



Early Learning Council

July 9, 2025

9:00 a.m. – 2:00 p.m.

Department of Early Learning and Care
3rd Floor, Grand Ronde Room
700 Summer St NE, Suite 350
Salem, OR 97301

COUNCIL ACTION REQUEST

Date: July 9, 2025

AGENDA ITEM: Certified Family Child Care Temporary Rule Adoption

ACTION: Adopt a temporary rule amendment for the unincorporated rules that have been identified as needing immediate inclusion effective July 9, 2025.

ISSUE: DELC is proposing a temporary rule amendment for the Certified Family Child Care ruleset related to Prevention and Management of Hazards to address the unincorporated rules regarding the prohibition of illegal controlled substances on the premises and requirements in terms of security of water hazards. These rules are essential to child health and safety while in child care.

BACKGROUND: In December 2024, the ELC adopted administrative rules for certified family child care homes. These rules took effect July 1, 2025. During the implementation process, it was discovered that key safety rules were not incorporated into the final rules that were adopted. The rules of concern are related to Prevention and Management of Hazards OAR 414-360-0840, specifically the prohibition of illegal controlled substances on the premises and a general rule protecting children from water hazards

PROCESS: DELC is proposing to adopt temporary rules for the unincorporated rules that have been identified as needing immediate inclusion. Permanent rulemaking to address all the unincorporated rules and required engagement with impacted communities will be completed prior to the 180-day expiration date of the temporary rules.

PROPOSED DRAFT MOTION: I move to adopt the proposed temporary rule language amendments dated July 9, 2025 for a temporary Oregon Administrative Rule change to OAR 414-360-0840.

CONTACT: Alicia Gardiner, Child Care Licensing Division Director, Department of Early Learning and Care



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Appendix:

OAR 414-360-0840: Prevention and Management of Hazards

(1) A provider must ensure that the following items are inaccessible to children as defined in OAR 414-360-0100(21):

- (a) All toxic or potentially dangerous items;
- (b) Cleaning, sanitizing and disinfecting supplies and equipment;
- (c) Poisonous plants;
- (d) Tobacco products, smokeless or vaping devices;
- (e) Alcohol;
- (f) Flammable materials, including matches and lighters, and corrosive materials;
- (g) Knives and other sharp objects; and
- (h) Motorized yard or power tools.

(2) Toxic substances must be stored separately from medication, food service equipment, and food supplies.

(3) Products must be stored in the original labeled containers. Any smaller containers or solutions mixed by caregivers must be labeled with the contents of the container.

(4) A provider must take steps to prevent children's exposure to the following, if they exist on the premises:

- (a) Any sources of lead and lead based paint. Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead-based paint;
- (b) Asbestos;
- (c) Toxic mold; and
- (d) Other identified toxins and hazards.

(5) A provider must recognize, address or remove potentially dangerous items and situations, using protective barriers to prevent children's access, if needed. Caregivers must:

- (a) Regularly inspect the indoor and outdoor play areas and equipment for hazards, such as missing parts or broken equipment, sharp edges, splinters, and trash;
 - (b) Ensure open containers of water such as bathtubs, buckets, and mop pails are emptied immediately after use;
 - (c) Ensure sand boxes are free of animal waste and trash; and
 - (d) Ensure that all plastic bags that are large enough to fit over a child's head are inaccessible to children.
- (6) A provider must not permit the use of any tobacco products such as cigarettes, cigars, and smokeless or vaping devices, drug paraphernalia, hemp, marijuana and marijuana infused products on the premises during operating hours or when child care children are present. This includes:

- (a) In the child care home;
- (b) In the outdoor play area;



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(c) Within 10 feet of any entrance, exit, or window that opens or any ventilation intake that serves an enclosed area; or

(d) In any vehicles where child care children are present or on any field trip.

(7) All marijuana, marijuana derivatives and associated paraphernalia must be stored through one of the following methods:

(a) Under a child safety device or child safety lock; or

(b) In a locked room.

(8) No one shall grow or distribute marijuana on the certified family child care premises.

(9) No one shall consume alcohol on the certified family child care premises during operating hours or when child care children are present.

(10) **No one shall possess, use, or store illegal controlled substances on the certified family child care premises.**

~~(10)~~ **(11)** Firearms, BB guns, pellet guns and arrows must be kept under lock and stored in an area not used by child care children.

(a) Ammunition must be stored and locked separately.

(b) Firearms, BB guns, and pellet guns must be kept unloaded.

~~(11)~~ **(12)** Firearms, BB guns, pellet guns and arrows must be kept under lock, such as a key, combination, or biometric lock and stored in an area not used by child care children. A child safety lock or trigger lock does not meet this requirement.

(13) A provider must prevent access to all pools and other bodies of water such as hot tubs, spas, ponds, creeks, fountains, ornamental ponds, and rain barrels.

(a) Pools and hot tubs must be made inaccessible through one of the following methods:

(A) A locking, rigid cover;

(B) A minimum four foot high fence that begins at ground level, and all gates and doors that allow access are locked;

(C) Four foot non-climbable sides with pool ladder removed or inaccessible; or

(D) In a locked room or all doors that access the area are locked.

(b) For certified family child cares with licensure prior to July 1, 2025, ornamental and natural ponds within the child care outdoor play area must be made inaccessible through one of the following methods:

(A) Enclosed by a secure barrier and locked with either a key or a combination lock;

(B) A grate on top of a small pond of sufficient strength and rigidity to prevent children from falling into the water. The grate must be locked or secured to prevent removal; or

(C) A locked door to the outside area where the pond is located as long as the door is always locked during operating hours and children are not using the outside area where the pond is located.



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(c) For certified family child cares with licensure on or after July 1, 2025, ornamental or natural ponds are prohibited in the child care outdoor play area. Certified family child cares licensed prior to July 1, 2025 are prohibited from adding a new ornamental pond or natural pond to the child care outdoor activity area.

~~(12)~~ **(14)** A provider must keep the home free of insects, rodents, and other pests.

(a) Automatic insecticides dispensers, vaporizers, or fumigants must not be used.

(b) Pest control products must not be applied or used when child care children are present. After their application, child care children must not enter the area until indicated by the manufacturer's instructions.

~~(13)~~ **(15)** A provider must take precautions to protect children from vehicular traffic:

(a) Require drop off and pick up only at the curb or at an off-street location protected from traffic; and

(b) Assure that any caregiver who supervises drop-off and loading can see and assure that children are clear of the perimeter of all vehicles before any vehicle moves.