCR 212- 3 4-225(B)(2), 1 CCR 212- 3 4-225(E), 1 CCR 212-3 4-230(G) - Table Note, 1 CCR 212-3 4-230(K)(1) (h), 1 CCR 212-3 4-230 (K)(2), 1 CCR 212-3 4-230 (L)(1), 1 CCR 212-3 4-230 (L)(2), 1 CCR 212-3 4-230 (L)(3), 1 CCR 212-3 4-240 (A)(2), 1 CCR 212-3 4- 240(B), 1 CCR 212-3 4- 240(B)(1), 1 CCR 212-3 4- 240(B)(2), 1 CCR 212-3 4- 240(C), 1 CCR 212-3 4- 240(C)(1), 1 CCR 212-3 4-240(C)(2), 1 CCR 212- 3 4-240(C)(2)(c)(ii)(A), 1 CCR 212-3 4-240(C)(2)(c) (iii)(A), 1 CCR 212-3 4- 240(C)(3), 1 CCR 212-3 4-240(C)(3)(c)(iv)(A), 1 CCR 212-3 4-240(C), 1 CCR 212-3 4-240(H), 1 CCR 212-3 4-240(I), 1 CCR 212-3 5-240(C)(9) (a), 1 CCR 212-3 5-240 (C)(9)(b) & 1 CCR 212-3 6-235(C)(9)</p>	<p>Various sections throughout rule</p>	<p>Revision</p>	<p>44-10-202(1)(b)-(c), 44-10-203(1) (a), 44-10-203(1)(c), 44-10-203(1) (k), 44-10-203(2)(l), 44-10-203(2) (m), and 44-10-901(1), C.R.S.</p>	<p>Rules were revised to remove "Harvest Batch" for clarity and compliance.</p>	<p>MED Stakeholder List</p>	<p>Ongoing</p>	<p>Anticipated adoption date 11/5/2025</p>	
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Marijuana Enforcement Division 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

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3-330 Basis & Purpose, 3-905(B)(13), 4-205(A)(1), 4-205(D), 4-215(B)(1) - Table, 4-215(C)(1) - Table, 4-215(D)(1) - Table, 4-215(F), 4-215(J)(3) & (J)(3)(xi), 4-215(J)(5)(a)(ii), 5-315(C)(1), 5-315(D)(2), 5-415(A)(1), 6-315(C)(1) & (D)(2), 6-415(A)(2),	Various sections throughout rule	Revision	44-10-202(1)(b)-(c), 44-10-203(1)(a), 44-10-203(1)(c), 44-10-203(1)(k), 44-10-203(2)(l), 44-10-203(2)(m), and 44-10-901(1), C.R.S.	Rules were revised to replace "microbials" with the proper terminology "Microbial Contaminants".	MED Stakeholder List	Ongoing	Anticipated adoption date 11/5/2025	
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Division of Natural Medicine 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

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The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

Results of Activity Included in Last Regulatory Agenda(2025) (Rule Review items in the next section below)

Rule Number (ex: 1 CCR 201-1, Rule #101)	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose (For the change, ex: legislation)	Stakeholders	Status	Adoption Date (if applicable)	Comments
1-CCR-213-1, 1005	General Applicability	New	44-50-202(1)(b), 44-50-203(1)(d), 44-50-203(2)(a), 44-50-203(2)(l), and 44-50-203(2)(r), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024; For additional information see NMD Rulemaking Webpage
1-CCR-213-1, 1010	Severability	New	24-4-105(11), 44-50-202(1)(b), 44-50-202(8), 44-50-203(2)(n), and 44-50-203(2)(r), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 1015	Statements of Position and Declaratory Orders	New	24-4-105(11), 44-50-202(1)(b), 44-50-202(8), 44-50-203(2)(n), and 44-50-203(2)(r), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 1020	Law Enforcement Authority Not Impaired by Natural Medicine Rules	New	44-50-202(1)(b), 44-50-202(3), 44-50-203(1)(b), 44-50-203(1)(k), 44-50-203(2)(o), and 44-50-203(2)(r), and 44-50-901(1)(e), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 1025	Definitions	New	44-50-103, 44-50-202(1)(b), 44-50-203(1)(d), 44-50-203(1)(n), 44-50-203(2)(a), 44-50-203(2)(g), and 44-50-203(2)(r), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 2005	Fees	New	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(c), 44-50-203(2)(a), 44-50-601(2)-(3), and 44-50-602, C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Ongoing	October 25, 2024	Anticipated effective date: 12/15/2024; For additional information see NMD Rulemaking Webpage
1-CCR-213-1, 2105	Duties of All Applicants and Licensees	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(d), 44-50-203(2)(a), 44-50-203(2)(l), and 44-50-203(2)(r), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 2110	General Application Requirements	New	44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(c), and 44-50-301(1), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024

Division of Natural Medicine 2025 Regulatory Agenda Report

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

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1-CCR-213-1, 2115	Natural Medicine Handler Licenses: Initial Application Requirements	New	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(d), 44-50-203(1)(n), 44-50-203(2)(r), and 44-50-301(2)(b), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 2120	Owner Licenses: Initial Application Requirements	New	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(d), 44-50-203(1)(n), 44-50-203(2)(r), and 44-50-301(2)(b), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 2125	Natural Medicine Businesses: Initial Application Requirements	New	44-50-104(2), 44-50-202(1)(b), 44-50-202(5), 44-50-203(1)(a), 44-50-203(1)(d), 44-50-203(1)(n), 44-50-203(2)(a), 44-50-203(2)(r), 44-50-301(2)(a), 44-50-302(1)-(2), 44-50-401, 44-50-402, 44-50-403, and 44-50-404, C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 2130	License Renewal Application Requirements	New	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(b), 44-50-203(1)(c), 44-50-203(1)(d), 44-50-203(2)(a), and 44-50-302(1)-(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 2135	Licensure Qualifications	New	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(d), 44-50-203(1)(e), 44-50-203(1)(n), 44-50-203(2)(a), and 44-50-203(2)(l), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 2140	Disclosure of Financial Interests and Owners of Natural Medicine Businesses	New	44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(b), 44-50-203(1)(d), 44-50-203(1)(e), 44-50-203(1)(n), 44-50-203(2)(a), 44-50-203(2)(l), 44-50-203(2)(q), and 44-50-203(2)(r), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 2145	Change of Ownership Applications	New	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(b), 44-50-203(1)(d), 44-50-203(2)(a), and 44-50-302(1)-(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 2150	Change of Location of Regulated Natural Medicine Business License	New	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(b), 44-50-203(1)(c), 44-50-203(1)(g), 44-50-203(2)(a), 44-50-203(2)(l), and 44-50-302(1)-(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024

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Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

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(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

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1-CCR-213-1, 2155	Application Denial, Voluntary Withdrawal, and Effect of a License Surrender	New	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(b), 44-50-203(1)(d), 44-50-203(1)(n), 44-50-203(2)(a), 44-50-203(2)(c), 44-50-203(2)(l), and 44-50-302(1)-(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 2160	Revoked or Suspended Owners; At Least One Owner Licensee and One Facilitator Required; Prohibited Third-Party Acts	New	44-50-104(2), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(b), 44-50-203(1)(d), 44-50-203(1)(e), 44-50-203(1)(n), 44-50-203(2)(a), 44-50-203(2)(c), 44-50-203(2)(l), and 44-50-302(1)-(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3005	General Restrictions	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(k), and 44-50-301(4), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3010	Business Records Required	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(j), 44-50-203(2)(f), 44-50-203(2)(i), and 44-50-203(2)(p), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3015	Natural Medicine Business Reporting Requirements	New	44-50-202(1)(b), 44-50-202(6), 44-50-202(7), 44-50-203(1)(g), 44-50-203(1)(j), and 44-50-203(2)(g), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3105	Co-Located Natural Medicine Business Licenses	New	44-50-202(1)(a), 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(b), 44-50-203(1)(d), 44-50-203(1)(f)(1)(D), 44-50-203(1)(g), and 44-50-203(2)(a), 44-50-203(2)(b), 44-50-203(2)(c), and 44-50-203(2)(r), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3110	Security Standards	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(h), 44-50-203(1)(j), 44-50-203(1)(k), and 44-50-203(2)(f), 44-50-203(2)(g), and 44-50-204(1), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024

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1-CCR-213-1, 3115	Video Surveillance	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(j), 44-50-203(1)(k), 44-50-203(2)(a), 44-50-203(2)(f), 44-50-203(2)(k), 44-50-203(2)(p), and 44-50-204(1)(a), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3120	Waste Disposal	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(j), 44-50-203(1)(k), 44-50-203(2)(a), 44-50-203(2)(f), 44-50-203(2)(k), 44-50-203(2)(p), and 44-50-204(1)(a), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3125	General Sanitary Requirements	New	44-50-202(1)(b), 44-50-203(1)(g), 44-50-203(2)(g), 44-50-203(2)(h), and 44-50-203(2)(i), and 44-50-203(2)(p), C.R.S. T	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3130	Local Safety Inspections	New	44-50-104(5)(a)-(d), 44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(2)(g), 44-50-203(2)(p), 44-50-203(2)(r), and 44-50-301(4), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3205	Recall of Regulated Natural Medicine or Regulated Natural Medicine Product	New	44-50-202(1)(b), 44-50-203(1)(j), 44-50-203(1)(b), 44-50-203(2)(g), 44-50-203(2)(i), 44-50-203(2)(k), and 44-50-203(2)(p), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3210	Embargo of Regulated Natural Medicine and Regulated Natural Medicine Product	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(j), 44-50-203(2)(g), 44-50-203(2)(i), 44-50-203(2)(k), and 44-50-203(2)(p), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3305	Packaging & Labeling Requirements	New	44-50-202(1)(b), 44-50-203(1)(k), 44-50-203(2)(d), 44-50-203(2)(e), 44-50-203(2)(g), 44-50-203(2)(j), and 44-50-203(2)(k), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3405	Transport and Storage	New	44-50-104(5)(c), 44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(h) (I)-(V), 44-50-203(1)(k), 44-50-203(1)(l), and 44-50-203(2)(j), and 44-50-203(2)(k), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 3505	Licensee Marketing	New	44-50-202(1)(b), 44-50-203(1)(j), 44-50-203(1)(k), 44-50-203(1)(m), 44-50-203(2)(a), and 44-50-203(2)(q), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024

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1-CCR-213-1, 4005	Costs	New	44-50-202(1)(b), 44-50-203(1)(f), 44-50-203(2)(a), 44-50-203(2)(r) and 44-50-404(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 4010	Natural Medicine Cultivation Facility - Required Regulated Natural Medicine Testing	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(f), 44-50-203(1)(n), 44-50-203(2)(d), 44-50-203(2)(g), and 44-50-404(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 4015	Natural Medicine Products Manufacturer - Required Regulated Natural Medicine Product Testing	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(f), 44-50-203(1)(n), 44-50-203(2)(d), 44-50-203(2)(g), and 44-50-404(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 4020	Division Directed Testing	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(d), 44-50-203(2)(g), 44-50-203(2)(r), and 44-50-404(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 4025	Failed Test Procedures	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(f), 44-50-203(1)(l), 44-50-203(2)(d), 44-50-203(2)(g), 44-50-203(2)(i), 44-50-203(2)(k), and 44-50-203(2)(r), and 44-50-404(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 5005	Regulated Natural Medicine Cultivation License Requirements - License Privileges	New	44-50-202(1)(b), 44-50-203(1)(d), 44-50-203(1)(i), 44-50-203(1)(l), 44-50-203(1)(n), 44-50-203(2)(a), and 44-50-402, C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 5010	Regulated Natural Medicine Cultivation License Requirements - Prohibited Acts	New	44-50-202(1)(b), 44-50-203(1)(g), 44-50-203(1)(l), 44-50-203(2)(a), 44-50-203(2)(c), 44-50-203(2)(g), and 44-50-402(1), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 5015	Production and Inventory Management	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(i), 44-50-203(1)(n), 44-50-203(2)(a), 44-50-203(2)(f), and 44-50-203(2)(k), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024

Division of Natural Medicine 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1-CCR-213-1, 5020	Cultivation Procedures	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(j), 44-50-203(2)(e), 44-50-203(2)(g), 44-50-203(2)(h), 44-50-203(2)(i), 44-50-203(2)(j), 44-50-203(2)(k), 44-50-203(2)(p), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 5025	Minimum Inventory Tracking Requirements	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(h), 44-50-203(1)(j), 44-50-203(1)(k), 44-50-203(2)(i), 44-50-203(2)(k), 44-50-203(2)(r), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 6005	Regulated Natural Medicine Product Manufacturing License Requirements - License Privileges	New	44-50-202(1)(b), 44-50-203(1)(i), 44-50-203(1)(k), 44-50-203(1)(l), 44-50-203(2)(a), 44-50-203(2)(d), 44-50-203(2)(g), 44-50-203(2)(k), and 44-50-403(1), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 6010	Prohibited Acts	New	44-50-202(1)(b), 44-50-203(1)(g), 44-50-203(1)(k), 44-50-203(1)(l), 44-50-203(2)(a), 44-50-203(2)(d), 44-50-203(2)(g), and 44-50-403(1)(c), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 6015	Manufacturing Procedures	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(j), 44-50-203(1)(k), 44-50-203(2)(a), 44-50-203(2)(e), 44-50-203(2)(g), 44-50-203(2)(h), 44-50-203(2)(i), 44-50-203(2)(j), 44-50-203(2)(k), and 44-50-403(1), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 6020	Minimum Inventory Tracking Requirements	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(j), 44-50-203(1)(k), 44-50-203(2)(a), 44-50-203(2)(k), and 44-50-203(2)(r), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 7005	Regulated Natural Medicine Testing Facility License Requirements - License Privileges	New	44-50-202(1)(b), 44-50-203(1)(f), 44-50-203(1)(g), 44-50-203(1)(j), 44-50-203(1)(l), 44-50-203(2)(a), 44-50-203(2)(g), 44-50-203(2)(i), and 44-50-404(1)-(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 7010	Prohibited Acts	New	44-50-202(1)(b), 44-50-203(1)(d), 44-50-203(1)(e), 44-50-203(1)(f), 44-50-203(1)(n), 44-50-203(2)(a), and 44-50-404(3), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024

Division of Natural Medicine 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

Pursuant to §2-7-202(6), C.R.S., the Report must contain:

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Pursuant to §24-4-103.3(4), C.R.S., the Report must contain:

(4) Each principal department shall include a report on the results of its mandatory review of rules as part of its departmental regulatory agenda that it submits to the staff of the legislative council for distribution to the applicable committee of reference of the general assembly as outlined in section 2-7-203, C.R.S.

The Agenda is to be filed with Legislative Council Staff for distribution to committee(s) of reference, posted on CDOR's website, and submitted to the State Library, the Colorado Department of Regulatory Agencies, and the Secretary of State for publication in the Colorado Register.

CDOR must also present its Report as part of its "SMART Act" presentation pursuant to §2-7-203(2)(a), C.R.S.

CDOR works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in CDOR's Report.

The Report covers Calendar Year 2025 (CY25). Rules that will be completed after November 1, 2025, are marked as "ongoing" or "in progress".

1-CCR-213-1, 7015	Certification Required	New	25-2.5-120, 44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(d), 44-50-203(1)(f), 44-50-203(1)(n), 44-50-203(2)(a), and 44-50-404(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 7020	Standard Operating Procedures	New	25-2.5-120, 44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(f), 44-50-203(1)(g), 44-50-203(1)(j), 44-50-203(2)(a), 44-50-203(2)(p), and 44-50-404(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 7025	Chain of Custody	New	25-2.5-120, 44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(2)(g), 44-50-203(2)(k), and 44-50-404(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 7030	Notification	New	25-2.5-120, 44-50-202(1)(b), 44-50-203(1)(f), 44-50-203(1)(g), 44-50-203(2)(g), 44-50-203(2)(k), and 44-50-404(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 7035	Minimum Inventory Tracking Requirements	New	25-2.5-120, 44-50-202(1)(b), 44-50-203(1)(f), 44-50-203(1)(j), 44-50-203(1)(k), 44-50-203(2)(a), 44-50-203(2)(g), 44-50-203(2)(i), 44-50-203(2)(k), 44-50-203(2)(p), and 44-50-404(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 8005	Healing Center License - License Privileges	New	44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(d), 44-50-203(1)(g), 44-50-203(1)(l), 44-50-203(2)(a), and 44-50-401, C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 8010	Prohibited Acts	New	44-50-202(1)(b), 44-50-203(1)(g), 44-50-203(1)(k), 44-50-203(2)(a), and 44-50-401, C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 8015	Acceptable Forms of Identification for a Participant to Receive Natural Medicine Services	New	44-50-202(1)(b), 44-50-203(1)(g), 44-50-203(1)(k), 44-50-203(2)(p), 44-50-203(2)(r), and 44-50-401(2), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 8020	Facilitator Required	New	44-50-202(1)(b), 44-50-203(1)(a), 44-50-203(1)(d), 44-50-203(1)(g), and 44-50-401(1), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024

Division of Natural Medicine 2025 Regulatory Agenda Report

The Colorado Department of Revenue (CDOR) submits the following 2025 Departmental Regulatory Agenda Report (Report) in fulfillment of the statutory requirements set forth in §2-7-202(6), 2-7-203, and 24-4-103.3(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file the Report in order to provide results of the past year's rulemaking activity.

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1-CCR-213-1, 8025	Licensed Premises Requirements	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(k), 44-50-203(2)(f), and 44-50-203(2)(g), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 8030	Administration Sessions	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(k), 44-50-203(2)(g), 44-50-203(2)(r), and 44-50-401(5), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 8035	Healing Center Record Requirements	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(j), 44-50-203(2)(i), 44-50-203(2)(k), and 44-50-203(2)(p), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 8040	Minimum Inventory Tracking Requirements	New	44-50-202(1)(b), 44-50-203(1)(b), 44-50-203(1)(g), 44-50-203(1)(j), 44-50-203(1)(k), and 44-50-203(2)(k), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 9005	Requirements for Inspections and Investigations and Voluntary Surrenders	New	44-50-202(1)(a), 44-50-202(1)(b), 44-50-202(1)(c), 44-50-203(1)(a), 44-50-202(1)(b), 44-50-203(1)(j), 44-50-203(2)(l), 44-50-203(2)(p), 44-50-203(2)(q), and 44-50-203(2)(r), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 9010	Written Warnings and Assurances of Voluntary Compliance	New	44-50-202(1)(a), 44-50-202(1)(b), 44-50-202(1)(c), 44-50-203(1)(a), 44-50-203(2)(l), 44-50-203(2)(m), 44-50-203(2)(r), and 44-50-701, C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 9015	Investigative Subpoenas	New	44-50-202(1)(b), 44-50-202(1)(d), and 44-50-203(2)(r), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 9020	Administrative Warrants	New	44-50-202(1)(b), 44-50-202(1)(c), 44-50-203(1)(b), 44-50-203(2)(l), and 44-50-203(2)(p), C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024
1-CCR-213-1, 9025	Non-Summary Suspensions	New	44-50-202(1)(b), 44-50-202(1)(c), 44-50-203(1)(a), 44-50-203(1)(b), 44-50-203(2)(l), 44-50-203(2)(m), 24-4-105, and 44-50-701, C.R.S.	Legislation - Natural Medicine Code; SB23-290 / SB24-198	NMD Stakeholder list: Mental health professionals, therapists, cultivators, manufacturers, testing facility owners	Adopted	August 6, 2024	Became effective 10/1/2024

Departmental Regulatory Agendas

Department

Department of Public Health and Environment

2026

Regulatory Agenda

January 1, 2026 – December 31, 2026



COLORADO
Department of Public
Health & Environment

Overview

Pursuant to Colorado Revised Statute §2-7-203(4), the Colorado Department of Public Health and Environment submits the following 2026 Regulatory Agenda. Pursuant to statutory requirements concerning the Department’s Regulatory Agenda (§2-7-202(6), C.R.S.), this also contains the department’s 2025 Regulatory Agenda Summary and the 2025 Results of Mandatory Review of Rules (Pursuant to §24-4-103.3(4), C.R.S.).

2026 Regulatory Agenda

Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
January 21, 2026	6 CCR 1009-1: Disease Reporting Rule Updates	Disease Control and Public Health Response/ Board of Health	Revision	Sections 25-1.5-101(1)(k), 25.1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.		Annual updates and revisions to align with best practices	LPHAs, organizations offering laboratory services, professional organizations.
January 21, 2026	6 CCR 1015- Ch 2	Health Facilities and Emergency Medical Services Division/Chief Medical Officer	Revision	Sections 25-1.5-101(1)(k), 25.1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.	X	Updates and revisions to reflect annual review	Emergency Medical Service Providers
January 21, 2026	6 CCR 1007-1- Part 12, Fees for radiation control services	Board of Health	Revision	Sections 25-1.5-101(1)(k), 25.1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.	X	Update the rules to include an across-the-board 2.3% fee increase (eff March 2026), and beginning in July 2027, an annual, automatic increase tied to the percent change in the Consumer Price Index.	All entities that pay a fee to the department for radiation control services.

Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
February 9, 2026	5 CCR 1002-93 Regulation Number 93: Colorado's Section 303(d) List of Impaired Waters and Monitoring and Evaluation List	Water Quality Control Division / Water Quality Control Commission	Revision	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., as applicable and amended.		To consider revisions to Regulation Number 93	Point source dischargers, municipalities, environmental organizations, anglers, recreationalists
February 18-20, 2026	5 CCR 1001-9 Regulation Number 7 - Control of Emissions from Oil and Gas Operations	Air Pollution Control Division / Air Quality Control Commission	Revision	C.R.S. 25-7-101, -102, -103, -105, -106, -109		To consider revisions to Regulation Number 7 to address oil and gas operations impacted by EPA's Emission Guideline 40 CFR Subpart OOOOc.	Local govt, Industry, trade & environmental groups, concerned public members
February 18, 2026	6 CCR 1010-6 - Rules and Regulations for Governing Schools	Center for Health and Environmental Data/Board of Health	Revision	Sections 25-1.5-101(1)(k), 25.1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.	X	Clean up and align with current practices	School personnel, LPHAs, parents, students, other agencies regulating schools
February 18, 2026	5 CCR 1006-1	Office of State Registrar of Vital Statistics/Board of Health	Revision	SB25-129		Change to align with recent legislation	All entities reporting health statistics
April 13, 2026	5 CCR 1002-84 Regulation Number 84: Reclaimed Water Control Regulation	Water Quality Control Division / Water Quality Control Commission	Revision	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., as applicable and amended.		To consider revisions to Regulation Number 84	Public water systems, point source dischargers, municipalities, environmental organizations, anglers, recreationalists

Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
April 15-17, 2026	5 CCR 1001-34 Regulation Number 30 - Toxic Air Contaminants	Air Pollution Control Division / Air Quality Control Commission	Revision	C.R.S. 25-7-101, -109, -109.5		To consider revisions to Regulation Number 30 to address priority TAC control strategies	Local govt, Industry, trade & environmental groups, concerned public members
May 11, 2026	5 CCR 1002-102 Regulation Number 102: Water Quality Control Division Fees	Water Quality Control Division / Water Quality Control Commission	Revision	§§25-1.5-209, C.R.S., 25-8-205, C.R.S., 25-8-210, C.R.S., 25-8-502, C.R.S., 25-10107, C.R.S., and 30-20-110.5., C.R.S., as applicable and amended.		To consider revisions to Regulation Number 102	Public water systems; point source dischargers, municipalities, advocacy groups; Environmental organizations; municipalities.
May 19, 2026	6 CCR 1007-3; Part 6 Solid and Haz Waste Commission Fee	Solid and Hazardous Waste Commission	Revision	§ 25-15-314, C.R.S.		To amend the Solid and Hazardous Waste Commission fee to fund the commission to fiscal year 2026-2027	Treatment, storage and disposal facilities, generators, and transporters of hazardous waste.
May 19, 2026	6 CCR 1007-2; Part 1, Section 1.8, Producer Responsibility	Solid and Hazardous Waste Commission	Revision	§ 25-17-713, C.R.S.	X	To amend the Producer Exemption Dollar Limit Exemption specified in § 1.8.2 of the Solid Waste Regulations (6 CCR 1007-2)	Packaging and paper producers as defined in § 18.1.6 and § 18.2 of the Section 18 Producer Responsibility Regulations

Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
May 19, 2026	6 CCR 1007-3; Part 261 StenTech Photo Stencil F006 Delisting	Solid and Hazardous Waste Commission	New	§ 25-15-302(2), C.R.S.		Amendment of Part 261, Appendix IX to conditionally delist wastewater treatment sludge waste generated at Photo Stencil's facility in Golden, Colorado	StenTech Photo Stencil
May 19, 2026	6 CCR 1007-3; Parts 261, 262, and 267 Technical Corrections to HW Generator Improvements, HW Pharmaceuticals, and the Definition of Solid Waste Rules	Solid and Hazardous Waste Commission	Revision	§ 25-15-302(2), C.R.S.		Amendment of state regulations to align with revisions to the the federal regulations	HW Generators, TSDs, healthcare facilities, reverse distributors, and importers/exporters of hazardous waste
May 19, 2026	6 CCR 1007-3; Parts 261, 262 and 267. HW Management of Certain Hydrofluorocarbons and substitutes	Solid and Hazardous Waste Commission	Revision	§ 25-15-302(2), C.R.S.		Amendment of state regulations to align with revisions to the the federal regulations	Owners/operators who service, repair, recycle, dispose, or install equipment containing HFCs or their substitutes.

Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
May 20-22	5 CCR 1001-33 Regulation Number 29 - Lawn and Garden Equipment Emissions Reductions	Air Pollution Control Division / Air Quality Control Commission	Revision	C.R.S. 25-7-101, -102, -105, -106, -109		To consider revisions to Regulation Number 29 to address commercial use restrictions.	Local govt, Industry, trade & environmental groups, concerned public members
June 8-9, 2026	<p>5 CCR 1002-31 Regulation Number 31: The Basic Standards and Methodologies for Surface Water</p> <p>5 CCR 1002-32 Regulation Number 32: Classifications and Numeric Standards for Arkansas River Basin</p> <p>5 CCR 1002-33 Regulation Number 33: Classifications and Numeric standards for Upper Colorado River Basin and North Platte River (Planning Region 12)</p>	Water Quality Control Division/Water Quality Control Commission	Revision	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S., as applicable and amended.	X	To consider revisions and updates classifications and standards in these river basins	Point source dischargers, municipalities, environmental organizations, anglers, recreationalists

	<p>5 CCR 1002-34 Regulation Number 34: Classifications and Numeric Standards for San Juan River and Dolores River Basins</p> <p>5 CCR 1002-35 Regulation Number 35: Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins</p> <p>5 CCR 1002-36 Regulation Number 36: Classifications and Numeric Standards for Rio Grande Basin</p> <p>5 CCR 1002-37 Regulation Number 37: Classifications and Numeric standards for Lower Colorado River Basin</p> <p>5 CCR 1002-38 Regulation Number 38: Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin</p>						
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Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
July 15-17, 2026	5 CCR 1001-31 Regulation Number 27 - Manufacturing Sector Greenhouse Gas Emissions Standards	Air Pollution Control Division / Air Quality Control Commission	Revision	C.R.S. 25-7-101, -102, -105, -106		To consider revisions to Regulation Number 27 to address greenhouse gas emissions from the industrial and manufacturing sector which revisions follow the Commission's request that the Division review and evaluate the ability of the rule adopted in 2023 to assure sufficient compliance by and compliance pathways for the affected sources.	Local govt, Industry, trade & environmental groups, concerned public members

Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
July 15-17, 2026	Particulate Matter (PM10) Maintenance Plan Revisions	Air Pollution Control Division / Air Quality Control Commission	Revision	C.R.S. 25-7-101, -105		To consider revisions to Regulation Number 1, Regulation Number 4, Regulation Number 16, State Implementation Plan, Specific Regulations for Nonattainment-Attainment/Maintenance Areas (Local Elements), and Air Quality Standards, Designations and Emission Budgets that impact VOC/NOx maintenance plans (Canon City, Pagosa Springs, Telluride, Denver Metro, Aspen, Steamboat Springs, Lamar). May evaluate potential revisions to remove federal enforceability, if no longer necessary.	Local govt, Industry, trade & environmental groups, concerned public members

Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
July 15, 2026	6 CCR 1015-6 - State-Designated Health Professional Shortage Area Designation	Prevention Services Division/Board of Health	Revision	Sections 25-1.5-101(1)(k), 25.1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.	X	Add section for labor and delivery care access. Add methodologies for Medicaid eligible designations.	Colorado Community Health Network, Colorado Perinatal Care Quality Council, Colorado Hospital Association
July 15, 2026	6 CCR 1015-7 - Loan Repayment Program for Dental Professionals	Prevention Services Division/Board of Health	Revision	Sections 25-1.5-101(1)(k), 25.1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.	X	Revise selection criteria for applicants adding new reference to rule 6 CCR 1015-5	Colorado Dental Association, Colorado Community Health Network, Health Care Policy and Financing
August 10, 2026	5 CCR 1002-11 Regulation #11: Primary Drinking Water Regulations	Water Quality Control Division/Water Quality Control Commission	Revision	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S. as applicable and amended.		To consider revisions to Regulation Number 11	Point source dischargers; municipalities; watershed authorities and associations; water districts; environmental organizations; wastewater treatment operators; U.S. Environmental Protection Agency; public members; industry and commerce.

Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
September 16-18, 2026	5 CCR 1001-11 Regulation Number 9: Vermejo Park Ranch	Air Pollution Control Division / Air Quality Control Commission	-	-		To consider significant user prescribed fire planning renewal document.	Environmental groups, concerned public members
October 14-16, 2026	5 CCR 1001-2 Common Provisions	Air Pollution Control Division / Air Quality Control Commission	Revision	C.R.S. 25-7-122		To consider revisions to the Common Provisions regulation to address HB20-1143 with respect to inflation adjustments for maximum fines and penalties for air quality control violations.	Local govt, Industry, trade & environmental groups, concerned public members
October 14-16, 2026	5 CCR 1001-8 Regulation Number 6, Part A	Air Pollution Control Division / Air Quality Control Commission	Revision	C.R.S. 25-7-101, -105, -109		To consider a proposal to revise Regulation Number 6, Part A (NSPS) to incorporate by reference changes the EPA made to its New Source Performance Standards and/or Emission Guidelines.	Local govt, Industry, trade & environmental groups, concerned public members

Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
October 14-16, 2026	5 CCR 1001-10 Regulation Number 8, Parts A & E	Air Pollution Control Division / Air Quality Control Commission	Revision	C.R.S. 25-7-101, -105, -109		To consider revisions Regulation Number 8, Parts A and E (MACT Standards) to incorporate by reference changes the EPA made to its National Emission Standards for Hazardous Air Pollutants rules.	Local govt, Industry, trade & environmental groups, concerned public members
October 14, 2026	5 CCR 1005-7 - Natural Medicine Facility Certification and Testing	Center for Health and Environmental Data/Board of Health	Revision	Sections 25-1.5-101(1)(k), 25.1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.	X	Update to add ibogaine to natural medicines	Laboratories certified to test natural medicines, DOR, DORA
November 18, 2026	6 CCR 1009-2 - Infant Immunization Program and Immunization of Students Attending School	Disease Control and Public Health Response/Board of Health	Revision	Sections 25-1.5-101(1)(k), 25.1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.	X	Annual update to IZ schedule	School personnel, LPHAs, parents, students, vaccine providers, state agencies

Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
November 18, 2026	6 CCR 1007-1 - Part 22, Radiation Control - Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material	Hazardous Materials and Waste Management Division/ Board of Health	Revision	Sections 25-1.5-101(1)(k), 25.1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.	X	To make minor updates regarding notification to Tribal entities when transporting Cat 1 quantities of radioactive material through tribal lands, consistent with pending (2025-2026) federal rulemaking.	Radioactive materials licensees authorized for possession and use of category 1 or category 2 quantities of radioactive material. Tribal entities in Colorado whose lands are within designated transport routes for these materials.
December 16-18, 2026	Particulate Matter (PM2.5) Maintenance Plan Revisions	Air Pollution Control Division / Air Quality Control Commission	Revision	C.R.S. 25-7-101, -105		Consider proposed elements to Colorado's infrastructure State Implementation Plans (SIP) under the EPA's revised PM2.5 National Ambient Air Quality Standard.	Local govt, Industry, trade & environmental groups, concerned public members

2025

Regulatory Agenda Summary January 1, 2025 – December 31, 2025



2025 Regulatory Agenda Summary

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
PM2.5 Designation	Air Pollution Control Division / Air Quality Control Commission	Revision	NA	A designation recommendation for EPA's revised PM2.5 National Ambient Air Quality Standard	January 15, 2025	NA	Filed with EPA
6 CCR 1011-1, Ch 7 Assisted Living Residences	Health Facilities and Emergency Medical Services Division/Board of Health	Revision	§§25-27-104, 25-27-114, 25-1.5-302, and 25-27-102 C.R.S.	Updating to comply with Senate Bill 24-167	January 15, 2025	Licensees; families and residents; professional associations representing assisted living residences	Adopted January 15, 2025: Effective March 17, 2025
6 CCR 1011-1, Ch 22 Birth Centers	Health Facilities and Emergency Medical Services Division/Board of Health	Revision	§§25-1.5-103; 25-3-101 C.R.S.	Minor amendments and technical fixes	January 15, 2025	Licensees; families, patients and consumers; professional associations representing centers	Adopted January 15, 2025: Effective March 17, 2025
5 CCR 1001-34 Toxic Air Contaminants - Reg 30	Air Pollution Control Division / Air Quality Control Commission	New Regulation	§§25-7-101; 25-7-105(1); 25-7-102; 25-7-109.5(2)(a); 25-7-109.5; 25-7-109.5(6)(a)(1); 24-4-103 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended.	Establishing a new Regulation Number 30 to identify up to five priority air toxic contaminants, in response to HB 22-1244	January 17, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Adopted January 17, 2025: Effective March 17, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
5 CCR 1001-13 Vehicle Emissions Inspections - Reg 11	Air Pollution Control Division / Air Quality Control Commission	Revisions	§§42-4-306, 308, 309, 310, 311, 312, and 314, C.R.S.; 24-4-103 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended.	Revisions to Regulation Number 11 to update the vehicle inspection program	January 17, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Adopted January 16, 2025: Effective March 17, 2025
5 CCR 1001-15 Vehicle Diesel Emissions Inspections - Reg 12	Air Pollution Control Division / Air Quality Control Commission	Revisions	§§42-4-403, 406, 407, 408, 411, 413, and 414, C.R.S.; 25-7-144(6), §§C.R.S.;24-4-10 3 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S.as applicable and amended.	revisions to Regulation Number 12 to update the vehicle inspection program	January 17, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Adopted January 16, 2025: Effective March 17, 2025
6 CCR 1007-3: Part 261 StenTech Photo F006 Delisting	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	New	§25-15-302(2), C.R.S.	Amendment of Part 261, Appendix IX to conditionally delist wastewater treatment sludge waste generated at Photo Stencil's facility in Golden, CO	February 18, 2025	StenTech Photo Stencil	Postponed until later date

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
6 CCR 1010-7, Rules and Regulations Governing the Health and Sanitation of Child Care Facilities in the State of Colorado	Division of Environmental Health and Sustainability Division/ Board of Health	Revision	§§25-1.5-101(1)(a),(h), (k), and (l); 25-1.5-102(1)(a) and (d); 25-1-108(1)(c)(l), C.R.S.	Clean up of the regulations after the rule review process	February 19, 2025	Students, parents, and families; licensees; associations that represent licensees	Adopted February 19, 2025: Effective April 14, 2025
6 CCR 1010-4, Colorado Milk and Dairy Products Regulations	Division of Environmental Health and Sustainability Division/ Board of Health	Revision	§§25-1.5-104(1)(b)(l); 25-5.5-103; 25-5.5-107(5), and (6), 25-5.5-205; 25-5.5-309; 25-5.5-310, C.R.S.	To adopt the 2023 Revision Grade “A” Pasteurized Milk Ordinance, including supplements, provisions, administrative procedures and appendices	February 19, 2025	Consumers; producers; licensees	Adopted February 19, 2025: Effective April 14, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
5 CCR 1001-9 Oil & Gas Operations - Reg 7	Air Pollution Control Division / Air Quality Control Commission	Revisions	§§ 25-7-105(1); 25-7-103; 25-7-103(1.5); § 25-7-105(1)(a)(I); 25-7-105(1)(b); 25-7-109; 25-7-106; 25-7-106(1)(c); 25-7-106(6); 25-7-109(1)(a); 25-7-109(2); 24-4-109(2)(a)(I)(A); 24-4-109(2)(a)(I)(B); 24-4-109(2)(b)(IV); 24-4-103 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended.	Revisions addressing emissions of ozone precursors	February 21,2025	Local govt, Industry, trade & environmental groups, concerned public members	Adopted February 21, 2025; Effective April 14, 2025
5 CCR 1002-55: Regulation Number 55 - State Funded Water and Wastewater Infrastructure Programs	Water Quality Control Division/Water Quality Control Commission	Revision	§§25-1.5-202; 25-8-202(1)(n); and 25-8-401 C.R.S.	Revisions to Regulation Number 55 - State Funded Water and Wastewater Infrastructure Programs.	March 10, 2025	Water and wastewater infrastructure proponents; municipalities.	Adopted March 10, 2025; Effective June 15, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
5 CCR 1002-43: Regulation Number 43 - On-Site Wastewater Treatment System Regulations	Water Quality Control Division/Water Quality Control Commission	Revision	§§ 25-10-101 to 10-113; C.R.S.	Revisions to Regulation Number 43 - On-Site Wastewater Treatment System Regulations.	March 10, 2025	Point source dischargers; municipalities; watershed authorities and associations; water districts; environmental organizations; wastewater treatment operators; U.S. Environmental Protection Agency; public members; industry and commerce.	Adopted March 10, 2025; Effective June 15, 2025
6 CCR 1011-1 Chapter 3, Behavioral Health Entities	Health Facilities and Emergency Medical Services Division/Board of Health	Repeal	§25-27.6-105(1), C.R.S.	HB23-1236 repealed Title 25, Article 27.6, §25-27.6-112, C.R.S.	March 19, 2025	Patients and family members; providers, associations representing providers.	Adopted March 19, 2025; Effective May 15, 2025
5 CCR 1001-5 Permitting and Emissions Reporting - Reg 3	Air Pollution Control Division / Air Quality Control Commission	Revisions	§§ 25-7-101; 25-7-105(1); 25-7-102; 25-7-109.5(4)(c)(III); 25-7-109.5(4)(d); 25-7-109.5(3); 25-7-114.1(6)(a); 25-7-114.7(2)(a); 24-4-103 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended.	To address air toxics reporting, in response to HB 22-1244. This may also include revisions to Regulation Number 7	April 15, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Adopted April 15, 2025; Effective June 14, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
5 CCR 1001-9 Permitting and Emissions Reporting - Reg 7	Air Pollution Control Division / Air Quality Control Commission	Revisions	§§ 25-7-101; 25-7-105(1); 25-7-102; 25-7-109.5(4)(c)(III); 25-7-109.5(4)(d); 24-4-103 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended.	To address air toxics reporting, in response to HB 22-1244. This may also include revisions to Regulation Number 7	April 15, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Adopted April 15, 2025: Effective June 14, 2025
6 CCR 1011-1, Chapters 2, General Licensure Standards	Health Facilities and Emergency Medical Services Division/Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025
6 CCR 1011-1, Chapter 4, General Hospitals	Health Facilities and Emergency Medical Services Division/Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025
6 CCR 1011-1, Chapter 5, Nursing Care Facilities	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
6 CCR 1011-1, Chapter 7, Assisted Living Residences	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025
6 CCR 1011-1, Chapter 8, Facilities for Persons with Intellectual and Developmental Disabilities	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025
6 CCR 1011-1, Chapter 9, Community Clinics and Community Clinics and Emergency Centers	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025
6 CCR 1011-1, Chapter 10, Rehabilitation Hospitals	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025
6 CCR 1011-1, Chapter 13, Freestanding Emergency Departments	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
6 CCR 1011-1, Chapter 15, Dialysis Treatment Clinics	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025
6 CCR 1011-1, Chapter 18, Psychiatric Hospitals	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025
6 CCR 1011-1, Chapter 19, Licensed Hospital Units	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025
6 CCR 1011-1, Chapter 20, Ambulatory Surgical Center and Ambulatory Surgical Center with a Convalescent Center	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025
6 CCR 1011-1, Chapter 21, Hospices	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025: Effective June 14, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
6 CCR 1011-1, Chapter 26, Home Care Agencies	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-3-105, C.R.S.	Repealing fee from rules per HB24-1417	April 16, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted April 16, 2025; Effective June 14, 2025
6 CCR 1007-3, Part 6 - Solid and Hazardous Waste Commission Fees	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§25-15-314, C.R.S.	Amend SHWC fee to fund operation of the commission for fiscal year 2025-2026	May 20, 2025	Treatment, storage and disposal facilities, generators of hazardous waste, and transporters of hazardous waste	Adopted May 20, 2025; Effective July 15, 2025
6 CCR 1007-2, Part 1, Section 1.7.6 and Section 10 Waste Tires	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§30-20-1401 et. seq., C.R.S SB24-123 (Waste Tire Management Enterprise)	Amendment of Section 10 Waste Tire Regulations to address SB24-123. Included the addition of new Section 10.14 Standards for the Waste Tire Enterprise Board End Users Fund	May 20, 2025	Tire retailers, waste tire haulers, waste tire generators, waste tire collection facilities, waste tire processors, mobile wt processors, waste tire monofills, and waste tire end users.	Adopted May 20, 2025; Effective July 15, 2025
6 CCR 1007-2, Part 1, Section 1.8 Producer Responsibility Dollar Limit Exemption	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§25-17-713, C.R.S	To Amend the Producer Exemption Dollar Limit specified in § 1.8.2 of the Solid Waste Regulations (6 CCR 1007-2)	May 20, 2025	Packaging and paper producers as defined in § 18.1.6 and 18.2 of the Section 18 Producer Responsibility Regulations	Adopted May 20, 2025; Effective July 15, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
6 CCR 1011-1, Chapter 16, Critical Access Hospitals	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-1.5-114.5, C.R.S.	Creating a new license category for critical access hospitals	May 21, 2025	Patients, family members and consumers; licensees, associations for licensees.	Adopted May 21, 2025; Effective July 15, 2025
5 CCR 1002-32: Regulation Number 32 - Classifications and Numeric Standards for Arkansas River Basin; 5 CCR 1002-33: Regulation Number 33 - Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River Basin (Planning Region 12); 5 CCR 1002-37: Regulation Number 37, Classifications and Numeric Standards for Lower Colorado River Basin	Water Quality Control Division/Water Quality Control Commission	Revision	§§25-8-202(1)(a), (b), and (2); 258-203; 25-8-204; and 25-8-402, C.R.S., as applicable and amended.	Revisions to: 5 CCR 1002-32: Regulation Number 32 - Classifications and Numeric Standards for Arkansas River Basin; 5 CCR 1002-33: Regulation Number 33 - Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River Basin (Planning Region 12); 5 CCR 1002-37: Regulation Number 37 - Classifications and Numeric Standards for Lower Colorado River Basin. 5 CCR 1002-38: Regulation Number 38 - Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin,	June 8-9, 2025	Point source dischargers; municipalities; watershed authorities and associations; water districts; environmental organizations; wastewater treatment operators; U.S. Environmental Protection Agency; public members; industry and commerce.	Regulations 32, 33, 37: Adopted August 11, 2025; Effective December 31, 2025 Regulation 38: Pending

