

# RULE GUIDANCE

## Hot Tub, Pool or Pond Barrier



### GUIDANCE TOPIC

What are the options for an appropriate barrier to prevent access to hot tubs/pools/ponds and other bodies of water?

### LICENSE TYPE AND RULES

#### Registered Family Child Care (RF)

OAR 414-210-0840(12)

#### Certified Family Child Care (CF)

OAR 414-360-08400(11);

### WHY THESE RULES ARE IN PLACE

Children must be protected from drowning hazards. There are times when a provider's attention is diverted from the majority of children in care, therefore barriers around water features must be in place to ensure the safety of children in care.

### HOW THIS MAY LOOK IN YOUR PROGRAM

Pools and hot tubs need to have a fence or another barrier to prevent access. When a fence is used as a barrier, the gate must be locked and/or all doors leading into the enclosed area must be locked with a keying mechanism or combination padlock.

For family child cares with licensure on or after July 1, 2025, ornamental or natural ponds are **prohibited** in the child care outdoor play area. 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.

Pool and Hot Tub Barriers	Ornamental and Natural Pond Barriers if licensed before 7/1/2025
All locks used to secure pool barriers must be either a key or a combination lock	(A) Enclosed by a secure barrier and locked with either a key or a combination lock;
A rigid locking pool or hot tub cover is an option	(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;
A locked door to the outside area where the pool is located is acceptable as long as the door is always locked during child care hours and children are not using the outside area where the hot tub/pool is located	(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.
<b>Fencing</b> <ul style="list-style-type: none"><li>• Must be at least four feet high</li><li>• Can be chain link</li><li>• Wood fencing should have vertical slats, or horizontal wood slats with no spacing between them</li><li>• Must be non-climbable</li></ul>	<b>Fencing</b> <ul style="list-style-type: none"><li>• A minimum four foot high fence that begins at ground level, and all gates and doors that allow access are locked;</li></ul>

Pool and Hot Tub Barriers	Ornamental and Natural Pond Barriers if licensed before 7/1/2025
<p><b>Rigid pool sides</b> are adequate as a barrier as long as the ladder is removed, and the sides are:</p> <ul style="list-style-type: none"> <li>• At least four feet high</li> <li>• Non-climbable</li> <li>• No rungs, ribbing or bracing that could be used to climb</li> </ul>	N/A

**Consult your licensing specialist for unique or temporary situations.**

When a yard has an unfenced bay, creek or other body of water CCLD requires that the provider be physically present with children of all ages, or that the children play in a specified area from which the hazard is not accessible. In situations of extreme danger, CCLD may require more.

**CCLD LICENSING SPECIALIST MAY REVIEW**

The Licensing Specialist will examine the type and height of the barrier to ensure a child is not able to climb or crawl underneath (see above), as well as the lock, gate and other safety considerations depending on the type and location of the water hazard.

**ADDITIONAL INFORMATION**

**Did you know?** The Oregon Health Authority regulates swimming pools. Any swimming pool at a family child care home that is used for child care children is considered a "limited-use public pool" under Oregon Health Authority rules. All "limited-use public pools" must be licensed by the Health Authority ([OAR 333-060-0005](#) to [333-060-0705](#)). Family child care providers may use a pool for child care children only if it has been licensed. A provider may have an unlicensed pool at the family child care home that is not used by child care children.

**OPTIONAL RESOURCES**

Pool Safety Posters, <https://www.cdc.gov/healthywater/swimming/materials/posters.html>

You are entitled to language assistance services and other accommodations at no cost. If you need help in your language or other accommodations, please contact the Child Care Licensing Division at 503-947-1400.

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