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
5 CCR 1002-38: Regulation Number 38 - Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin				Republican River Basin, Smoky Hill River Basin;			
6 CCR 1011-1, Chapters 2, General Licensure Standards	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-1-108, C.R.S.	Amendments to health facility building and fire safety requirements pursuant to the Federal Guidelines Institute	June 18, 2025	Patients, residents, and family members; health facility licensees; associations representing licensees.	Adopted June 18, 2025: Effective August 14, 2025
6 CCR 1011-1, Chapter 13, Freestanding Emergency Departments	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§§25-1.5-103; 25-3-101; and 25-3-126, C.R.S.	Updating to comply with Senate Bill 21-193 and House Bill 24-1459	June 18, 2025	Pregnant persons and their families; licensed health care facilities and providers; associations representing pregnant people, licensed health facilities and providers.	Adopted June 18, 2025: Effective August 14, 2025
6 CCR 1011-1, Chapter 22, Birth Centers	Health Facilities and Emergency	Revision	§§25-1.5-103; 25-3-101; and 25-3-126, C.R.S.	Updating to comply with Senate Bill 21-193 and House Bill 24-1459	June 18, 2025	Pregnant persons and their families; licensed health care	Adopted June 18, 2025: Effective August 14, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
	Medical services Division/ Board of Health					facilities and providers; associations representing pregnant people, licensed health facilities and providers.	
5 CCR 1002-11, Regulation Number 11, Colorado Primary Drinking Water Regulations.	Water Quality Control Division/Water Quality Control Commission	Revision	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.	Revisions to Regulation Number 11 - Colorado Primary Drinking Water Regulations: PFAS and Consumer Confidence Report.	August 11, 2025	Point source dischargers; municipalities; watershed authorities and associations; water districts; environmental organizations; wastewater treatment operators; U.S. Environmental Protection Agency; public members; industry and commerce.	Adopted August 11, 2025; Effective October 15, 2025
6 CCR 1007-2, Part 1, Section 1.7.4 Solid Waste User Fee (SWUF)	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§25-16-104.5 (1.7)(a), C.R.S. and §25-16-104.5 (1.7)(a)(II), C.R.S.	Modification of the solid waste users fee, a portion of which provides funds to the Hazardous Substance Response Fund (HSRF)	August 19, 2025	Operators of attended solid waste disposal sites	Adopted August 19, 2025; Effective October 15, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
6 CCR 1007-3, Parts 260, 261, 262, 263, 264, 265, 267 and 100 CL247 e-Manifest Corrections	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§25-15-302(2), C.R.S. July 26, 2024 Federal Register Rule (89 FR 60692-60740)	Amendments to HW Regulations to align with federal regulations regarding changes to manifest regulations and reporting requirements for shipments of hazardous waste that are exported to treatment, storage and disposal.	August 19, 2025	Hazardous waste generators, transporters, and treatment, storage, and disposal facilities.	Rulemaking scheduled for November 18, 2025
5 CCR 1002-102, Regulation Number 102, Water Quality Control Division Cash Fees	Water Quality Control Division/Water Quality Control Commission	Revision	§§25-1.5-209, C.R.S., 25-8-205, C.R.S., 25-8-210, C.R.S., 25-8-502, C.R.S., 25-10107, C.R.S., and 30-20-110.5., C.R.S., as applicable and amended.	Revisions to Regulation Number 102 - Water Quality Control Division Cash Fees	October 13, 2025	Public water systems; advocacy groups; Environmental organizations; municipalities.	Pending
5 CCR 1002-101, Regulation Number 101, Water Quality Civil Penalty Inflation Adjustment Regulation	Water Quality Control Division/Water Quality Control Commission	Revision	§§25-8-202 (1) and 25-8-608(1) C.R.S., 24-4103(4) C.R.S., as applicable and amended.	Revisions to Regulation 101 - Water Quality Civil Penalty Inflation Adjustment Regulation.	October 13, 2025	Public water systems; advocacy groups; Environmental organizations; municipalities.	Pending

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
5 CCR 1005-6, Donor-Conceived Persons and Gamete Agencies, Gamete Banks, and Fertility Clinics	Division of Disease Control and Public Health Response/ Board of Health	Revision	§25-57-111 C.R.S.	Streamline implementation of provisions of ‘Donor-Conceived Persons Protection Act’; to preserve transparency and reporting requirements in response to House Bill 25-1259	October 15, 2025	Donor-conceived community representatives and entities; licensees; LGBTQ+ advocacy groups; gamete banks and agencies and fertility clinics	Anticipate adoption October 15 2025
5 CCR 1001-10 Hazardous Air Pollutants Performance Standards - Reg 8	Air Pollution Control Division / Air Quality Control Commission	Revisions	§§25-7-105(1)(b) and 25-7-109, § 25-7-106(6), §§ 25-7-109(2)(h), 25-7-109(4), 25-7-109.3, as applicable and amended.	consider revisions Regulation Number 8, Parts A and E (MACT Standards) to incorporate by reference changes the EPA made to its National Emission Standards for Hazardous Air Pollutants rules	October 17, 2025	Local govt, Industry, trade & environ. groups, concerned public members	Anticipate adoption October 17, 2025
5 CCR 1001-2 Common Provisions	Air Pollution Control Division / Air Quality Control Commission	Revisions	§ 25-7-101, C.R.S., et seq., § 25-7-122(1)(b)(l) , as applicable and amended.	Revisions to the Common Provisions regulation to address HB20-1143 with respect to inflation adjustments for maximum fines and penalties for air quality control violations	October 17, 2025	Local govt, Industry, trade & environ. groups, concerned public members	Anticipate adoption October 17, 2025
Secondary SO2 Designation	Air Pollution Control Division / Air Quality Control Commission	Revisions		Consider a designation recommendation for EPA’s revised secondary SO2 National Ambient Air Quality Standard.	October 17, 2025		Anticipate adoption October 17, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
6 CCR 1007-2, Part 1, Section 18 - Producer Responsibility	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§25-17-700, et. seq., C.R.S.	Establishment of eco-modulation bonus schedule rules in Section 18.9 of the Section 18 Producer Responsibility regulations	November 18, 2025	Packaging and paper producers as defined in § 18.1.6 and § 18.2, and the Producer Responsibility Organization tasked with generating the dues required by the producers.	Anticipate adoption November 18, 2025
6 CCR 1010-21, Colorado Wholesale Food and Shellfish Regulations	Division of Environmental Health and Sustainability/ Board of Health	Revision	Section 25-4-1805, 25-5-420, and 25-5-426, C.R.S	Revising the 2015 Model Ordinance to the 2023 Model Ordinance incorporation by reference	November 19, 2025	All Colorado Shellfish Dealers	Anticipate adoption November 19, 2025
6 CCR 1011-1, Chapter 21, Hospices	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-1.5-103, C.R.S.	To update and align with regulations by the Centers for Medicare and Medicaid Services	November 19, 2025	Patients and their families; hospice licensees; hospice care providers; associations representing patients, licensees, and providers	Anticipate adoption November 19, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
5 CCR 1001-5 Ozone State Implementation Plan (SIP) Regulation 3	Air Pollution Control Division / Air Quality Control Commission	Revisions	25-7-105(1), C.R.S., § 25-7-102, § 25-7-105(12), C.R.S., § 25-7-106(6), C.R.S., § 25-7-304, C.R.S., § 24-4-109(2)(a)(I)(B), C.R.S., as applicable and amended.	Consider proposed elements to Colorado's State Implementation Plans (SIP) under the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS) and revisions to associated regulations including Regulation Number 3, Regulation Number 7, Regulation Number 11, Regulation Number 25, Regulation Number 26 and the Air Quality Standards, Designations and Emission Budgets.	November 21, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Anticipate adoption November 21, 2025
5 CCR 1001-9 Ozone State Implementation Plan (SIP) Regulation 7	Air Pollution Control Division / Air Quality Control Commission	Revisions	§ 25-7-106(c), C.R.S., §§ 25-7-109(1)(a), (2), and (3), C.R.S., §§ 25-7-105(1)(a), 25-7-201 through 25-7-206, 25-7-210, 25-7-301, and 25-7-302, C.R.S., §§ 25-7-106(6), C.R.S., as applicable and amended.	Consider proposed elements to Colorado's State Implementation Plans (SIP) under the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS) and revisions to associated regulations including Regulation Number 3, Regulation Number 7, Regulation Number 11, Regulation Number 25, Regulation Number 26 and the Air Quality Standards, Designations and Emission Budgets.	November 21, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Anticipate adoption November 21, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
5 CCR 1001-13 Ozone State Implementation Plan (SIP) Regulation 11	Air Pollution Control Division / Air Quality Control Commission	Revisions	§42-4-301, et. seq., Section 42-4-306, C.R.S., §§42-4-308 through 42-4-312 and 42-4-314, C.R.S., as applicable and amended.	Consider proposed elements to Colorado’s State Implementation Plans (SIP) under the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS) and revisions to associated regulations including Regulation Number 3, Regulation Number 7, Regulation Number 11, Regulation Number 25, Regulation Number 26 and the Air Quality Standards, Designations and Emission Budgets.	November 21, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Anticipate adoption November 21, 2025
5 CCR 1001-29 Ozone State Implementation Plan (SIP) Regulation 25	Air Pollution Control Division / Air Quality Control Commission	Revisions	§25-7-106(c), C.R.S., §§ 109(1)(a), (2), and (3), §§25-7-105(1)(a), 25-7-201 through 25-7-206, 25-7-210, 25-7-301, and 25-7-302, C.R.S., §25-7-106(6), C.R.S., as applicable and amended.	Consider proposed elements to Colorado’s State Implementation Plans (SIP) under the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS) and revisions to associated regulations including Regulation Number 3, Regulation Number 7, Regulation Number 11, Regulation Number 25, Regulation Number 26 and the Air Quality Standards, Designations and Emission Budgets.	November 21, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Anticipate adoption November 21, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
5 CCR 1001-30 Ozone State Implementation Plan (SIP) Regulation 26	Air Pollution Control Division / Air Quality Control Commission	Revisions	§25-7-106(c), C.R.S., §§ 109(1)(a), (2), and (3), §§25-7-105(1)(a), 25-7-201 through 25-7-206, 25-7-210, 25-7-301, and 25-7-302, C.R.S., §25-7-106(6), C.R.S., as applicable and amended.	Consider proposed elements to Colorado's State Implementation Plans (SIP) under the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS) and revisions to associated regulations including Regulation Number 3, Regulation Number 7, Regulation Number 11, Regulation Number 25, Regulation Number 26 and the Air Quality Standards, Designations and Emission Budgets.	November 21, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Anticipate adoption November 21, 2025
5 CCR 1001-14 Ozone State Implementation Plan (SIP) Air Quality Standards	Air Pollution Control Division / Air Quality Control Commission	Revisions	§§25-7-105(1)(a), 25-7-201 through 25-7-206, 25-7-210, 25-7-301, and 25-7-302, C.R.S., §25-7-105(1), C.R.S., as applicable and amended.	Consider proposed elements to Colorado's State Implementation Plans (SIP) under the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS) and revisions to associated regulations including Regulation Number 3, Regulation Number 7, Regulation Number 11, Regulation Number 25, Regulation Number 26 and the Air Quality Standards, Designations and Emission Budgets.	November 21, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Anticipate adoption November 21, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Schedule for adoption	Stakeholders	Status
5 CCR 1002-87, Regulation Number 87, Dredge and Fill Regulation	Water Quality Control Division/Water Quality Control Commission	New	§§25-8-205, and 25-8-205.1, and 25-8-205(1)(h) C.R.S.	Establish a new regulation for dredge and fill pursuant to HB24-1379.	December 8-10, 2025	Point source dischargers; municipalities; watershed authorities and associations; water districts; environmental organizations; U.S. Environmental Protection Agency; public members; industry and commerce.	Pending
6 CCR 1009-2, The Infant Immunization Program and Immunization of Students Attending School	Division of Disease Control and Public Health Response/ Board of Health	Revisions	§25-4-904, C.R.S.	Updating to comply with House Bill 25-1027	December 17, 2025	Health care providers; schools nurses, child care providers, schools, local public health, citizen groups, and individual citizens	Anticipate adoption December 17, 2025
5 CCR 1001-35 Landfill Methane Regulation - Reg 31	Air Pollution Control Division / Air Quality Control Commission	New Regulation	§§ 25-7-102, -105, -106, -109, as applicable and amended.	To consider establishing a new Regulation Number 31 to address municipal solid waste landfill greenhouse gas control and monitoring requirements	December 19, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Anticipate adoption December 19, 2025

Rulemakings that did not appear on the original 2025 Regulatory Agenda

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
6 CCR 1011-1, Ch 24 Medication Administration Regulations	Health Facilities and Emergency Medical Services Division/Board of Health	Revision	§§25-27-104, 25-27-114, 25-1.5-302, and 25-27-102 C.R.S.	Minor amendments to clarify and technical fixes to comply with Senate Bill 24-167	January 15, 2025	Licensees; families and residents; professional associations representing assisted living residences	Adopted January 15, 2025: Effective March 17, 2025
6 CCR 1015-6, State-Designated Health Professional Shortage Area Designation	Prevention Services Division/Board of Health	Revision	§§25-1.5-404, and 25-1.5-501 <i>et seq.</i> , C.R.S.	Align with statute definition of dental hygienist	February 19, 2025	Center for Improving Value in Health Care, Colorado Association of Local Public Health Officials, Colorado Behavioral Health Care Council, Colorado Community Health Network, Colorado Medical Society, Colorado Rural Health Center, federally qualified health centers, Mental Health Colorado	Adopted February 19, 2025: Effective April 14, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
5 CCR 1002-36, Regulation Number 36, Classifications and Numeric Standards for the Rio Grande River Basin	Water Quality Control Division/Water Quality Control Commission	Revision	§§25-8-202 (1) and 25-8-608(1) C.R.S., 24-4103(4) C.R.S.	Revisions to Regulation Number 36, Classifications and Numeric Standards for the Rio Grande River Basin	June 8, 2025	dischargers; municipalities; watershed authorities and associations; water districts; environmental organizations; wastewater treatment operators; U.S. Environmental Protection Agency; public members; industry and commerce.	Adopted August 11, 2025; Effective December 31, 2025
6 CCR 1011-1, Chapter 4, General Hospitals	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§§25-1.5-103; 25-3-101; and 25-3-126, C.R.S.	Updating to comply with Senate Bill 21-193 and House Bill 24-1459	June 18, 2025	Pregnant persons and their families; licensed health care facilities and providers; associations representing pregnant people, licensed health facilities and providers.	Adopted June 18, 2025; Effective August 14, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
6 CCR 1011-1, Chapter 9, Community Clinics and Community Clinics and Emergency Centers	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§§25-1.5-103; 25-3-101; and 25-3-126, C.R.S.	Updating to comply with Senate Bill 21-193 and House Bill 24-1459	June 18, 2025	Pregnant persons and their families; licensed health care facilities and providers; associations representing pregnant people, licensed health facilities and providers.	Adopted June 18, 2025: Effective August 14, 2025
6 CCR 1015-6, State-Designated Health Professional Shortage Area Designation	Prevention Services Division/Board of Health	Revision	§25-1.5-404(1)(a) C.R.S.	Updating to comply with House Bill 24-1262	June 18, 2025	Center for Improving Value in Health Care, Colorado Association of Local Public Health Officials, Colorado Behavioral Health Care Council Colorado Community Health Network, Colorado Medical Society, Colorado Rural Health Center, federally qualified health centers, Mental Health Colorado	Adopted June 18, 2025: Effective August 14, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
5 CCR 1004-2, Water Efficiency Standards	Air Pollution Control Division/ Executive Director Rulemaking	New Regulation	§6-7.5-105(5)(j), C.R.S.,	Evaluation and adoption of an alternative standard for residential windows, doors, and skylights	June 20, 2025	Consumers, manufacturers, and vendors of residential windows, doors, and skylights	Adopted June 20, 2025; Effective 8/14/2025
6 CCR 1011-1, Chapter 15, Dialysis Treatment Clinics	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-1.5-114.5, C.R.S.	Align with Senate Bill 24-121	August 20, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted August 20, 2025; Effective October 15, 2025
6 CCR 1011-1, Chapter 18, Psychiatric Hospitals	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-1.5-114.5, C.R.S.	Align with Senate Bill 24-121	August 20, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted August 20, 2025; Effective October 15, 2025
6 CCR 1011-1, Chapter 19, Licensed Hospital Units	Health Facilities and Emergency Medical services Division/ Board of Health	Revision	§25-1.5-114.5, C.R.S.	Align with Senate Bill 24-121	August 20, 2025	Patients, residents, and family members; licensed facilities; associations representing licensees	Adopted August 20, 2025; Effective October 15, 2025

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
6 CCR 1010-7, Health and Sanitation Standards for Child Care Facilities	Division of Environmental Health and Sustainability/Board of Health	Revision	§24-4-103 (12.5), C.R.S.	Updates to add the name of the nationally recognized organization or association that adopted the rule	September 17, 2025	Students, parents, and families; licensees; associations that represent licensees	Adopted September 17, 2025: Effective November 14, 2025
5 CCR 1002-61, Regulation Number 61, Colorado Discharge Permit System Regulations	Water Quality Control Division/Water Quality Control Commission	Revision	§§25-8-202 (1) and 25-8-608(1) C.R.S., 24-4103(4) C.R.S.	Revisions to Regulation Number 61, Colorado Discharge Permit System Regulations	October 13, 2025	Public water systems; advocacy groups; Environmental organizations; municipalities.	Pending

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Stakeholders	Status
5 CCR 1001-29 Ozone State Implementation Plan (SIP) Regulation 25	Air Pollution Control Division / Air Quality Control Commission	Revisions	§25-7-106(c), C.R.S., §§109(1)(a), (2), and (3), §§25-7-105(1)(a), 25-7-201 through 25-7-206, 25-7-210, 25-7-301, and 25-7-302, C.R.S., §25-7-106(6), C.R.S., as applicable and amended.	Consider proposed elements to Colorado's State Implementation Plans (SIP) under the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS) and revisions to associated regulations including Regulation Number 3, Regulation Number 7, Regulation Number 11, Regulation Number 25, Regulation Number 26 and the Air Quality Standards, Designations and Emission Budgets.	November 21, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Anticipate adoption November 21, 2025
5 CCR 1001-35 Landfill Methane Regulation - Reg 31	Air Pollution Control Division / Air Quality Control Commission	New Regulation	§§ 25-7-102, -105, -106, -109, as applicable and amended.	To consider establishing a new Regulation Number 31 to address municipal solid waste landfill greenhouse gas control and monitoring requirements	December 19, 2025	Local govt, Industry, trade & environmental groups, concerned public members	Anticipate adoption December 19, 2025

2025

Results of Mandatory Review of Rules



2025 Results of Mandatory Review of Rules

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
6 CCR 1007-1 Part 5 - Radiation Control - Radiation Safety Requirements for Industrial Radiographic Operations	Hazardous Materials and Waste Management Division/Board of Health	Sections 25 1.5 101(1)(k), 25-1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.	January 2025	Y	N	N	Pending
6 CCR 1007-1 Part 7 - Radiation Control - Use of Radionuclides in the Healing Arts	Hazardous Materials and Waste Management Division/Board of Health	§§25 1.5 101(1)(k), 25-1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.	March 2025	Y	N	N	Pending
6 CCR 1015-5, Tobacco Education, Prevention And Cessation Grant Program	Prevention Services Division/Board of Health	§25-3.5-804, C.R.S.	April 2025	N	N	N	N/A
6 CCR 1015-9, Cancer, Cardiovascular Disease And Chronic Pulmonary Disease Prevention, Early Detection And Treatment Grant Program	Prevention Services Division/Board of Health	§25-20.5-304, C.R.S.	April 2025	N	N	N	N/A

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
5 CCR 1002-62, Regulations for Effluent Limitations	Water Quality Control Division	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.	May 2025	N	N	N	May 12, 2025
5 CCR 1002-71, Dillon Reservoir Control Regulation	Water Quality Control Division	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.	May 2025	N	N	N	May 12, 2025
5 CCR 1002-84, Reclaimed Water Control Regulation	Water Quality Control Division	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.	May 2025	N	N	N	May 12, 2025
5 CCR 1002-93, Colorado's Section 303(d) List of Impaired Waters and Monitoring and Evaluation List	Water Quality Control Division	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.	May 2025	N (rulemaking scheduled for 2026)	N	N	May 12, 2025
6 CCR 1009-6, Newborn Hearing Screening	Center for Health and Environmental Data/Board of Health	§25-4-1004.7, C.R.S.	Anticipated May 2025; Rescheduled for 2026	-	-	-	-

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
5 CCR 1002-31, The Basic Standards and Methodologies for Surface Water	Water Quality Control Division	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.	June 2025	Y	N	N	August 11, 2025
6 CCR 1007-1 Part 18 - Radiation Control - Licensing Requirements for Uranium and Thorium Processing	Hazardous Materials and Waste Management Division/ Board of Health	Sections 25 1.5 101(1)(k), 25-1.5-101(1)(l), 25-11-103, 25-11-104, and 25-1-108, C.R.S.	June 2025	Y	N	N	Pending
6 CCR 1016-3 International Medical Graduates Seeking State Support Of An Immigration Petition: Eligibility, Application	Prevention Services Division/ Board of Health	§25-1.5-404, C.R.S.	June 2025	Y	N	N	Pending
6 CCR 1009-8 Reporting Of Causes Of Maternal Morbidity And Mortality In Colorado.	Prevention Services Division/ Board of Health	§25-52-101 et seq., C.R.S.	June 2025	Y	N	N	N/A

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
5 CCR 1002-11, Colorado Primary Drinking Water Regulations	Water Quality Control Division	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.	August 2025	Y	N	N	August 11, 2025
5 CCR 1002-66, Financial Assurance Criteria Regulations for Colorado Housed Commercial Swine Feeding Operations	Water Quality Control Division	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.	August 2025	N	N	N	August 11, 2025
5 CCR 1002-74, Bear Creek Watershed Control Regulation	Water Quality Control Division	§§25-8-202(1)(a), (b), and (2); 25-8-203; 25-8-204; and 25-8-402, C.R.S.	August 2025	N	N	N	August 11, 2025
6 CCR 1014-1 Declaratory Orders Procedures.	Administration Division/ Board of Health	§§25-1-103, 25-1-104, and 25-1-108, C.R.S.	Anticipated August 2025; Rescheduled for 2026	-	-	-	-
6 CCR 1014-8 Procedural Rules.	Administration Division/ Board of Health	§§25-1-103, 25-1-104, and 25-1-108, C.R.S.	Anticipated 2025; Rescheduled for 2026	-	-	-	-

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
6 CCR 1009-5 Preparations for Bioterrorist Event, Pandemic Flu, or an Outbreak by a Novel and Highly Fatal Infectious Agent of Biological Toxin.	Disease Control and Public Health Response Division/Board of Health	§25-1-108, C.R.S.	October 2025	Y	N	N	Pending
5 CCR 1005-4, Newborn Screening.	Disease Control and Public Health Response Division/Board of Health	§§25-4-1004 and 25-4-1004.5, C.R.S.	October 2025	Y	N	N	Pending
5 CCR 1001-11 Regulation No. 9 Open Burning, Prescribed Fire, and Permitting	Air Pollution Control Division	§§25-7-105(1)(c), 25-7-109(1)(a), 25-7-109(2)(a), 25-7-114.4(1), 25-7-1002, 24-4-103 and 25-7-110 C.R.S. as amended.	October 2025	N	N	N	May 16, 2024
5 CCR 1001-17, Regulation No. 15 Control of Emissions from Ozone Depleting Compounds	Air Pollution Control Division	§§25-7-109(2)(e) and 25-7-123; 25-7-105, 25-7-110 and 25-7-110.5; 25-7-109(1)(b); and §§ 24-4-103 and 25-7-110,	October 2025	N	N	N	September 9, 2008

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)
		25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended.					
6 CCR 1014-6 Minimum Qualifications For Public Health Director And Minimum Qualifications For Medical Officer.	Administration Division/Board of Health.	§25-1-503, C.R.S.	Anticipated October 2025	-	-	-	-
6 CCR 1014-10 Local Public Health Funding Formula.	Administration Division/Board of Health.	§25-1-503, C.R.S.	Anticipated October 2025	-	-	-	-
6 CCR 1011-1, Chapter 9, Community Clinics and Community Clinics and Emergency Centers.	Health Facilities and Emergency Medical Services Division/Board of Health.	§25-3-126, C.R.S.	Anticipated November 2025	-	-	-	-
Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Month of Review Completion	Did review result in revisions to regulation?	Did the review result in repeal of any part of the regulation?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)

6 CCR 1010-6 Rules and Regulations Governing Schools.	Division of Environmental Health and Sustainability/ Board of Health.	§§25-1-108(1)(c)(l); 25-1.5-101(1)(a), (h), (k), and (l); and 25-1.5-102(1)(a) and (d), C.R.S.	Anticipated December 2025	-	-	-	-
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Departmental Regulatory Agendas

Department

Department of State



2026 Departmental Regulatory Agenda

Colorado Department of State

November 1, 2025

To: The Staff of Legislative Council

Re: Colorado Department of State – 2026 Departmental Regulatory Agenda

The Colorado Department of State submits the following 2026 Departmental Regulatory Agenda for the Department of State to the General Assembly in accordance with state laws concerning legislative oversight of principal departments.¹

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¹ Section 2-7-203(4), C.R.S.

Department Regulatory Agenda

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-1: Elections	<p>The Department of State may commence rulemaking to consider amendments to the Election Rules necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under Colorado elections law;¹ • Implement amendments to Colorado laws adopted during the Second Regular Session of the 75th General Assembly; • Respond to comments from the Office of Legislative Legal Services; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 	<p>Sections 1-1-107(2)(a), 1-7-118(5), 1-7-515(4)(b)(I), C.R.S.</p> <p>Depending on the subject matter of any unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>The Department of State commenced rulemaking on August 15, 2025. For more information and to monitor this rulemaking, see the associated the associated Elections rulemaking webpage.</p> <p>The Department of State commenced rulemaking on October 31, 2025. For more information and to monitor this rulemaking, see the associated Elections rulemaking webpage.</p> <p>The Department will commence any additional rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<p><u>Positively affect:</u></p> <ul style="list-style-type: none"> • Candidates for office in Colorado • Colorado County Clerks and Recorders • Current and potential Colorado residents • Municipal governments in Colorado • Political parties in Colorado • Voting system providers in Colorado

¹ Article VII of the Colorado Constitution; Title 1, C.R.S.; and the Help America Vote Act of 2002 (“HAVA”), P.L. No. 107-252.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-2: Bingo and Raffles Games	<p>The Department of State does not anticipate rulemaking regarding the Rules Concerning Bingo and Raffles Games; however, the Department may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado bingo and raffles law;² • Implement amendments to Colorado laws adopted during the Second Regular Session of the 75th General Assembly; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			

² Article XVIII, Section 2 of the Colorado Constitution and Article 21, Part 6 of Title 24, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-3: Rules Governing General Policies and Administration	<p>The Department of State does not anticipate rulemaking regarding the Rules Governing General Policies and Administration; however, the Department may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under Colorado State Administrative Procedure Act³ and State Emblems and Symbols laws;⁴ • Implement amendments to Colorado laws adopted during the Second Regular Session of the 75th General Assembly; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			

³ Article 4 of Title 24, C.R.S.

⁴ Article 80, Part 9 of Title 24, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-6: Rules Concerning Campaign and Political Finance	<p>The Department of State may propose amendments to the Rules Concerning Campaign and Political Finance as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under Colorado campaign finance law;⁵ • Implement amendments to Colorado laws adopted during the Second Regular Session of the 75th General Assembly; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 	<p>Section 1-45-111.5(1), C.R.S.</p> <p>Depending on the subject matter of any unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>TBD; the Department of State will commence any additional rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<p><u>Positively affect:</u></p> <ul style="list-style-type: none"> • Candidates for office and officeholders in Colorado • Candidate committees • Independent expenditure committees • Issue committees • Municipal governments • Political committees • Political organizations • Political parties • State and political subdivisions • Small-scale issue committees <p><u>Negatively affect:</u></p> <ul style="list-style-type: none"> • Persons or entities engaging in electoral advocacy, issue advocacy, or political speech or spending

⁵ Article XXVIII of the Colorado Constitution and Article 45 of Title 1, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-7: UCC Filing Office Rules	<p>The Department of State does not anticipate rulemaking regarding the UCC Filing Office Rules; however, the Department may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of Colorado’s Uniform Commercial Code;⁶ • Implement amendments to Colorado laws adopted during the Second Regular Session of the 75th General Assembly; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			

⁶ Article 9 of Title 4, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-8: Rules Concerning Lobbyist Regulation	<p>The Department of State may propose amendments to the Rules Concerning Lobbyist Regulation necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under Colorado laws regarding lobbyist regulation, including the adjusting of lobbyist registration fees;⁷ • Implement amendments to Colorado laws adopted during the Second Regular Session of the 75th General Assembly; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 	<p>Section 24-6-305(2)(b), C.R.S.</p> <p>Depending on the subject matter of any unanticipated rulemaking, additional statutory and constitutional authority may apply.</p>	<p>TBD; the Department of State will commence any additional rulemaking as necessary in a timely manner and in accordance with the State Administrative Procedure Act.</p>	<p><u>Positively affect:</u></p> <ul style="list-style-type: none"> • Colorado legislators and other elected officials • Colorado state agencies with rulemaking authority • Current and potential Colorado residents • Registered lobbyists and lobbying firms • Volunteer lobbyists

⁷ Part 3, Article 6 of Title 24, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-9: Rules for the Administration of the Colorado Charitable Solicitations Act	<p>The Department of State does not anticipate rulemaking regarding the Rules for the Administration of the Colorado Charitable Solicitations Act; however, the Department may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of and to answer questions arising under the Colorado Charitable Solicitations Act;⁸ • Implement amendments to Colorado laws adopted during the Second Regular Session of the 75th General Assembly; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			

⁸ Article 16 of Title 6, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-11: Notary Program Rules	<p>The Department of State does not anticipate rulemaking regarding the Notary Program Rules; however, the Department may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of the Colorado Revised Uniform Law on Notarial Acts (RULONA);⁹ • Implement amendments to Colorado laws adopted during the Second Regular Session of the 75th General Assembly; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			

⁹ Article 21, Part 5 of Title 24, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-12: Public Records Pursuant to the Colorado Open Records Act (CORA)	<p>The Department does not anticipate rulemaking regarding the Rules Concerning Public Records Pursuant to the Colorado Open Records Act (CORA); however, the Department may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement of the Colorado Open Records Act;¹⁰ • Implement amendments to Colorado laws adopted during the Second Regular Session of the 75th General Assembly; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			

¹⁰ Article 72 of Title 24, C.R.S.

Rule number & title	New or revised rules that the department expects to propose in the next calendar year and the purpose of the rules	Statutory or other basis for adopting those rules	Contemplated schedule for adopting the rules	Persons or parties that may be positively or negatively affected by the rules
8 CCR 1505-14: Rules Concerning Conflict of Interest Disclosures	<p>The Department does not anticipate rulemaking regarding the Rules Concerning Conflict of Interest Disclosures; however, the Department may commence rulemaking as necessary to:</p> <ul style="list-style-type: none"> • Improve the administration and enforcement Colorado standards of conduct law;¹¹ • Implement amendments to Colorado laws adopted during the Second Regular Session of the 75th General Assembly; and • Issue, amend, or repeal a rule in accordance with a petition for rulemaking submitted under section 24-4-103(7), C.R.S. 			

¹¹ Article 18 of Title 24, C.R.S.

Summary of Rules Adopted after November 1, 2024:

Rule number & title	CCR tracking number	Type	Adopted	Effective	Summary
8 CCR 1505-3: General Policies & Administration Rules	2024-00617	Permanent	2/07/2025	3/30/2025	The Department adopted permanent rule revisions to Rule 3.6.1, as requested by the Office of Legislative Legal Services. The Department considered additional rule amendments as a result of the public comment and hearing process.

Publication and Availability to the Public

By November 1, 2025, the Department of State will post this document on the Department’s website on [the SMART Act](#) and [the Departmental Regulatory Agendas](#) webpages. Additionally, the Department of State filed this agenda for publication in the November 10, 2025 Colorado Register.

Departmental Regulatory Agendas

Department

Department of Local Affairs

2026

Regulatory Agenda



COLORADO

Department of Local Affairs

Overview

The Colorado Department of Local Affairs (DOLA) submits the following 2026 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department’s “Regulatory Efficiencies Reviews” during 2026 (which are denoted as such in the “purpose” column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department’s web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its Department Regulatory Agenda as part of its “SMART Act” hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(II).

The following constitutes DOLA’s Regulatory Agenda for 2026 and is provided in accordance with Colo. Rev. Stat. §2-7-203(4):

Schedule (Month, Year)	Rule Number and Title	Division/ Board/ Program	New rule or revision?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders <i>Recommend including proposed stakeholder outreach</i>	Anticipated Hearing Date
March, 2026	8 CCR 1302-14	Colorado Division of Housing/Bu ilding Codes & Standards	Revision	C.R.S. 24-32-3301 to 3329		To implement portions of SB25-002	Tiny home owners, tiny home manufacturers, tiny home sellers, tiny home installers, Tiny Home Industry Association, Tiny Home Alliance, Rocky Mountain Home Association, Modular Building Institute, International Code Council, ASTM, RV Industry Association, NOAH Remote Digitized Inspections, other manufacturers of offsite constructed structures, sellers and installers of manufactured homes, third party plan review and inspection agencies, local jurisdictions, and other state agencies	February 20, 2026
June, 2026	8 CCR 1302-14	Colorado Division of Housing/Bu ilding Codes & Standards	Revision	C.R.S. 24-32-3301 to 3329		To implement remaining portions of SB25-002	Tiny home owners, tiny home manufacturers, tiny home sellers, tiny home installers, Tiny Home Industry Association, Tiny Home Alliance, Rocky Mountain Home Association, Modular Building Institute,	

Schedule (Month, Year)	Rule Number and Title	Division/ Board/ Program	New rule or revision?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders <i>Recommend including proposed stakeholder outreach</i>	Anticipated Hearing Date
							International Code Council, ASTM, RV Industry Association, NOAH Remote Digitized Inspections, other manufacturers of offsite constructed structures, sellers and installers of manufactured homes, third party plan review and inspection agencies, local jurisdictions, and other state agencies	
	8 CCR 1302-15	Division of Housing/Mobile Home Park Oversight Program	Revision	Section 38-12-1104(2)(j), C.R.S.		To implement a fee increase based on projected program expenses and to correct a statutory reference.	Mobile home parks owners and mobile home owners in mobile home parks.	August, 2026

The Department has very few regulatory rules. As a result, all Divisions within the Department annually complete and internal review of all rules. Each Division maintains a statement on its website that comments to any rule will be accepted on an on-going basis.

Departmental Regulatory Agendas

Department

Department of Early Childhood



COLORADO
Department of Early Childhood

Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

November 1, 2025

The Honorable Julie McCluskie
Speaker, Colorado State House of Representatives

The Honorable James Coleman
President, Colorado State Senate

Members of the Colorado General Assembly c/o the Staff of the Legislative Council

Representative McCluskie, Senator Coleman, and Members of the General Assembly:

The Colorado Department of Early Childhood (CDEC) submits the following 2025 Departmental Regulatory Agenda in fulfillment of the statutory requirements set forth in sections 2-7-202(6), 2-7-203(4), and 24-4-103.3(4), C.R.S.

In compliance with the aforementioned statutory requirements, there are four (4) components of CDEC's 2025 Departmental Regulatory Agenda, which include the following reports:

1. 2026 Departmental Regulatory Agenda
2. 2025 Regulatory Report
3. 2025 CDEC Results of Mandatory Review of Rules
4. CDEC Schedule for 2026 Public Rulemaking Hearings

CDEC's 2026 Departmental Regulatory Agenda has also been submitted to the Colorado Secretary of State for publication in the Colorado Register on November 10, 2025, and is posted to our website. We are also prepared to discuss this 2026 Departmental Regulatory Agenda and 2025 Departmental Regulatory Agenda Report with the CDEC's joint committee of reference during the upcoming SMART Act hearing held pursuant to section 2-7-203, C.R.S.

Should you have any questions, comments, or concerns related to a specific rule or regulation, please do not hesitate to reach out to CDEC's Policy and Legislative Unit at CDEC_Rulemaking@state.co.us.

Sincerely,

Dr. Lisa Roy
Executive Director
Colorado Department of Early Childhood





COLORADO

Department of Early Childhood

Colorado Department of Early Childhood 2026 Departmental Regulatory Agenda (January 1, 2026 - December 31, 2026)

The Colorado Department of Early Childhood (CDEC) submits the following 2026 Departmental Regulatory Agenda in fulfillment of the statutory requirements set forth in sections 2-7-202(6), 2-7-203(4), and 24-4-103.3(4), C.R.S. Pursuant to state law, each state department of the Executive Branch must file a Departmental Regulatory Agenda (Regulatory Agenda) annually on November 1st, containing the following information:

- A. A list of new rules or revisions to existing rules that the Department expects to propose during the next calendar year;
- B. The statutory or other basis for adoption of the proposed rules;
- C. The purpose of the proposed rules;
- D. The contemplated schedule for adoption of the rules;
- E. An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- F. Commencing with Departmental Regulatory Agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Publication and Availability to the Public

The CDEC 2026 Departmental Regulatory Agenda will be filed with Legislative Council staff for distribution to committee(s) of reference; posted on the CDEC's website at <https://cdec.colorado.gov/for-partners/rulemaking-rules-advisory-council>; and submitted to the Colorado Secretary of State for publication in the [Colorado Register](#) on November 10, 2025. The Department will also present



its Regulatory Agenda as part of its “SMART Act” hearing and presentation, pursuant to section 2-7-203(2)(a), C.R.S.

Table 1: CDEC 2026 Departmental Regulatory Agenda

No.	Division, Program, and CCR Number	Purpose of Proposed Rule or Amendment	Statutory Basis	New, Revised, or Repealed Rule(s)?	Comprehensive Rule Review?	Anticipated Adoption	Anticipated Stakeholders
1	CDEC Administrative Appeals <u>CCR No.</u> 8 CCR 1406-1	This rulemaking will provide a technical clean-up, clarifications, and minor process adjustments to update and reflect current appeals practices and expectations, as a new agency.	Sections 26.5-1-105(1)(a), 26.5-2-105(5), 26.5-4-108(1)(a), 26.5-4-111, and 26.5-5-314, C.R.S.	Revised Rules	No	April 2026	County Human Service Departments, CDEC Programs/ Staff, and the Office of Administrative Courts (OAC).
2	Colorado Universal Preschool Program (UPK) <u>CCR No.</u>	This rulemaking will propose a number of amendments and new definitions aimed at refining Universal Preschool services to enhance the clarity, integrity, and operational safeguards	Sections 26.5-1-105(1)(a), 26.5-4-204(4), and 24-4-103, C.R.S.	New and Revised Rules	No	May 2026	Local Coordinating Organizations, Early Childhood Councils, Providers, Families, and

No.	Division, Program, and CCR Number	Purpose of Proposed Rule or Amendment	Statutory Basis	New, Revised, or Repealed Rule(s)?	Comprehensive Rule Review?	Anticipated Adoption	Anticipated Stakeholders
	8 CCR 1404-1	within the program’s framework. In addition to the operational changes, updates to the Federal Poverty Guidelines (FPG) will be included to determine families’ eligibility to receive additional preschool hours for the 2027-2028 school year.					Early Childhood Community Members.
3	Division of Early Learning, Licensing, and Administration (DELLA) / General Child	This rulemaking will serve as a comprehensive review of all the general rules regulating Child Care Facilities. The anticipated changes include: adding requirements for registration	Sections 26.5-1-105(1)(a), 26.5-5-322, 19-3-304 and 307, 24-34-601, 24-4-103, and 24-4-103.3, C.R.S.	New and Revised Rules	Yes	July 2026	Child Care Center Programs and Providers, Early Childhood Community Members, Families, and

No.	Division, Program, and CCR Number	Purpose of Proposed Rule or Amendment	Statutory Basis	New, Revised, or Repealed Rule(s)?	Comprehensive Rule Review?	Anticipated Adoption	Anticipated Stakeholders
	Care Licensing <u>CCR No.</u> 8 CCR 1402-1	fees to implement SB25-004, updating abuse and neglect mandatory reporting requirements, and adding clarifications aligned with the Colorado Anti-Discrimination Act (CADA).					Agency Partners.
4	Colorado Child Care Assistance Program (CCCAP) <u>CCR No.</u> 8 CCR 1403-1	This is a routine rulemaking to provide annual updates to the Federal Poverty Guidelines (FPG) and State Median Income (SMI), which are used to determine the income eligibility of families to receive CCCAP benefits.	<u>State</u> Sections 26.5-1-105(1)(a), 26.5-4-106(6), 26.5-4-111(1), and 24-4-103, C.R.S. <u>Federal</u> 45 C.F.R.	Revised Rules	No	September 2026	County Human Service Departments, Providers, Families, and Early Childhood Community Members.

No.	Division, Program, and CCR Number	Purpose of Proposed Rule or Amendment	Statutory Basis	New, Revised, or Repealed Rule(s)?	Comprehensive Rule Review?	Anticipated Adoption	Anticipated Stakeholders
			98.16(h) and (k)				
5	Division of Early Learning, Licensing, and Administration (DELLA) / Substitute Placement Agencies <u>CCR No.</u> 8 CCR 1402-1	This rulemaking will serve as a comprehensive review of all the rules regulating Substitute Placement Agencies.	Sections 26.5-1-105(1)(a), 26.5-5-306(2), 24-34-601, 24-4-103, and 24-4-103.3, C.R.S.	New and Revised Rules	Yes	November 2026	Substitute Placement Agencies, Providers, Early Childhood Community Members, Families, and Agency Partners.
6	Colorado Child Care Assistance Program (CCCAP)	This rulemaking proposes new rules to outline county departments' requirements regarding data compliance, access, and proper use of	Sections 26.5-1-105(1)(a), 26.5-4-111(14), and 24-4-103,	New and Revised Rules	No	December 2026	County Human Service Departments, Providers, Families, and

No.	Division, Program, and CCR Number	Purpose of Proposed Rule or Amendment	Statutory Basis	New, Revised, or Repealed Rule(s)?	Comprehensive Rule Review?	Anticipated Adoption	Anticipated Stakeholders
	<u>CCR No.</u> 8 CCR 1403-1	the Child Care Automated Tracking System (CHATS).	C.R.S.				Early Childhood Community Members.
7	Division of Community and Family Support / Nurse Home Visitor Program (NHVP) <u>CCR No.</u> 8 CCR 1401-1	This rulemaking will serve as a comprehensive review of all the rules regulating the Nurse Home Visitor Program (NHVP).	Sections 26.5-1-105(1)(a), 26.5-3-504(3), and 24-4-103, C.R.S.	New and Revised Rules	Yes	December 2026	Nurse Home Visitor Program Providers, Early Childhood Community Members, Families, and Agency Partners.

2025 Departmental Regulatory Agenda Report (November 1, 2024 - December 31, 2025)

Pursuant to section 2-7-202(6)(f), C.R.S., the Colorado Department of Early Childhood (CDEC) submits the following 2025 Departmental Regulatory Agenda Report, which provides a list and brief summary of all permanent and temporary rules actually adopted since the previous [2025 Departmental Regulatory Agenda](#) was filed. This report also includes the proposed permanent and temporary rules that CDEC anticipates adopting before the end of the 2025 calendar year.

Table 2: CDEC 2025 Departmental Regulatory Agenda Report

No.	Division/ Program and CCR Number	SOS Tracking No.	Rulemaking Type	Adoption Date	Effective Date	Included in 2025 Regulatory Agenda?	Purpose of Adopted Rule(s) or Amendment(s)
1	Division of Early Learning, Licensing, and Administration (DELLA) / Multiple Programs CCR No. 8 CCR 1402-1	2024-00580	Emergency	11/21/2024	1/1/2025	No	The adopted revisions to the Child Care Licensing rules governing Child Care Centers, Family Child Care Homes, Children’s Resident Camps, School-Aged Child Care Programs, and Neighborhood Youth Organizations align with the requirements of House Bill 24-1055 (Child Passenger Safety and Education). These amendments updated the age and weight requirements for children who must use child restraint systems during transportation, ensuring the rules were consistent with state law by the bill’s effective date of January 1, 2025.

No.	Division/ Program and CCR Number	SOS Tracking No.	Rulemaking Type	Adoption Date	Effective Date	Included in 2025 Regulatory Agenda?	Purpose of Adopted Rule(s) or Amendment(s)
2	Colorado Universal Preschool Program (UPK) <u>CCR No.</u> 8 CCR 1404-1	2024-00528	Permanent	11/21/2024	1/14/2025	No	The repealed UPK Rules 4.103(L) and 4.110(A)(1) removed the definition of “congregation,” and the “congregation preference” previously applied to the program’s matching algorithm.
3	Colorado Universal Preschool Program (UPK) <u>CCR No.</u> 8 CCR 1404-1	2024-00577	Emergency	11/21/2024	11/21/2024	Yes	The adopted emergency revisions to the UPK rules updated the program’s income limits in alignment with the 2024 Federal Poverty Guidelines (FPG). These updates ensure that the most current FPG thresholds are used to determine low-income status and eligibility for additional preschool services prior to the opening of the 2025-26 school year application period in mid-December 2024.
4	Colorado Universal	2024-00574	Permanent	12/19/2024	2/14/2025	Yes	The adopted revisions to the UPK rules updated and established the 2024 Federal Poverty

No.	Division/ Program and CCR Number	SOS Tracking No.	Rulemaking Type	Adoption Date	Effective Date	Included in 2025 Regulatory Agenda?	Purpose of Adopted Rule(s) or Amendment(s)
	Preschool Program (UPK) <u>CCR No.</u> 8 CCR 1404-1						Guidelines (FPG) as the standard for determining the poverty and low-income status of families applying for the 2025-26 school year. These revisions ensured that the most current income limits were used to assess eligibility for additional preschool services prior to the opening of the upcoming application period, and introduced separate income eligibility charts for the 2024-25 and 2025-26 school years, to clearly distinguish the applicable FPG thresholds.
5	Division of Early Learning, Licensing, and Administration (DELLA) / Multiple Programs	2024-00575	Permanent	12/19/2024	2/14/2025	Yes	The adopted revisions to the Child Care Licensing rules: (1) revised the Child Care Centers, Family Child Care Homes, Children’s Resident Camps, School-Aged Child Care Programs, and Neighborhood Youth Organizations transportation rules to implement House Bill 24-1055 (Child Passenger Safety and Education); (2) revised the Children’s Resident Camps rules to implement

No.	Division/ Program and CCR Number	SOS Tracking No.	Rulemaking Type	Adoption Date	Effective Date	Included in 2025 Regulatory Agenda?	Purpose of Adopted Rule(s) or Amendment(s)
	<u>CCR No.</u> 8 CCR 1402-1						Senate Bill 24-071 (Seasonal Outdoor Adventure Day Camp Program); and incorporated the results of the comprehensive rule reviews conducted for the Children’s Resident Camps and Special Activities, pursuant to the requirements of section 24-4-103.3, C.R.S.
6	Colorado Child Care Assistance Program (CCCAP) <u>CCR No.</u> 8 CCR 1403-1	2024-00635	Emergency	12/19/2024	1/1/2025	Yes	The adopted revisions to the CCCAP rules implemented House Bill 24-1223 and new Child Care Development Fund (CCDF) requirements. As the first phase of implementation, these revisions ensured a minimum 12-month eligibility period for newly added children, incorporated child pornography checks into background screening, defined “customer service,” standardized post-secondary education as an eligible activity, extended the current family co-payment formula through July 31, 2026, and removed the six-month redetermination requirement for families on

No.	Division/ Program and CCR Number	SOS Tracking No.	Rulemaking Type	Adoption Date	Effective Date	Included in 2025 Regulatory Agenda?	Purpose of Adopted Rule(s) or Amendment(s)
							freeze lists.
7	Colorado Child Care Assistance Program (CCCAP) <u>CCR No.</u> 8 CCR 1403-1	2024-00624	Permanent	1/23/2025	3/17/2025	Yes	The adopted revisions to the CCCAP rules implemented House Bill 24-1223 and new Child Care Development Fund (CCDF) requirements. As the first phase of implementation, these revisions ensured a minimum 12-month eligibility period for newly added children, incorporated child pornography checks into background screening, defined “customer service,” standardized post-secondary education as an eligible activity, extended the current family co-payment formula through July 31, 2026, and removed the six-month redetermination requirement for families on freeze lists.
8	Colorado Universal Preschool	2025-00175	Emergency	4/24/2025	4/24/2025	No	The adopted revisions to the UPK Quality Standards Rules (4.109 - 4.114) extended the remaining implementation dates of the standards.

No.	Division/ Program and CCR Number	SOS Tracking No.	Rulemaking Type	Adoption Date	Effective Date	Included in 2025 Regulatory Agenda?	Purpose of Adopted Rule(s) or Amendment(s)
	Program (UPK) <u>CCR No.</u> 8 CCR 1404-1						These revisions were aimed at improving clarity and consistency, supporting provider readiness, and allowing the Department additional time to address infrastructure challenges and system capacity limitations prior to full implementation.
9	Colorado Universal Preschool Program (UPK) <u>CCR No.</u> 8 CCR 1404-1	2025-00161	Permanent	5/16/2025	7/15/2025	No	The adopted revisions to the UPK Quality Standards Rules (4.109 - 4.114) reduced provider burden, supported a smoother transition toward full compliance, and promoted program stability while maintaining a commitment to high-quality early learning. The revisions extended several implementation deadlines, including moving the compliance date for multiple quality components to July 1, 2026, aligning the Family and Community Engagement requirements with that same date, and adjusting the effective date of the educator-to-child ratio (1:10) requirement to July 1, 2027, allowing additional time for workforce

No.	Division/ Program and CCR Number	SOS Tracking No.	Rulemaking Type	Adoption Date	Effective Date	Included in 2025 Regulatory Agenda?	Purpose of Adopted Rule(s) or Amendment(s)
							readiness and system-wide support.
10	Colorado Child Care Assistance Program (CCCAP) <u>CCR No.</u> 8 CCR 1403-1	2025-00268	Permanent	7/24/2025	9/14/2025	Yes	The adopted revisions to CCCAP Rule 3.111 updated the Federal Poverty Guidelines (FPG) and State Median Income (SMI) figures used to determine income eligibility of families to receive CCCAP benefits. These updates aligned the program’s income thresholds with the most recent federal and state standards to ensure continued accuracy and consistency in eligibility determinations.
11	Colorado Universal Preschool Program (UPK) <u>CCR No.</u>	2025-00345	Emergency	7/24/2025	8/1/2025	No	The adopted new and amended UPK rules established a stacked payment model to align funding between UPK and CCCAP for children dually enrolled with the same provider. Under this model, UPK funds are applied first to preschool hours, with CCCAP supporting wraparound care. The rules also updated the Federal Poverty

No.	Division/ Program and CCR Number	SOS Tracking No.	Rulemaking Type	Adoption Date	Effective Date	Included in 2025 Regulatory Agenda?	Purpose of Adopted Rule(s) or Amendment(s)
	8 CCR 1404-1						Guidelines (FPG) used by UPK to determine eligibility for additional preschool hours for the 2026-27 school year.
12	Colorado Universal Preschool Program (UPK) <u>CCR No.</u> 8 CCR 1404-1	2025-00323	Permanent	8/28/2025	10/15/2025	No	The adopted new and amended UPK rules established a stacked payment model to align funding between UPK and CCCAP for children dually enrolled with the same provider. Under this model, UPK funds are applied first to cover eligible preschool instructional hours, and CCCAP funds are then used to support wraparound care. Additionally, the rules updated the Federal Poverty Guidelines (FPG) used by UPK to determine eligibility for additional preschool hours for the 2026-27 school year, and reduced the FPG exit income threshold from 270% to 265% to further align the UPK and CCCAP eligibility criteria to streamline program administration.

No.	Division/ Program and CCR Number	SOS Tracking No.	Rulemaking Type	Adoption Date	Effective Date	Included in 2025 Regulatory Agenda?	Purpose of Adopted Rule(s) or Amendment(s)
13	Colorado Child Care Assistance Program (CCCAP) <u>CCR No.</u> 8 CCR 1403-1	2025-00437	Permanent	10/23/2025	12/15/2025	Yes	The adopted second phase of permanent revisions to the CCCAP rules implementing House Bill 24-1223, limited parent fees to seven percent (7%) of a family’s income regardless of family size, enhanced consumer education regarding program eligibility and parent fees, and expanded child care access to families with a parent participating in a nationally recognized, evidence-based substance use disorder treatment program at an intensive outpatient service level of care or higher.
14	Division of Early Learning, Licensing, and Administration (DELLA) / Child Care Centers	TBD	Permanent	12/18/2025	2/14/2026	Yes	The Executive Director will consider adopting revisions to the rules regulating Child Care Centers that provide less than 24-Hour Care to implement Senate Bill 24-078, establishing a new Outdoor Nature-Based Preschool Program (ONB) license type. The revisions will also update the rules for Small Child Care Center rules to allow for

No.	Division/ Program and CCR Number	SOS Tracking No.	Rulemaking Type	Adoption Date	Effective Date	Included in 2025 Regulatory Agenda?	Purpose of Adopted Rule(s) or Amendment(s)
	<u>CCR No.</u> 8 CCR 1402-1						the care of infants and toddlers, and include technical cleanup to improve clarity and consistency.

CDEC Results of Comprehensive Review of Rules (January 1, 2025 - December 31, 2025)

Pursuant to section 24-4-103.3(4), C.R.S., the Colorado Department of Early Childhood (CDEC) submits the following report on the results of its comprehensive review of rules, as part of its 2026 Departmental Regulatory Agenda.

Table 3: CDEC Results of 2025 Comprehensive Review of Rules

No.	Division/ Program and CCR Number	Statutory or Other Basis	Completion of Review	Did the review result in revisions to the regulation(s)?	Did the review result in repeal of any part of the regulation(s)?	Did review result in repeal of the entire CCR volume?	Adoption
1	Division of Community and Family Support (DCFS) / Early Intervention Colorado Program (EI) <u>CCR No.</u> 8 CCR 1405-1	<u>State</u> Sections 24-4-103.3, 26.5-1-105(1)(a), 26.5-3-403(2), and 26.5-3-405(1)(b), C.R.S. <u>Federal</u> 34 C.F.R. 303.320	Postponed to 2027.	N/A	N/A	N/A	N/A

No.	Division/ Program and CCR Number	Statutory or Other Basis	Completion of Review	Did the review result in revisions to the regulation(s)?	Did the review result in repeal of any part of the regulation(s)?	Did review result in repeal of the entire CCR volume?	Adoption
2	Colorado Child Care Assistance Program (CCCAP) <u>CCR No.</u> 8 CCR 1403-1	<u>State</u> Sections 24-4-103.3, 26.5-1-105(1)(a), 26.5-4-111(1), (4)(b), and (14), C.R.S. <u>Federal</u> 45 C.F.R. 98.16 (h), (k) and 98.45 (l)(3)	Postponed to 2027.	N/A	N/A	N/A	N/A

CDEC Schedule for 2026 Public Rulemaking Hearings (January 1, 2026 - December 31, 2026)

The Colorado Department of Early Childhood (CDEC) submits the following schedule of all Public Rulemaking Hearings planned during the 2026 calendar year. This is a tentative schedule and is subject to change. Any changes to this schedule will be publicly announced and posted on the [CDEC Rulemaking and Rules Advisory Council Webpage](#). For more information on the specific rules that will be considered during each Public Rulemaking Hearing, please review the [CDEC Rule Tracker](#), which is regularly updated as relevant information becomes available.

Table 4: CDEC Schedule of 2026 Public Rulemaking Hearings

No.	Scheduled Hearing Dates	Scheduled Hearing Times	Location
1	Thursday, January 29, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg
2	Thursday, February 26, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg
3	Thursday, March 26, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg
4	Thursday, April 23, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg
5	Thursday, May 28, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg
6	Thursday, June 25, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg

No.	Scheduled Hearing Dates	Scheduled Hearing Times	Location
7	Thursday, July 23, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg
8	Thursday, August 27, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg
9	Thursday, September 24, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg
10	Thursday, October 22, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg
11	Thursday, November 19, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg
12	Thursday, December 17, 2026	1:00 - 2:30 p.m.	https://us02web.zoom.us/webinar/register/WN_-BV1-0H5RrigEfHKtputPg

Accessibility Statement

CDEC is committed to providing timely responses to reports of inaccessible information or technology, or requests for a reasonable accommodation or modification. Such a report or request can be made to CDEC_ADA@state.co.us or by calling (720) 947-5020.

Departmental Regulatory Agendas

Department

Department of Treasury

COLORADO DEPARTMENT OF THE TREASURY



Regulatory Report and Agenda

FY 25-26

Letter from the State Treasurer

Sent via email on November 1, 2025

Members of the General Assembly
c/o the Staff of the Legislative Council
State Capitol Building
200 East Colfax
Denver, CO 80203

Dear Members of the General Assembly:

I am pleased to submit the Department of Treasury's 2025 Agenda Report and the 2026 Regulatory Agenda, in compliance with § 2-7-203, C.R.S. The Department's Regulatory Agenda has been submitted to the Colorado Secretary of State for publication in the Colorado Register and will be posted to our website.

This letter serves as the Department's 2025 Regulatory Agenda Report, as the Department neither adopted nor reviewed any rules since the report was filed on November 1, 2024. The Department adopted no rules in the past calendar year.

Pursuant to § 2-7-203(2)(a), C.R.S., we will be prepared to discuss our 2025 Regulatory Agenda Report and 2026 Regulatory Agenda with the Department's Joint Committee of Reference during our upcoming SMART Act hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Young".

Dave Young

Colorado State Treasurer

About the Treasury

Mission Statement

It is the Treasury's duty to manage and account for tax dollars from the time they are received until the time they are disbursed. Treasury staff are committed to safeguarding and managing the people's monies with the same diligence and care as they do their own.

Vision Statement

The Colorado Department of the Treasury staff will continually strive to better serve the residents of Colorado. Central to this goal is the continued introduction and use of new technologies to provide improved access to services for both taxpayers and other governmental agencies.

Statutory Authorities

General

§ 24-22-101, C.R.S., et seq;

§ 24-36-101, C.R.S., et seq.

State Funds and Accounts

§ 24-22-107, C.R.S., et seq;

§ 24-75-101, C.R.S., et seq.

Accounting

§ 24-36-101, C.R.S., et seq.

Banking

§ 24-36-101, C.R.S., et seq.

Investments

§ 24-36-101, C.R.S., et seq.

Debt Management

§ 24-36-121, C.R.S., et seq.

Colorado SecureSavings Program

§ 24-54.3-101, C.R.S., et seq.

Unclaimed Property

§ 38-13-101, C.R.S., et seq.

Property Tax Deferral Program

§ 39-3.5-101, C.R.S., et seq.

Regulatory Agenda Overview

The Colorado Department of Treasury submits the following 2026 Regulatory Agenda in fulfillment of the statutory requirements set forth in §2-7-203(4), C.R.S. Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to §24-4-103.3, C.R.S., rules to be reviewed as part of the Department's "Regulatory Efficiencies Reviews" during 2026 (which are denoted as such in the "purpose" column). The DRA is to be filed with the Legislative Council staff for distribution to committee(s) of reference, posted on the department's web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its "SMART Act" hearing and presentation pursuant to §2-7-203(2)(a)(II), C.R.S.

Rules and Regulations Summary

Ref.	Program/Division	Anticipated Hearing or Adoption Date	Rule Number	Rule Title	New Rule, Revision or Repeal?	Statutory or other basis for adoption or change to rule	Proposed Purpose of Rule	Stakeholders
1	Administrative	June 2026	8 CCR 1508-2	State Public Finance Policy	Review	§24-36-121, CRS	To provide guidance related to state public financing	State Agencies, Financial Advisors, Financial Community, Underwriters
2	Colorado SecureSavings	June 2026	8 CCR 1508-3	3.9 Enforcement	Revision	§§ 24-53.5-103.5(b), (i); 24-53.5-107(i),(j), CRS	To provide guidance regarding statutory compliance	Employers, Employees, CDLE
3	Unclaimed Property	May 2026	8 CCR 1508-1	1.6.3 A Notary of Claims	Revision	§ 38-13-104, CRS	To provide guidance regarding notarization of claims	Claimants
4	Unclaimed Property	May 2026	8 CCR 1508-1	1.5.11 A Located Property	Revision	§ 38-13-102(3), CRS	To revise rules governing max compensation agreements between a finder and an apparent owner	Holder, Claimants, Finders

Summary Continued

Ref.	Program/Division	Anticipated Hearing or Adoption Date	Rule Number	Rule Title	New Rule, Revision or Repeal?	Statutory or other basis for adoption or change to rule	Proposed Purpose of Rule	Stakeholders
5	Unclaimed Property	May 2026	8 CCR 1508-1	Concerning Definitions of Property	New	§ 38-13-104, CRS	To provide guidance regarding alternative properties	Holders, Claimants, Finders
6	Unclaimed Property	May 2026	8 CCR 1508-1	1.5.16 Aggregate Deduction Reporting	Revision	§ 38-13-402, CRS	To remove deduction wording	Holders, Claimants
7	Unclaimed Property	May 2026	8 CCR 1508-1	1.6.2 Local Government Agency Opt-Out Option	Repeal	§ 38-13-1502, CRS	Repeal opt-out for local government	Holders, Claimants
8	Unclaimed Property	May 2026	8 CCR 1508-1	1.6.4.B Audit Examination Estimation	Revision	§ 38-13-404, CRS	Change date from 10 to 6 years	Holders
9	Unclaimed Property	May 2026	New	Processing Claims	New	§ 38-13-503, CRS	Allowable documentation, e-signature	Holders, Claimants, Finders

Credits



This report was prepared by the Colorado Department of the Treasury.

November 1, 2025 | treasury.colorado.gov

For more information, contact:

Leah Marvin-Riley, Policy Director

leah.marvin-riley@state.co.us

Departmental Regulatory Agendas

Department

Department of Natural Resources



COLORADO

**Department of
Natural Resources**

2026 Regulatory Agenda - Colorado Department of Natural Resources

January 1, 2026 - December 31, 2026

Overview

The Colorado Department of Natural Resources submits the following 2026 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department's "Regulatory Efficiencies Reviews" during 2026. The DRA is to be filed with the Legislative Council staff for distribution to committee(s) of reference, posted on the department's web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its "SMART Act" hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III). The following constitutes the Department's Regulatory Agenda for 2026 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Colorado Parks and Wildlife

Permanent and temporary rules adopted since the previous DRA was filed:

- [November 2024 Regulations Summary](#)
- [January 2025 Regulations Summary](#)
- [March 2025 Regulations Summary](#)
- [May 2025 Regulations Summary](#)
- [July 2025 Regulations Summary](#)
- [August 2025 Regulations Summary](#)
- [October 2025 Regulations Summary](#)

Anticipated Hearing or Adoption Date: 01/14/2026

Rule Number(s): 2 CCR 406-0

Rule Title & Status: General Provisions - Revision

Statutory or Other Basis for Adoption or Change: 33-1-101(2)

Purpose of Proposed Rule: Open annually for all issues. Changes may include, but are not limited to, Game Management Unit boundaries, regulations relating to fish management, health, importation, prohibited species, and other annual changes.

Interested Parties: Hunters, Anglers

Anticipated Hearing or Adoption Date: 01/14/2026

Rule Number(s): 2 CCR 406-2

Rule Title & Status: Big Game - Revision

Statutory or Other Basis for Adoption or Change: 33-1-101(4)

Purpose of Proposed Rule: Annual changes to deer, elk, pronghorn, bear, moose, sheep, goat, and lion seasons. Annual changes to sheep and goat quotas and lion harvest limits.

Interested Parties: Hunters

Anticipated Hearing or Adoption Date: 03/04/2026

Rule Number(s): 2 CCR 405-4

Rule Title & Status: Snowmobile Regulations - Revision

Statutory or Other Basis for Adoption or Change: 33-14-102

Purpose of Proposed Rule: Open annually for all issues. Changes may include, but are not limited to, regulations pertaining to registration and required safety equipment of snowmobiles.

Interested Parties: Snowmobile Users

Anticipated Hearing or Adoption Date: 03/04/2026

Rule Number(s): 2 CCR 405-7; 2 CCR 406-0

Rule Title & Status: Passes, Permits, and Registrations; General Provisions - Revision

Statutory or Other Basis for Adoption or Change: 33-12-100.2; 33-1-107

Purpose of Proposed Rule: Open for necessary changes to the poverty guidelines for applicable passes.

Interested Parties: Park Users, State Wildlife Area Users

Anticipated Hearing or Adoption Date: 03/04/2026

Rule Number(s): 2 CCR 406-2

Rule Title & Status: Big Game - Revision

Statutory or Other Basis for Adoption or Change: 33-1-101(4)

Purpose of Proposed Rule: Annual big game clean up. Changes may include, but are not limited to, necessary corrections and administrative cleanups to regulations previously adopted by the Parks and Wildlife Commission.

Interested Parties: Hunters

Anticipated Hearing or Adoption Date: 03/04/2026

Rule Number(s): 2 CCR 406-5

Rule Title & Status: Small Game - Migratory Birds - Revision

Statutory or Other Basis for Adoption or Change: 33-1-101(4)

Purpose of Proposed Rule: Open annually for all issues. Changes may include, but are not limited to, annual changes to waterfowl and migratory bird hunting seasons and related provisions, including season dates, bag and possession limits and manner of take provisions.

Interested Parties: Hunters

Anticipated Hearing or Adoption Date: 03/04/2026

Rule Number(s): 2 CCR 406-9

Rule Title & Status: Wildlife Properties - Revision

Statutory or Other Basis for Adoption or Change: 33-1-107

Purpose of Proposed Rule: Open annually for all issues. Changes may include, but are not limited to, generally applicable and property-specific requirements for, or restrictions on use of, wildlife properties controlled by Colorado Parks and Wildlife, including State Trust Lands leased by the Division.

Interested Parties: Hunters, Anglers

Anticipated Hearing or Adoption Date: 03/04/2026

Rule Number(s): 2 CCR 406-11

Rule Title & Status: Wildlife Parks and Unregulated Wildlife - Revision

Statutory or Other Basis for Adoption or Change: 33-1-101(2)

Purpose of Proposed Rule: Open annually for all issues including unregulated wildlife requests. Changes may include, but are not limited to, regulations pertaining to wildlife parks, sanctuaries and unregulated wildlife.

Interested Parties: General Public

Anticipated Hearing or Adoption Date: 05/06/2026

Rule Number(s): 2 CCR 406-2

Rule Title & Status: Big Game - Revision

Statutory or Other Basis for Adoption or Change: 33-1-101(4)

Purpose of Proposed Rule: Annual changes to deer, elk, pronghorn, bear, and moose quotas for all Game Management Units in the state that have limited licenses for these species.

Interested Parties: Hunters

Anticipated Hearing or Adoption Date: 05/06/2026

Rule Number(s): 2 CCR 406-3

Rule Title & Status: Furbearers and Small Game, Except Migratory Birds - Revision

Statutory or Other Basis for Adoption or Change: 33-1-101(4)

Purpose of Proposed Rule: Open for annual review including all issues, except turkey. Changes may include, but are not limited to, annual changes to game bird seasons, excluding turkey, and other small game seasons and related provisions, including season dates, bag and possession limits and manner of take provisions.

Interested Parties: Hunters

Anticipated Hearing or Adoption Date: 07/16/2026

Rule Number(s): 2 CCR 406-9

Rule Title & Status: Wildlife Properties - Revision

Statutory or Other Basis for Adoption or Change: 33-1-107

Purpose of Proposed Rule: Open for wildlife property additions and deletions. Changes may include, but are not limited to, necessary cleanups to the list of wildlife properties in regulation.

Interested Parties: Hunters, Anglers

Anticipated Hearing or Adoption Date: 09/02/2026

Rule Number(s): 2 CCR 405-1

Rule Title & Status: Parks and Outdoor Recreation Lands - Revision

Statutory or Other Basis for Adoption or Change: 33-10-101

Purpose of Proposed Rule: Open annually for all issues. Changes may include, but are not limited to, generally applicable and property specific requirements for, or restrictions on use of, parks properties controlled by Colorado Parks and Wildlife.

Interested Parties: Park Users

Anticipated Hearing or Adoption Date: 09/02/2026

Rule Number(s): 2 CCR 405-2

Rule Title & Status: Boating - Revision

Statutory or Other Basis for Adoption or Change: 33-13-101

Purpose of Proposed Rule: Open annually for all issues. Changes may include, but are not limited to, regulations pertaining to registration, required equipment and safe operation of vessels on waters within the state.

Interested Parties: Boaters

Anticipated Hearing or Adoption Date: 09/02/2026

Rule Number(s): 2 CCR 405-5

Rule Title & Status: Off-highway Vehicles - Revision

Statutory or Other Basis for Adoption or Change: 33-14.5-107

Purpose of Proposed Rule: Open annually for all issues. Changes may include, but are not limited to, regulations pertaining to registration, off-highway use permits and required equipment for safe operation of OHVs within the state.

Interested Parties: OHV Users

Anticipated Hearing or Adoption Date: 09/02/2026

Rule Number(s): 2 CCR 405-7

Rule Title & Status: Passes, Permits and Registrations - Revision

Statutory or Other Basis for Adoption or Change: 33-12-100.2

Purpose of Proposed Rule: Open annually for all issues. Changes may include, but are not limited to, regulations pertaining to eligibility requirements and fees for individual and vehicle park passes, use permits, vessel, snowmobile and off-highway vehicle registrations and license agent requirements.

Interested Parties: Park Users

Anticipated Hearing or Adoption Date: 09/02/2026

Rule Number(s): 2 CCR 405-8

Rule Title & Status: Aquatic Nuisance Species - Revision

Statutory or Other Basis for Adoption or Change: 33-10.5-107

Purpose of Proposed Rule: Open annually for all issues. Changes may include, but are not limited to, regulations pertaining to inspections, decontaminations and impounding of vessels or other floatation devices, as well as establishing monitoring, identification and reporting procedures for suspected aquatic nuisance species.

Interested Parties: Boaters

Anticipated Hearing or Adoption Date: 11/04/2026

Rule Number(s): 2 CCR 405-3

Rule Title & Status: River Outfitters - Revision

Statutory or Other Basis for Adoption or Change: 33-32-101

Purpose of Proposed Rule: Open annually for all issues. Changes may include, but are not limited to, regulations regarding river outfitter requirements.

Interested Parties: River Outfitters

Anticipated Hearing or Adoption Date: 11/04/2026

Rule Number(s): 2 CCR 406-0; 2 CCR 406-2; 2 CCR 406-3; 2 CCR 406-16; 2 CCR 405-7

Rule Title & Status: General Provisions; Big Game; Furbearers and Small Game, Except Migratory Birds; Parks and Wildlife Procedural Rules; Passes, Permits and Registrations - Revision

Statutory or Other Basis for Adoption or Change: 33-4-101; 33-4-102(1.6)

Purpose of Proposed Rule: Open annually for CPI adjustments to license fees and commission rates for license agents.

Interested Parties: Hunters, Anglers, License Agents

Anticipated Hearing or Adoption Date: 11/04/2026

Rule Number(s): 2 CCR 406-1

Rule Title & Status: Fishing - Revision

Statutory or Other Basis for Adoption or Change: 33-1-101(4)

Purpose of Proposed Rule: Open annually for all issues. Changes may include, but are not limited to, season dates, bag and possession limits, licensing requirements, manner of take provisions and special conditions or restrictions applicable to waters of the state.

Interested Parties: Anglers

Anticipated Hearing or Adoption Date: 11/04/2026

Rule Number(s): 2 CCR 406-3

Rule Title & Status: Furbearers and Small Game, Except Migratory Birds - Revision

Statutory or Other Basis for Adoption or Change: 33-1-101(4)

Purpose of Proposed Rule: Annual changes to turkey seasons and quotas.

Interested Parties: Hunters

Colorado Energy and Carbon Management Commission

Permanent and temporary rules adopted since the previous DRA was filed:

- Carbon Capture & Sequestration (Class VI) - Adopted December 16, 2024
- High Priority Habitat Maps - Adopted February 26, 2025
- Produced Water - Adopted March 12, 2025
- Statutory Alignment (adopting conforming statutory changes surrounding worker certification, enforcement, and EnviroScreen 2.0) - Adopted September 3, 2025

Anticipated Hearing or Adoption Date: March 4, 2026

Rule Number(s): 2 CCR 404-1

Rule Title & Status: High Priority Habitat Maps - Revision - Not adopted

Statutory or Other Basis for Adoption or Change: C.R.S. §§ 34-64-105, 106, 128, ECMC 100-Series

Purpose of Proposed Rule: Annual Update of High Priority Habitat Maps

Interested Parties: Industry, Mineral Owners, Surface Owners, Environmentalists, Ecologists, Sportsmen/women

Anticipated Hearing or Adoption Date: September 30, 2026

Rule Number(s): 2 CCR 404-1

Rule Title & Status: Migration Pinch Points - New Rule & Revision - Not adopted

Statutory or Other Basis for Adoption or Change: C.R.S. §§ 34-64-105, 106, 128, ECMC 100-Series, ECMC 1200-Series

Purpose of Proposed Rule: Identify/Incorporate migration pinch points, bottlenecks, and stopover areas within big game migration corridors in High Priority Habitat maps.

Interested Parties: Industry, Mineral Owners, Surface Owners, Environmentalists, Ecologists, Sportsmen/women

Anticipated Hearing or Adoption Date: Q4 2026

Rule Number(s): 2 CCR 404-1

Rule Title & Status: Produced Water - New Rule & Revision - Not Adopted

Statutory or Other Basis for Adoption or Change: ECMC Rule 907.b.(5).H;

C.R.S. §34-60-134(5)(d)(II); Pending Anticipated Legislation

Purpose of Proposed Rule: To implement any changes to produced water legislation made in the 2026 legislative session.

Interested Parties: Industry, Mineral Owners, Surface Owners, Environmentalists, and Ecologists

Anticipated Hearing or Adoption Date: Q4 2026

Rule Number(s): 2 CCR 404-1

Rule Title & Status: Full Underground Injection Control Primacy - New Rule & Revision - Not Adopted

Statutory or Other Basis for Adoption or Change: Pending Anticipated Legislation

Purpose of Proposed Rule: Promulgate rules to seek full UIC Well primacy from U.S. Environmental Protection Agency (EPA).

Interested Parties: Industry, Mineral Owners, Surface Owners, Environmentalists, and Ecologists

Colorado Division of Reclamation, Mining and Safety

Anticipated Hearing or Adoption Date: 11/19/2025

Rule Number(s): 2 CCR 407-6

Rule Title & Status: MINE SAFETY AND TRAINING PROGRAM FOR TOURIST MINES

Statutory or Other Basis for Adoption or Change: 34-21-110

Purpose of Proposed Rule: Amend Rule 13 relating to Tourist Mine Conveyance systems, and to clarify that the agency with regulatory oversight over conveyance systems is the Colorado Division of Oil and Public Safety.

Interested Parties: Tourist Mine Operators, and the public at large.

Anticipated Hearing or Adoption Date: 02/18/2026

Rule Number(s): 2 CCR 407-1

Rule Title & Status: Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations.

Statutory or Other Basis for Adoption or Change: 34-32-106(1)(c), 34-32-108(1), 34-32-110, 116, 117, 118 and 122.

Purpose of Proposed Rule: Implement the new areas of authority and regulation set forth in SB 25-054, including the creation of the 110 Reclamation-Only permit type, to modernize the Act and clarify and/or codify current Division procedures and regulatory practices, and to clarify or eliminate types of Financial Warranties.

Interested Parties: Mine Operators, Mining Representative Groups, Environmental Groups

Anticipated Hearing or Adoption Date: 01/21/2026

Rule Number(s):2 CCR 407-4

Rule Title & Status: Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials.

Statutory or Other Basis for Adoption or Change: 34-32-106(1)(c), 34-32.5-108(1), 34-32.5-117, 118 and 122.

Purpose of Proposed Rule: Implement the new areas of authority and regulation set forth in SB 25-054. The amended Rules seek to modernize the regulatory authority of the Division and Board and clarify and/or codify current Division procedures and regulatory practices. Finally, the amended Rules seek to create consistency with the Hard Rock Regulations, where appropriate.

Interested Parties: Mine Operators, Mining Representative Groups, Environmental Groups

Anticipated Hearing or Adoption Date: Stakeholder process to begin in 2026; hearing will not occur until 2027.

Rule Number(s): 2 CCR 407-2

Rule Title & Status: REGULATIONS FOR COAL MINING

Statutory or Other Basis for Adoption or Change: 34-33-133.5

Purpose of Proposed Rule: Implementation of recommendations from the Office of the State Auditor

Interested Parties: Insurance Companies and Public at Large

Colorado Division of Water Resources

Permanent and temporary rules adopted since the previous DRA was filed:

- Division 7 Measurement Rules Adopted July (24CW3042)
- Water Well Construction Rules (2 CCR 402-2)

Anticipated Hearing or Adoption Date: January 1, 2026 or when all protests to the Water Court Case are resolved

Rule Number(s): N/A (Water Court Process rather than APA)

Rule Title & Status: Rules and Regulations Governing the Measurement of Surface Water and Groundwater Diversions and Storage, Release, and Delivery of Water Located in Water Division 4

Statutory or Other Basis for Adoption or Change: 37-80-102(1)(g), 37-92-501, provisions of article 92 of title 37, the Water Rights Determination Act of 1969, 37-92-502(5)(a), and 37-92-502(5)(b)

Purpose of Proposed Rule: To provide consistent rules governing measurement across Division 4, laying out clear expectations for water users as required by the State Engineer for the purpose of administration of water.

Interested Parties: Water Users in Division 4

Anticipated Hearing or Adoption Date: Stakeholder process began in 2025, aiming to file in Water Court and finalize in 2026

Rule Number(s): N/A (Water Court Process rather than APA)

Rule Title & Status: Rules and Regulations Governing the Measurement of Surface Water and Groundwater Diversions and Storage, Release, and Delivery of Water Located in Water Division 5

Statutory or Other Basis for Adoption or Change: 37-80-102(1)(g), 37-92-501, provisions of article 92 of title 37, the Water Rights Determination Act of 1969, 37-92-502(5)(a), and 37-92-502(5)(b)

Purpose of Proposed Rule: To provide consistent rules governing measurement across Division 5, laying out clear expectations for water users as required by the State Engineer for the purpose of administration of water.

Interested Parties: Water Users in Division 5

Anticipated Hearing or Adoption Date: Stakeholder Process has been ongoing in 2025, aiming to file in the Water Court and finalize in 2026

Rule Number(s): 2017CW3152 (Water Court Process rather than APA)

Rule Title & Status: Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan, or Trade of a Decreed Agricultural Water Protection Water Right

Statutory or Other Basis for Adoption or Change: 37-80-123, 37-92-308(12), 37-80-102(1)(g), 37-80-123, 37-92-501, HB-16-1228, SB-24-197

Purpose of Proposed Rule: To update the Agricultural Water Protection Water Right Process created through House Bill 16-1228 per Senate Bill 24-197 which expanded the use of this water right from just Water Divisions 1 and 2 to all Water Divisions in the state.

Interested Parties: Water Users across the state

Anticipated Hearing or Adoption Date: Stakeholder Process will be ongoing in 2026, potentially file with the Secretary of State depending on results of stakeholding

Rule Number(s): 2 CCR 410-1

Rule Title & Status: Rules and Regulations for the Management and Control of Designated Ground Water

Statutory or Other Basis for Adoption or Change: 37-90-107, 37-90-108, 37-90-109, and 37-90-111

Purpose of Proposed Rule: Governs the use of ground water within the Designated Basins. Review aims to add a process for the correction of clerical errors to the Designated Basin Rules

Interested Parties: Water Users within the Designated Basins

Anticipated Hearing or Adoption Date: Stakeholder Process will be ongoing in 2026, potentially file with the Secretary of State depending on results of stakeholding

Rule Number(s): 2 CCR 402-14

Rule Title & Status: Rules and Regulations for Administration of Licensing, Financial Responsibility, Continuing Education, and Remedial Action for Well Construction and Pump Installation Contractors

Statutory or Other Basis for Adoption or Change: 37-91-104(1)(c), HB25-1165

Purpose of Proposed Rule: To set standards and processes for the Board of Examiners to administer licensing, continuing education, and remedial action as necessary. Rules are being updated to include ground heat exchanger contractors as a result of HB25-1165.

Interested Parties: licensed well contractors, pump install contractors, well owners, and ground heat exchange contractors.

Anticipated Hearing or Adoption Date: Stakeholder Process will be ongoing in 2026, potentially file with the Secretary of State depending on results of stakeholding

Rule Number(s): 2 CCR 402-10

Rule Title & Status: Rules and Regulations for Permitting the Development and Appropriation of Geothermal Resources Through the Use of Wells

Statutory or Other Basis for Adoption or Change: 37-80-102(1)(g) and (k), 37-90-138, 37-90.5-106, 107, and 108, SB23-285, and HB25-1165

Purpose of Proposed Rule: These rules were originally promulgated when all geothermal resources were handled by the State Engineer. Now, the administration of geothermal resources is split between ECMC and the SEO so the rules need to be updated to reflect these changes in authority.

Interested Parties: Parties interested in developing geothermal resources, operators of geothermal resources, and parties interested in the deployment of renewable energy

Anticipated Hearing or Adoption Date: Stakeholder Process will be ongoing in 2026, potentially file with the Secretary of State depending on results of stakeholding

Rule Number(s): 2 CCR 204-7

Rule Title & Status: Statewide Nontributary Groundwater Rules

Statutory or Other Basis for Adoption or Change: 37-90-137(9)(a) and 37-80-102(1)(g)

Purpose of Proposed Rule: These rules apply to all applications and permits for the withdrawal of groundwater from nontributary sources. The revisions aim to expedite the permitting process by prescribing reasonable criteria and procedures for evaluations of these applications.

Interested Parties: Water users with access to nontributary groundwater, water well drillers, water consultants, and any other entities looking to develop nontributary groundwater resources

Anticipated Hearing or Adoption Date: Begin stakeholding process in 2026, potentially file with the Secretary of State depending on results of stakeholding

Rule Number(s): 2 CCR 402-9

Rule Title & Status: Fees set and collected by the State Engineer for the Water Data Bank Cash Fund, the Division of Water Resources Publication Cash Fund, and the Satellite Monitoring System Cash Fund

Statutory or Other Basis for Adoption or Change: 37-80-111.5, 37-80-102(1)(h), 24-72-205, 24-4-103

Purpose of Proposed Rule: Governs fees charged for satellite system use, data, and document costs to the public. The review will update the rules to reflect current operating procedures.

Interested Parties: Water users, satellite system users, CWCB

Colorado State Board of Land Commissioners

Permanent and temporary rules adopted since the previous DRA was filed:

- None
- Note: No new rules anticipated in 2026

Anticipated Hearing or Adoption Date:

Rule Number(s):

Rule Title & Status:

Statutory or Other Basis for Adoption or Change:

Purpose of Proposed Rule:

Interested Parties:

Colorado Water Conservation Board

Permanent and temporary rules adopted since the previous DRA was filed:

- Rules Concerning the Colorado Instream Flow and Natural Lake Level Program (ISF Rule 6k) was adopted on July 17, 2025 subject to SB 24-197, C.R.S. 37-83-105. SB 24-197, C.R.S. 37-83-105 requires the Board to promulgate rules as applicable regarding the following necessary steps for its review and acceptance of loans for instream flow use pursuant to SUBSECTIONS (1)(b)(II) AND (1)(c)(I). Interested parties included Water users throughout the state, water lawyers, water engineers
- Note: No new rules anticipated in 2026

Anticipated Hearing or Adoption Date:

Rule Number(s):

Rule Title & Status:

Statutory or Other Basis for Adoption or Change:

Purpose of Proposed Rule:

Interested Parties:

Departmental Regulatory Agendas

Department

Department of Higher Education



COLORADO
Department of
Higher Education

1600 Broadway, Suite 2200
Denver, CO 80202

Date: October 30, 2025

Office of the Secretary of State
1700 Broadway, Suite 550
Denver, CO 80290

Pursuant to Colorado Revised Statutes 2-7-203(4), the Colorado Department of Higher Education respectfully submits the following regulatory agenda, which also includes items for the Division of Private Occupational Schools, the Colorado Opportunity Scholarship Initiative, and the State Historical Society.





2025 Regulatory Agenda of the Colorado Department of Higher Education

Department of Higher Education (DHE) (please see below for full rules draft)

Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Schedule for Rule-Making	Parties Potentially Affected
Guaranteed Transfer (GT) Pathways Course Transfer Enforcement	CRS 23-1-108.5, as amended by SB24-164. CRS 24-4-101 State Administrative Procedure Act	Define institutional obligations for gtPathways courses and reporting. Establish investigation, notification, and enforcement procedures. Provide standardized student appeals mechanism for transfer denials. Clarify CDHE’s power to overturn institutional transfer credit decisions. Ensure transparency, accountability, and statewide consistency in transfer.	Draft rules – Fall 2025 Stakeholder engagement – Fall 2025 Notice of rulemaking & hearing – Early 2026 Final adoption by CDHE – Spring 2026	Public institutions of higher education Students transferring gtPathways courses between Colorado public institutions Colorado Commission on Higher Education (CCHE) and General Education Council (GE Council) CDHE staff administering enforcement and appeals Institutional registrars, transfer officers, and academic affairs units involved in credit evaluation and reporting.



State Historical Society (History Colorado)

Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Schedule for Rule-Making	Parties Potentially Affected
INCOME TAX CREDIT FOR QUALIFIED COSTS INCURRED IN PRESERVATION OF HISTORIC PROPERTIES	8 CCR 1504-6 Relates to House Bill 90-1033, House Bill 99-1345, House Bill 08-1033	Outlines details of qualified costs for a commercial tax credit that sunset December 31, 2019, and was replaced with a different program statute. Requesting that the Rule be deleted.	June 30, 2026.	None. Credit has sunset and all projects are closed and complete. Removal will reduce confusion for projects eligible for the successor program.
INCOME TAX CREDIT FOR QUALIFIED COSTS INCURRED IN PRESERVATION OF QUALIFIED RESIDENTIAL STRUCTURES	8 CCR 1504-10 Relates to House Bill 14-1311, House Bill 18-1190, and House Bill 24-1314.	Provides detailed guidance for the residential preservation tax credit program, approved in 2014 and amended in both 2018 and 2024. Rules to be revised to include updates made through HB 24-1314, such as the removal of the disaster area bonus and the increase to the maximum credit to \$100,000 for projects after Jan. 1, 2025. Additional changes mandated by the 2024 legislation that will go into effect in 2027, and which can be anticipated in revisions in FY2026.	June 30, 2026	History Colorado (State Historical Society), Department of Revenue, owners of eligible residential properties, Certified Local Governments that process tax credit applications.



Division of Private Occupational Schools (DPOS)

Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Schedule for Rule-Making	Parties Potentially Affected
<p>REVISE: 8CCR 1504-1, Correct “Effective Date” on page 1 & 8</p> <p>Section I. Definitions (D and F) to include definitions for clarity</p>	<p>C.R.S. § 23-64-101 et seq.</p>	<p>Correct effective date of amended rules on page 1 & 8 from 2025 to 2026.</p> <p>Clarify and add definitions, I.D and I.F</p> <p>I.D: Add definition of “Advanced Training”</p> <p>I.F. Revision of definition of “Ancillary/ Supplementary Education”</p>	<p>1/27/2026</p>	<p>Private Occupational Schools will understand the terms as applied to Colorado’s Act and Rules; the Division of Private Occupational Schools and all other stakeholders will benefit from clarity as our rules protect members of the general public (including students and residents of Colorado). There is no fiscal impact.</p>
<p>ADD: 8CCR 1504-1 – General and Administrative Rule II.H Add (H) to clarify terms an applicant can submit a new application</p>	<p>C.R.S. § 23-64-101 et seq</p>	<p>Clarification of II.H. regarding applicant ability to submit or be associated with a new application after original application is denied or certificate is revoked</p>	<p>1/27/2026</p>	<p>Private Occupational Schools will understand the terms as applied to Colorado’s Act and Rules; the Division of Private Occupational Schools and all other stakeholders will benefit from clarity as our rules protect members of the general public (including students and residents of Colorado). There is no fiscal impact.</p>



Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Schedule for Rule-Making	Parties Potentially Affected
Revise: 8CCR 1504-1 Fee Schedule – Increase fees by 2.5% per OSPB request	C.R.S. § 23-64-101 et seq.	Adjust each fee listed on the fee schedule currently in rule by a 2.6% inflationary increase	1/27/2026	Private Occupational Schools must understand the terms as applied to Colorado’s Act and Rules. There will be fiscal impact for both the schools (negative) and the Division (positive)
Revise: 8CCR 1504-1 - Minimum Standards for clarification: Revise Rule III.H.1 & III.I.1 Delete Rule III.I.2 Revise Rule III.I.3	C.R.S. § 23-64-101 et seq.	<p>III.H.1 Clarify rule regarding electronic signatures and authorized signatures for student enrollment agreements.</p> <p>III.I.1 Clarify rules regarding student records requirements to include addition of term “Educational Credential” to replace terms, “Diploma, Completion Certificates and Transcripts” and added term “Curriculum” to replace “Courses of Instruction”</p> <p>III.I.2 Delete for clarification of the above III.I.1 change</p> <p>III.I.3 change format from III.I.3 to III.I.2 and include, “(5) progression notes and grades” for clarification of requirements</p>	1/27/2026	Private Occupational Schools will understand the terms as applied to Colorado’s Act and Rules; the Division of Private Occupational Schools and all other stakeholders will benefit from clarity as our rules protect members of the general public (including students and residents of Colorado). There is no fiscal impact.



Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Schedule for Rule-Making	Parties Potentially Affected
8CCR 1504-1, Rule IV Application for Certificate of Approval and Surety Requirements	C.R.S. § 23-64-101 et seq.;	Clarify in rule the requirements regarding Surety obligations of the schools	1/27/2026	Private Occupational Schools will understand the terms as applied to Colorado’s Act and Rules; the Division of Private Occupational Schools and all other stakeholders will benefit from clarity as our rules protect members of the general public (including students and residents of Colorado). There is no fiscal impact
8CCR 1504-1 Rule XI Disciplinary Actions Revise: XI.A.6 Add XI.A.7 to clarify the rule	C.R.S. § 23-64-101 et seq.;	XI.1.A.6 revise to increase number of days schools have to notify the Division of disciplinary action by U.S.D.O.E, accreditors and others XI.A.7 added to include reporting of disciplinary actions against school individuals including; owners, agents and instructors by any state or federal regulatory bodies	1/27/2026	Private Occupational Schools will understand the terms as applied to Colorado’s Act and Rules; the Division of Private Occupational Schools and all other stakeholders will benefit from clarity as our rules protect members of the general public (including students and residents of Colorado). There is no fiscal impact



Colorado Opportunity Scholarship Initiative (COSI)

Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Schedule for Rule-Making	Parties Potentially Affected
Revise: 8 CCR 1504-9, 1.0 Definitions	23-3.3-1004(4)	Update definitions to align with rules changes.	September 2026	Public institutions of higher education and non-profits participating in the programs.
Revise: 8 CCR 1504-9,2.0 Grant Awards for Matching Student Scholarships	23-3.3-1004(4)	<p>Program Alignment: General updates to rules and procedures will be made to reflect the priorities and structure of the Achieve and Career Launch programs.</p> <p>Proposal Evaluation: The current cross-departmental competitive review process will be replaced with a panel of subject-matter experts whose expertise aligns with the program focus. These experts will receive an honorarium in recognition of their time and contributions.</p> <p>Subrecipient Monitoring: Agreements and related processes will be updated to align with subrecipient monitoring standards.</p>	September 2026	<p>Public institutions of higher education and non-profits participating in the programs.</p> <p>Current cross-department team members who support with the competitive review process.</p>



Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Schedule for Rule-Making	Parties Potentially Affected
Revise: 8 CCR 1504-9, 3.0 Grant Awards to Community Partner Programs	23-3.3-1004(4)	<p>Program Alignment: General updates will be made to rules and procedures to reflect the goals and structure of the Achieve.</p> <p>Proposal Evaluation: The current cross-departmental competitive review process will be replaced with a panel of subject-matter experts aligned with the program focus. These experts will receive an honorarium in recognition of their time and contributions.</p> <p>Subrecipient Monitoring: Agreements and related processes will be updated to meet subrecipient monitoring standards.</p> <p>Program Sunset: The focus on pre-collegiate programming will be removed, as these programs are scheduled to sunset on June 30, 2026.</p>		<p>Public institutions of higher education and non-profits participating in the programs.</p> <p>Current cross-department team members who support with the competitive review process.</p>



Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Schedule for Rule-Making	Parties Potentially Affected
Remove: 8 CCR 1504-9, 4.0 Use of American Rescue Plan funds to support student success in obtaining postsecondary credentials	23-3.3-1004 (4)(a)(III)(C) 23-3.3-1005 (6)(7) 23-3.3-1006	Repeal date for this program is July 1, 2026	September 2026	Public institutions of higher education participating in the programs.
Remove: 8 CCR 1504-9, 5.0 Student aid applications completion grant program	23-3.3-1007	Repeal date for this program is July 1, 2026	September 2026	Public institutions of higher education and non-profits participating in the programs.
Remove: 8 CCR 1504-9, 6.0 Youth Mentorship Assistance Grant Pilot Program	23-3.3-1010	Repeal date for this program is July 1, 2027, but the funds will be expended by June 30, 2026.	September 2026	Public institutions of higher education and non-profits participating in the programs.
Revise: 8 CCR 1504-9, 7.0 8 Evaluation of the effectiveness of the initiative in improving higher education outcomes in the state	23-3.3-1004(4)	Update evaluation criteria to align with rules changes.	September 2026	Public institutions of higher education and non-profits participating in the programs.



Continued from Above: Draft Rule Text - DHE

X CCR XXXX-X

Colorado Department of Higher Education
Transfer Credit Enforcement Rules

1.00 AUTHORITY

These rules are adopted pursuant to section 23-1-108.5, C.R.S., and grants the Department of Higher Education exclusive enforcement authority for the statewide guaranteed transfer pathway matrix under subsection (8). These rules are promulgated in accordance with the State Administrative Procedure Act, section 24-4-101 et seq., C.R.S.

2.00 PURPOSE AND SCOPE

The purpose of these rules is to:

- A. Establish obligations of public institutions of higher education with respect to guaranteed transfer pathway matrix (GT Pathways) courses;
- B. Set forth procedures for identifying, investigating, and remedying violations;
- C. Provide for Final Agency Decisions (FADs) and appeals under the Administrative Procedure Act;
- D. Clarify the Department's authority to overturn institutional transfer credit decisions made in violation of law;
- E. Provide a clear process for student appeals; and
- F. Ensure transparency and accountability in Colorado's statewide transfer and articulation framework.

While not subject to enforcement through C.R.S. 23-1-108.5, the Student Bill of Rights within C.R.S. 23-1-125 and C.R.S. 23-5-150 on transfer credit review processes require that:

- A. Institutions shall publish on their website a description of their transfer credit evaluation process and timeline.
- B. Institutions must issue a decision on transfer credit acceptance and applicability or denial within thirty (30) calendar days of admission and submission of all official documentation required by the institution.
- C. Institutions must update their published policies within thirty (30) days of any change.

3.00 DEFINITIONS

For purposes of these rules:

- A. **Commission** means the Colorado Commission on Higher Education.
- B. **Council** or **General Education Council (GE Council)** means the body convened under C.R.S. 23-1-108.5(3) to review courses and advise on GT Pathways.
- C. **Department** means the Colorado Department of Higher Education.
- D. **Enforcement Action** means any formal action taken by the Department to compel compliance, including corrective orders, issuance of a Final Agency Decision.



- E. **General Education Course** has the meaning set forth in section 23-1-108.5(2)(c), C.R.S.
- F. **Guaranteed Transfer Pathway Matrix (GT Pathways)** means the statewide set of general education courses defined in section 23-1-108.5(2)(e), C.R.S.
- G. **Institution** means a public institution of higher education non-exempt from participation GT Pathways by the Commission as defined in section 23-4.5-102, C.R.S. Colorado School of Mines degree programs are not subject to GT Pathways.
- H. **Lower-Division Course** means a freshman or sophomore-level course numbered from one hundred to two hundred ninety-nine or one thousand to two thousand nine hundred ninety-nine.
- I. **Notice of Violation** means a formal written notice issued by the Department under Rule 5.02.
- J. **Remediation Plan** means a written proposal submitted by an institution to cure identified violations.
- K. **Student Appeal** means a written request filed by a student seeking review of an institution's denial of credit transfer under GT Pathways.
- L. **Upper-Division Course** generally means a junior or senior-level course numbered from three hundred to four hundred ninety-nine or three thousand to four thousand nine hundred ninety-nine.
- M. **Violation** means any failure by an institution to comply with statutory or regulatory requirements related to GT Pathways.

4.00 INSTITUTIONAL REQUIREMENTS SUBJECT TO ENFORCEMENT

4.01 Course Submission and Alignment

Institutions shall submit their list of GT Pathways courses, including course descriptions and, upon request, course syllabi, to the Commission and Department on March 1 of each odd-numbered year and at such other times as requested.

4.02 Disclosure of Course Offerings

Institutions shall clearly identify within published course catalogs and descriptions the assigned GT Pathways course category as applicable.

4.03 Automatic Transferability

- A. All credits earned with a C- or better in GT Pathways courses are automatically accepted in transfer and applied to the required and unfulfilled core course or major course components within a student's chosen program of study.
- B. If completed as part of an associate degree with designation, all GT Pathways credits earned through prior learning, including credits by exam (e.g., AP, IB, CLEP, DSST, DLPT) are automatically accepted in transfer and applied to the required and unfulfilled core course or major course components within a student's chosen program of study.
- C. If GT Pathways course credits cannot be applied to major requirements, they must fulfill remaining free elective requirements if space exists within the degree program. If no free electives remain within the degree program, the credits must be considered acceptable for transfer and may be calculated in credit hour totals. Credits accepted but not applied may not be included on a student's transcript.
- D. Receiving institutions shall not require students to repeat the same or substantially similar courses without clear academic rationale.
- E. Institutions must re-evaluate applicability of transfer credits within 30 days of a student's official declaration of major change.



4.04 Compliance Checklist

To remain in compliance with C.R.S. 23-1-108.5, institutions must:

1. Use approved course category codes, titles, and descriptions in alignment with GT Pathways;
2. Accept and apply transfer credits for all GT Pathways courses in which a grade of C- or better is earned first to the relevant unfulfilled core course requirement, followed by unfulfilled but applicable major course requirements, and lastly applied to any remaining free electives where possible, unless there is a valid academic rationale which is recommended to be documented;
3. Provide students with a formal institutional appeal process prior to referral to the Department;
4. Disclose accurate information regarding transferability;
5. Participate in the GE Council and statewide review of GT Pathways courses;
6. Maintain documentation of compliance and respond promptly to Department audits or inquiries.

4.05 SMART Act Reporting

Institutions shall provide all data required for annual reporting under section 23-1-108.5(6.5), C.R.S., including enrollment, credit acceptance, credit application, and time-to-degree comparisons in a format provided by the Department.

5.00 STUDENT APPEALS

5.01 Right to Appeal

Students denied appropriate acceptance and/or application of transfer credit a GT Pathways course may appeal to the Department under section 23-1-108.5(8)(d), C.R.S.

5.02 Exhaustion of Remedies

Students must first exhaust their respective institution's internal appeal process before filing with the Department.

5.03 Filing Requirements

Appeals must be filed within 10 years of completion of the course, and within sixty (60) days of a student's final institutional denial via electronic form hosted on the Department's website and include:

1. Student's name and contact information;
2. Institution(s) involved;
3. Course(s) in dispute;
4. Documentation of denial;
5. Documentation that the institutional appeal process was completed.

5.04 Department Investigations of Student Appeals

- A. Upon receipt of a student appeal, Department staff shall conduct a preliminary investigation to determine whether the appeal can be resolved without convening a Student Appeal Review Panel.
- B. The investigation may include:
 - a. Reviewing institutional documentation and prior appeal records;



- b. Requesting additional information from the student and the institution; and
- c. Facilitating voluntary resolution between the student and institution, if feasible.
- C. If Department staff determine that the matter lacks sufficient basis for further consideration, the Department shall issue notification to the student complainant.
- D. If Department staff determine a clear violation has taken place and grants the appeal, Enforcement Procedures will initiate with Informal Notification issued to the institution.
- E. If Department staff determine that the matter is complex, unresolved, or raises systemic concerns regarding compliance with section 23-1-108.5, C.R.S., the appeal shall be referred to the Appeals Review Panel under Rule 5.05.
- F. Department staff shall notify both the student and institution in writing of the outcome of the investigation and whether the appeal will proceed to panel review.

5.05 Appeals Review Panel

The Department shall convene an Appeals Review Panel consisting of one General Education Council member, one Academic Council member, and one Registrar Council member [\[BG1\]](#) to review appeals, institutional responses, and applicable statutory requirements. The panel shall issue a recommendation to the Department to grant, deny, or modify relief. The Department may consider the decision of the appeals review panel; however, such decision is not binding. The Department retains ultimate authority and responsibility for the final decision.

5.06 Effect of Decision

If the Department grants a student appeal, Enforcement Procedures will initiate with Informal Notification to the institution.

6.00 ENFORCEMENT PROCEDURES

6.01 Informal Notification

The Department may, but is not required to, issue an informal notification describing a potential violation, citing statutory or regulatory requirements, and requesting an institutional response within thirty (30) days indicating agreement, partial agreement, or rejection of recommended remediation. As a result of informal notification, the Department will consider the issue resolved to satisfaction, modify its recommended remediation in coordination with the institution, rescind the informal notification if the institution's original decision is found to be compliant, or proceed to a formal Notice of Violation if the issue is not resolved.

6.02 Notice of Violation

The Department may issue a Notice of Violation identifying any Violation, required corrective action, and a three-month cure period.

6.03 Notice of Enforcement Action

- A. If the Violation is not remedied, the Department may issue a Notice of Enforcement Action.
- B. A Notice of Enforcement Action constitutes a Final Agency Decision (FAD) unless appealed.
- C. A Notice of Enforcement Action may include:
 - a. An order directing corrective action;
 - b. Any other remedial measure authorized by law.



6.04 Institutional Appeals

Institutions may appeal a Notice of Enforcement Action through a hearing before an Appeals Review Panel, which will issue an initial decision, which may be adopted or modified by the Department in the form of a Final Agency Decision.

6.05 Judicial Review

An institution may seek judicial review of a FAD in Denver District Court under section 24-4-106, C.R.S. The court may affirm, reverse, or remand the FAD.

6.06 Enforcement Through Court Order

- A. If affirmed, the court's order is binding and enforceable.
- B. If an institution fails to comply, the Department may request the court to enforce its order.
- C. If overturned by the court, the Department will consult with the court regarding consequences which may include that the Notice of Enforcement Action is vacated.

7.00 TRANSPARENCY AND REPORTING

- A. The Department may publish an annual summary of enforcement actions, including anonymized data and outcomes.
- B. Institutions shall provide information as requested to support enforcement, appeals, and reporting obligations.

8.00 SEVERABILITY

If any provision of these rules is held invalid, the remaining provisions shall remain in full force and effect.

Verification is needed to determine whether individuals external to CDHE can serve in this capacity.



Departmental Regulatory Agendas

Department

Department of Labor and Employment

2026

Regulatory Agenda

January 1, 2026-December 31, 2026



COLORADO
Department of
Labor and Employment

Overview

The Colorado Department of Labor and Employment submits the following 2026 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1, executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department’s “Regulatory Efficiencies Reviews” during 2026 (which are denoted as such in the “purpose” column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department’s web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its “SMART Act” hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III)(A).

The following constitutes the Department of Labor and Employment’s Regulatory Agenda for 2026 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Schedule	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders
Anticipated March Hearing	7 CCR 1101-3	General definitions	Revision	C.R.S. § 8-47-107	DOWC is undergoing technology upgrades and we need to update our rules to match some new filing requirements	Insurers, self-insured employers, injured workers, attorneys
Anticipated Fall Hearing	7 CCR 1101-3	Fee Schedule	Revision	C.R.S. §§ 8-42-101(3)(a)(I) and 8-47-107	Statutory requirement to review the fee schedule annually	medical providers, carriers, attorneys for both Respondents and injured workers
Anticipated March Hearing	7 CCR 1101-3	Surcharge	Revision	C.R.S. §§ 8-43-204, 8-44-112, and 8-47-107	Statutory requirement to review surcharge annually, and specifically to update the life expectancy table in even years	Insurers and self-insured employers

Anticipated March Hearing	7 CCR 1101-3	Claims Adjusting Requirements	Revision	C.R.S. § 8-47-107	DOWC is undergoing technology upgrades and we need to update our rules to match some new filing requirements	Insurers, self-insured employers, injured workers, attorneys
Anticipated March Hearing	7 CCR 1101-3	Modification, Termination, and Suspension of Temporary Disability Benefits	Revision	C.R.S. § 8-47-107	DOWC is undergoing technology upgrades and we need to update our rules to match some new filing requirements	Insurers, self-insured employers, injured workers, attorneys
Anticipated March Hearing	7 CCR 1101-3	Closure of Claims and Petitions to Reopen	Revision	C.R.S. § 8-47-107	DOWC is undergoing technology upgrades and we need to update our rules to match some new filing requirements	Insurers, self-insured employers, injured workers, attorneys
Anticipated Summer Hearing	7 CCR 1101-3	Provider Accreditation	Revision	C.R.S. § 8-42-101(3.6)	The Provider Education rules have not been updated since 2017 and the rules need to be revised to reflect current program requirements and	Medical providers

					ensuring providers have adequate knowledge and compliance with rules to provide appropriate care.	
Anticipated Summer Hearing	7 CCR 1101-4	Self Insurance	Revision	C.R.S. § 8-44-201	The Self-Insurance rules have not been updated since 2005 and the rules need to be revised to reflect current program requirements.	Self-insured employers
Anticipated February or March Hearing	TBD - new regulations	Retail Electric Vehicle Charger Regulations	New	C.R.S. § 8-20-102 and 8-20-107	To set forth minimum standards relating to specifications and tolerances for retail electric vehicle charging equipment and methods of retail sale at publicly accessible electric vehicle charging stations to promote consistency in the marketplace.	EV charger manufacturers, EV manufacturers, industry service providers

Anticipated Fall Adoption	7 CCR 1108-1	State Apprenticeship Agency (SAA) Rules	Revision	C.R.S. § 8-15.7-102 and 8-15.7-108	To maintain conformity with federal regulations promulgated by the Secretary of Labor under the National Apprenticeship Act, 29 U.S.C. 50. We anticipate a new Final Rule in late 2025 that will require revisions to state rules.	Registered apprenticeship Sponsors and employer partners, State Apprenticeship Council
Anticipated January Hearing	7 CCR 1109-1	Colorado Refugee Services Program	New	HB 23-1283	The Colorado Refugee Services Program (CRSP) moved from CDHS to ONA on October 1, 2024. This action is to move the rules related to CRSP from under CDHS to CDLE. Current rule number is 9 CCR 2503-3.	Refugee serving community organizations, nonprofits, school districts, and counties

Spring 2026	7 CCR 1105-1	Rehabilitation Services	Revision	C.R.S. § 8-84-106	Alignment with HB-25-1018 and technical cleanup to align with regulation.	Individuals with disabilities, community partners, State Rehabilitation Council, DVR staff
Winter 2026	7 CCR 1105-1	Rehabilitation Services	Revision	C.R.S. § 8-84-201	DVR's Business Enterprise Program has identified areas of technical clean-up and opportunity for increased compliance through rule revision.	Individuals with disabilities, community partners, State Rehabilitation Council, DVR staff
Spring 2026	7 CCR 1107-5	Private Plans	Revision	C.R.S. § 8-13.3-516(6), 521(3), 521(6)	Minor amendments impacting private plans, if any.	Employers, employees, insurance carriers, self-employed individuals, TPAs
Fall 2026	7 CCR 1107-1	Regulations Concerning Premiums and Individuals Electing Coverage	Revision	C.R.S. § 8-13.3-503(2), 507(4)(c), 509(7), 514(2), 516(6)	Minor amendments and clarifications, plus any changes necessary due to legislation.	Employers, employees, insurance carriers, self-employed individuals, TPAs

Fall 2026	7 CCR 1107-2	Regulations Concerning Local Government Participation with the Paid Family Medical Leave Program	Revision	C.R.S. § 8-13.3-516(6), 522	Minor amendments and clarifications, plus any changes necessary due to legislation.	Employers, employees, insurance carriers, self-employed individuals, TPAs
Fall 2026	7 CCR 1107-3	Regulations Concerning Benefits and Employer Participation Requirements	Revision	C.R.S. § 8-13.3-503(2), 509(7), 516(6)	Minor amendments and clarifications, plus any changes necessary due to legislation.	Employers, employees, insurance carriers, self-employed individuals, TPAs
Fall 2026	7 CCR 1107-4	Regulations Concerning Coordination of Benefits and Reimbursement of Advance Payments	Revision	C.R.S. § 8-13.3-509(7), 510(3), 515(3), 516(6)	Minor amendments and clarifications, plus any changes necessary due to legislation.	Employers, employees, insurance carriers, self-employed individuals, TPAs
Fall 2026	7 CCR 1107-5	Regulations Concerning Private Plans	Revision	C.R.S. § 8-13.3-516(6), 521(3), 521(6)	Minor amendments and clarifications, plus any changes necessary due to legislation.	Employers, employees, insurance carriers, self-employed individuals, TPAs
Fall 2026	7 CCR 1107-6	Regulations Concerning Program Integrity	Revision	C.R.S. § 8-13.3-516(6)	Minor amendments and clarifications, plus any changes necessary due to legislation.	Employers, employees, insurance carriers, self-employed individuals, TPAs

Fall 2026	7 CCR 1107-7	Regulations Concerning Employee Job Protection, Anti-Retaliation, and Anti-Interference	Revision	C.R.S. § 8-13.3-509(7), 516(6)	Minor amendments and clarifications, plus any changes necessary due to legislation.	Employers, employees, insurance carriers, self-employed individuals, TPAs
Fall 2026	7 CCR 1107-8	Regulations Concerning Investigations	Revision	C.R.S. § 8-13.3-509(7), 516(6)	Minor amendments and clarifications, plus any changes necessary due to legislation.	Employers, employees, insurance carriers, self-employed individuals, TPAs
Fall 2026	7 CCR 1107-9	Regulations Concerning Appeals	Revision	C.R.S. § 8-13.3-509(7), 516(6), 521(6)	Minor amendments and clarifications, plus any changes necessary due to legislation.	Employers, employees, insurance carriers, self-employed individuals, TPAs
Fall 2026	7 CCR 1103-14	The Publication And Yearly Calculation of Adjusted Labor Compensation (PAY CALC) Order	Revision	Section 15 of Article XVIII of the Colorado Constitution; Articles 1, 4, 6, and 12 of C.R.S. Title 8 (2023); and the State Administrative Procedure Act, C.R.S. § 24-4-101, et seq.	Annual increase of the minimum wage as mandated by the Colorado Constitution, of other wage rates/thresholds derived from the minimum wage, and other inflation-based increases.	Labor and union organizations, non-profit organizations, advocacy groups, Wage Theft Task Force, national and local law firms and bar associations, universities, business associations and organizations, internal state agencies

Departmental Regulatory Agendas

Department

Department of Law

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STATE OF COLORADO
DEPARTMENT OF LAW

DEPARTMENT OF LAW
CY 2026 REGULATORY AGENDA

Pursuant to § 2-7-203(2)(a)(IV), C.R.S., this document contains the Colorado Department of Law regulatory agenda for calendar year (“CY”) 2025 and details new rules or revisions to existing rules expected to be proposed in CY 2026.

PEACE OFFICERS STANDARDS AND TRAINING (P.O.S.T.)

The following rules are promulgated pursuant to § 24-31-303(1)(g), C.R.S., which authorizes POST to promulgate rules and regulations deemed necessary by the POST Board for the certification of applicants to serve as peace officers or reserve peace officers; § 24-31-303(1)(l), C.R.S., which authorizes POST to promulgate rules deemed necessary by the Board concerning annual in-service training requirements for certified peace officers, including but not limited to, evaluation of the training program and processes to ensure substantial compliance by law enforcement agencies, departments, and individual peace officers; § 24-31-303(1)(m), C.R.S., which grants the Board the power and duty to adopt and promulgate, under the provisions of § 24-4-103, C.R.S. rules as the Board may deem necessary or proper to carry out the provisions and purposes of this article; § 24-31-304(4)(b), C.R.S. which requires POST to promulgate rules deemed necessary by the Board concerning the procedures for the granting of permission to enroll in a training academy; and § 24-31-305(2.7)(4), C.R.S., which requires POST to promulgate rules regarding the procedure for applying for and granting variances pursuant to this subsection.

HB 25-1136 requires POST to create and maintain a public-facing peace officer database and specifies criteria for inclusion in the database, reporting procedures for law enforcement agencies, processes for the appeal of a database entry, and removal from the database. The statute also requires the Board to consider a peace officer’s whistleblower status in an appeal of a database entry. These rules carry out the statutory directives of § 24-31-321, C.R.S., and the Board is authorized to promulgate them under § 24-31-303(1)(m), C.R.S. because they are necessary and proper to carry out the provisions and purposes of the article.

1. Rule 1:

Proposed Rule Amendments and Purpose:

- a. Redefine “Disqualifying incident” to clarify unlawful physical force and excessive or unconstitutional physical force
- b. Define “Employer”
- c. Define “Whistleblower”

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

2. Rule 5:

Proposed Rule Amendments and Purpose:

- a. Addition of new section “Appeals for Certain Types of Database Reports” which updates appeal process for peace officer database entries.
- b. Capitalization of the work “Director”

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

3. Rule 7:

Proposed Rule Amendments and Purpose:

- a. Addition of § 24-31-321, C.R.S.
- b. Clarification of Variance Request requirements for database entries.
- c. Adding POST’s ability to consider whistleblower status during appeals of database entries.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

4. Rule 10:

Proposed Rule Amendments and Purpose:

- a. Addition to allow POST certifications to remain active for peace officers working in a non-sworn capacity as long as annual POST training is maintained.
- b. Clarifying outcome of failure to complete the annual in-service training.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently

employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

5. Rule 11:

Proposed Rule Amendments and Purpose:

- a. Establish “Federal Reciprocity Pilot Program” (July 2025 – December 2026) that will allow federal officers and military police to possibly qualify for provisional certification without meeting the “substantial equivalence” usually required.
- b. Requiring hiring agencies to conduct a gap analysis comparing POST standards with applicants’ training. Documentation must be submitted to POST.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

6. Rule 12:

Proposed Rule Amendments and Purpose:

- a. Addition of the word “and” to clarify both (2) hours of training in anti-bias; community policing; situational de-escalation; and proper holds and restraints and (1) hour of improving first responder interactions with persons with disabilities; and issues related to missing and murdered indigenous persons must be completed together upon issuance of a reserve certification.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by the rule amendments.

7. Rule 14:

Proposed Rule Amendments and Purpose:

- a. Addition of the term “shall be” in order to clarify the requirement of being fingerprinted when enrolling in a basic or reserve academy.
- b. Specifies the requirement for the enrollment advisory form to be submitted to POST along with other enrollment documents.
- c. Requires the enrollment roster to be due one week prior to academy start.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Law enforcement academy staff will be affected by the rule amendments.

8. Rule 15:

Proposed Rule Amendments and Purpose:

- a. Addition of section on cheating. States that recording or attempting to record POST exam will result in the invalidation of that test score and a prohibition on future examination attempts. Action may also result in an entry on the national decertification index as misconduct.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by this proposed rulemaking.

9. Rule 17:

Proposed Rule Amendments and Purpose:

- a. Expanded reporting requirements to be by employing agencies and formerly employing agencies.
- b. Adding that employing or formerly employing organization must report when a peace officer is charged with a criminal offense that could result in suspension or certification.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers facing revocation or suspension proceedings in front of the POST Hearing Officer and the attorneys representing them will be affected by the rule amendments.

10. Rule 21:

Proposed Rule Amendments and Purpose:

- a. Added, the requirement that specifies the enrollment roster must be received by POST no later than one week prior to the start of each academy session.
- b. Also clarifies that all other documents “must be” received at POST electronically by the day after the academy commences.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by this proposed rulemaking.

11. Rule 23:

Proposed Rule Amendments and Purpose:

- a. Date changed from January 1, 2025, to July 1, 2027, for all assistant skills instructors for firearms to complete a 16-hour red dot sight POST approved instructor course.
- b. Date changed from January 1, 2025, to July 1, 2027, for all current full skill instructors and applicants for full skills instructors to complete a 16-hour red dot sight instructor course.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by this proposed rulemaking.

12. Rule 31:

Proposed Rule Amendments and Purpose:

- a. Reconfiguration of lettering (I) (a) (b) & (II) (a) (b)
- b. Addition of (III). Stating that documents described in § 24-31-321, C.R.S., are protected and the release of said documents by anyone other than the reporting organization may result in the releasing party to be fined up to \$10,000 per occurrence.
- c. Addition of (IV). Stating that there shall be fees for knowingly or willfully submitting false/inaccurate information to the peace officer database. Up to \$5,000 for first offense and up to \$10,000 for a second.
- d. Reconfiguration of lettering and correction of capitalization errors.
- e. Added the clarification of “For each day in violation” for any other violation of a POST Board rule. First offence: up to \$100 per employed peace officer (per day) for agencies/up to \$300 per individual certificate holder. Second offence or subsequent offence: up to \$200 per employed peace officer (per day)/up to \$600 per individual certificate holder.
- f. Addition of (G) detailing agencies failure to disclose an applicant’s files to a requesting hiring agency within sex days of POST contact will result in a loss of POST Board funding and/or possible fines from the Attorney General
- g. Addition of (I) detailing assessment of fees or other barriers to releasing applicant files may also be found by POST director as a violation and subject to administrative sanctions.
- h. Addition of “Suspension from POST grant funding or activities” as well as fines to violations found under Rule 31.
- i. Number/lettering reconfiguration.

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by this proposed rulemaking.

13. Rule 32:

Proposed Rule Amendments and Purpose:

- a. Addition of section 24-31-321 C.R.S. on (a) for POST database maintaining.
- b. Clarifying that termination for cause by the peace officer's employer will result in appearance on database.
- c. Clarifying that resignation or retirement while under investigation by the peace officer's employing organization or another law enforcement agency in which the alleged misconduct, if sustained, would more likely than not result in being entered into the database.
- d. Clarifies resignation or retirement following an incident that leads to the opening of an investigation by the peace officer's employing organization or another law enforcement agency in which the alleged misconduct, if sustained, would more likely than not result in being entered into the database, within six months after the peace officer's resignation or retirement.
- e. Clarifies that being "charged with" a crime could result in revocation or suspension of certificate pursuant to sections 24-31-305 or -904, C.R.S.,
- f. Addition of credibility disclosure actions: Knowingly making false statements or omission in official records, testimony, or investigations; demonstrating bias based on race, religion, ethnicity, gender, sexual orientation, age, disability, national origin, or any other protected class; tampering with or fabricating evidence; conviction of crimes involving dishonesty.
- g. Addition of reporting & accountability provisions: employers (current or former) may report incidents to POST; may create entries if it has a reasonable belief an entry is required; agency executives must certify accuracy of submitted information; failure to submit or falsify information may result in sanctions under Rule 31 and referral for criminal investigation; agencies must provide POST with relevant documents on request; POST may subpoena records and recover costs if needed; records submitted remain the property of the employing organization and are not subject to public release.
- h. Addition of a few changes for appeals and removal or negative entries on database: Peace officers may seek review of their status by presenting new evidence under Rule 7; POST must consider an officer's whistleblower status during appeals; final employer determinations (including appeals) will be used to decide removal requests; POST will remove entries when an officer no longer meets statutory requirements, or upon notice from the reporting agency that the entry was made in error (with documentation).

Contemplated Schedule for Adoption:

Fourth quarter of 2025.

Listing of Persons and Parties Affected:

Peace officers, including those applying for peace officer certification and those currently employed as certified peace officers, law enforcement academy staff, and law enforcement agencies, will be affected by this proposed rulemaking.

CONSUMER PROTECTION

Colorado Privacy Act Rulemaking 2025

Proposed Rule and Purpose:

The Colorado Privacy Act ("CPA") authorizes the Attorney General to "promulgate Rules for the purpose of carrying out" the CPA, C.R.S. § 6-1-1313(1). Senate Bill 24-041 and 25-276 added

provisions that strengthened personal data protections for minors and for sensitive data, respectively.

Senate Bill 24-041 amends the CPA to add §§ 6-1-1305.5, 6-1-1308.5, and 6-1-1309.5, C.R.S. For the purposes of these sections, Minors means a person under the age of eighteen (18). Section 6-1-1305.5 sets forth certain obligations of processors related to the data of minors. Section 6-1-1308.5 requires controllers that offer any online service, product, or feature to a consumer whom the controller actually knows or willfully disregards is a minor to use reasonable care to avoid any heightened risk of harm to minors caused by the online service, product, or feature. Controllers who meet specific obligations, including obtaining consent before engaging in targeted advertising to a minor, selling the minor's data, profiling the minor, or using any system design feature to significantly increase, sustain, or extend a minor's use of the online service, product, or feature receive a rebuttable presumption that they have used reasonable care. Section 6-1-1309.5, C.R.S. requires that controllers that offer any online service, product, or feature to a consumer whom such controller actually knows or willfully disregards is a minor to conduct certain data protection assessments if there is a heightened risk of harm to minors.

Senate Bill 25-276 amends the CPA to add Precise Geolocation Data to the defined categories of sensitive data and clarifies the controller duty to obtain consent prior to the processing or sale of sensitive data.

The Attorney General will adopt amendments to the Colorado Privacy Act Rules (“the CPA Rules”) are for the purpose of carrying out the CPA, specifically modifying the CPA Rules to be consistent with the CPA as amended by Senate Bill 24-041 and 25-276. Specifically, rules that seek to clarify how to determine if a Controller willfully disregards that a consumer is a minor as contemplated in § 6-1-1308.5, C.R.S. and considerations for determining what is a system design feature that significantly increases, sustains, or extends a minor's use of an online service, product, or feature and is subject to the consent requirement as contemplated in C.R.S. § 6-1-1308.5. Additionally, revisions to the rules to remove language that is no longer relevant given this statutory change.

The Attorney General will seek input from individual Coloradans, stakeholders, experts, advocacy groups, and other members of the public during the rulemaking process.

Statutory Basis:

§ 6-1-1313(1), C.R.S.

Contemplated Schedule for Adoption:

Rules are anticipated to be adopted in the second half of 2025.

Listing of Persons and Parties Affected:

Private and public entities subject to the Colorado Privacy Act; Colorado residents and consumers.

Online Dating Safety Rulemaking 2025

Proposed Rule and Purpose:

Senate Bill 24-011 pertains to the safety of online dating services and apps. It adds § 6-1-731.5, C.R.S. which requires, in part, that covered online dating services have and submit to the Attorney General's Office a public safety policy and an annual report concerning member safety and

compliance with statute's safety policy requirements. This report must include information required by any rules from the Attorney General. Section 6-1-731.5(4.5), C.R.S. requires the Attorney General to promulgate rules to carry out the bill's requirements.

The Attorney General will adopt rules for the purpose of carrying out S.B. 24-011, specifically rules which outline the requirement elements of the required annual report, the process for submitting the report, and they process for submitting a safety policy URL.

Statutory Basis:

§ 6-1-731.5(4.5), C.R.S.

Contemplated Schedule for Adoption:

Rules are anticipated to be adopted in the second half of 2025.

Listing of Persons and Parties Affected:

Online dating services operating in Colorado; Colorado users of those services.

Training Repayment Agreement Provision Rulemaking 2025

Proposed Rule and Purpose:

The Colorado Restrictive Employment Agreements Act ("REAA") authorizes the Attorney General to "promulgate rules necessary to implement and enforce subsection (3)(a) of this section." § 8-2-113(9)(b), C.R.S. Section (3)(a) provides that a provision is not a prohibited covenant if that provision is "providing for an employer's recovery of the expense of educating and training a worker where the training is distinct from normal, on-the-job training and satisfies any other requirements established by the attorney general, by rule, regarding the transferability of the training or credentialing that is available to the employee as a result of the training." § 8-2-113(3)(a), C.R.S..

Statutory Basis:

§ 8-2-113(3)(a), C.R.S.

§ 8-2-113(9)(b), C.R.S

Contemplated Schedule for Adoption:

Rules are anticipated to be adopted in the second half of 2025.

Listing of Persons and Parties Affected:

Employers who use provisions covered by Colo. Rev. Stat. Ann. § 8-2-113(3)(a) and employees subject to those provisions.

Deceptive or Misleading Pricing Practices 2026 Rulemaking

Proposed Rule and Purpose:

House Bill 25-1090 amended the Colorado Consumer Protection Act to prohibit deceptive or misleading pricing practices and require sellers to clearly disclose the total price of goods, services, or properties inclusive of all mandatory fees. The bill also restricts the types of fees landlords may charge tenants and identifies violations as deceptive trade practices subject to enforcement under the CCPA.

The Attorney General may adopt rules to clarify the scope and application of these requirements, including definitions, disclosure standards, and potential exemptions for certain business practices or sectors, consistent with statutory authority.

Statutory Basis:

§ 6-1-737(7), C.R.S.

Contemplated Schedule for Adoption:

Rules are anticipated to be proposed in the second half of 2026.

Listing of Persons and Parties Affected:

Sellers and service providers operating in Colorado, including landlords, property managers, and food service establishments; and Colorado consumers.

Calendar of Hearings

Hearing Date/Time	Agency	Location
12/03/2025 09:30 AM	Division of Motor Vehicles	Virtual - meet.google.com/shc-yisj-sap
02/18/2026 09:00 AM	Division of Reclamation, Mining and Safety	1313 Sherman St., Room 318 Denver, CO 80203
01/21/2026 09:00 AM	Division of Reclamation, Mining and Safety	1313 Sherman St., Room 318 Denver, CO 80203
12/01/2025 11:00 AM	Division of Insurance	Webinar or 1560 Broadway, STE 850, Denver CO 80202
12/01/2025 11:00 AM	Division of Insurance	Webinar or 1560 Broadway, STE 850, Denver CO 80202
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12/01/2025 11:00 AM	Division of Insurance	Webinar or 1560 Broadway, STE 850, Denver CO 80202
12/17/2025 09:00 AM	Division of Professions and Occupations - State Plumbing Board	https://us06web.zoom.us/webinar/register/WN_FKHO0STgTZ6PG3YeOSSKpQ
12/02/2025 09:00 AM	Division of Real Estate	1560 Broadway, Suite 925, Denver, CO 80202 - VIRTUAL HEARING ONLY https://us06web.zoom.us/webinar/register/WN_B-KrSNLXRuGHVT_1TdpBvg
12/11/2025 09:00 AM	Division of Professions and Occupations - Board of Veterinary Medicine	https://us06web.zoom.us/webinar/register/WN_DpqZaff3Q3SnRKWLqWEOLA
12/17/2025 10:00 AM	Division of Disease Control and Public Health Response	Colorado Department of Public Health & Environment 4300 Cherry Creek Drive S, Denver, CO 80246
12/05/2025 09:00 AM	Secretary of State	Red Rocks Conference Room, 5th floor, 1700 Broadway, Denver, CO 80290; Zoom link: https://us02web.zoom.us/webinar/register/WN_9nYD8iVNTKyiTz6BazmyBg
12/12/2025 09:00 AM	Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)	303 East 17th Avenue, 11th Floor, Denver, CO 80203
12/05/2025 08:30 AM	Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)	1575 Sherman Street Denver, CO 80203