Date: November 2, 2026

To: Interested Parties

From: Erica Van Ess, Program Manager
Food, Pool & Lodging Health and Safety Program

Subject: Notice of Proposed Permanent Rulemaking – OAR 333-062-1000, "Updating lifeguarded pool signage requirement related to direct adult supervision"

The Oregon Health Authority (OHA), Public Health Division, Public Pool Program is proposing to permanently amend Oregon Administrative Rule (OAR) 333-062-1000 related to direct adult supervision at lifeguarded pools.

Historically, Oregon has required children under 14 years in non-lifeguarded pools to have adult supervision. This rule provision was expanded as part of the 2025 rule update to align with the Model Aquatic Health Code (MAHC) to include lifeguarded pools. The MAHC does not differentiate between limited use and general use pools and instead specifies lifeguarded or non-lifeguarded pools.

After adoption, there was public concern around OAR 333-062-1000(6)(u), and (6)(w)(N), which specify that lifeguarded pools must have signage identifying that children under the age of 14 years must have direct supervision by a person aged 18 years or older in a general use pool and further requires the pool operator to enforce this requirement.

Given these concerns, the OHA's Food, Pool and Lodging Health and Safety Program initiated a temporary rulemaking (Temporary Administrative Order PH 26-2026) to provide pool operators with more flexibility over the summer season. While the temporary rule was in effect, OHA convened a workgroup to further consider the policy concerns regarding required supervision to create permanent rule language to use statewide moving forward.

For more details, please see the Notice of Proposed Rulemaking, including the Statements of Need and Fiscal and Racial Equity Impacts, and the full text of the proposed rules at: http://www.healthoregon.org/pl.

You are invited to review and comment on the proposed rules. There are two (2) options to provide comment:

1. You may provide oral (spoken) testimony during a public hearing scheduled for **Tuesday, November 17, 2026 at 2:00 P.M.** Pacific Time via video/phone conference using Microsoft Teams.
    - To provide oral testimony during this hearing:
        - Join using the Meeting URL. You can also find the join link for the meeting in the Notice of Proposed Rulemaking under "Remote Meeting Details" using the "Meeting URL."
        - You may also contact the Public Health Division Rules Coordinator at publichealth.rules@odhsoha.oregon.gov to sign-up to give oral testimony and receive the link for the Microsoft Teams video conference via calendar appointment.
        - To join the hearing via phone (audio/listen only), you may dial 971-277-2343, phone conference ID 985 660 741#
2. Written comments may be submitted before **5:00 P.M. Pacific Time on November 30, 2026:**
    - Email comments to: publichealth.rules@odhsoha.oregon.gov
    - Mail comments* to: OHA, Public Health Division
Brittany Hall, Administrative Rules Coordinator
800 NE Oregon St. Suite 930
Portland, OR 97232
* Comments sent by regular mail must be postmarked by 5:00 P.M. Pacific Time on November 30, 2026.
    - Send comments by fax to: 971-673-1299

Final rules will be filed after consideration of all comments.

If you have questions or would like a paper copy of the Notice of Proposed Rulemaking, please contact Erica Van Ess at erica.vaness@oha.oregon.gov.

Accessibility Statement: For individuals with disabilities or individuals who speak a language other than English, OHA can provide free help. Some examples are: sign language and spoken language interpreters, real-time captioning, braille, large print, audio, and written materials in other languages. If you need help with these services,

please contact the Public Health Administrative Rules Coordinator at 971-673-1222, 711 TTY or publichealth.rules@odhsoha.oregon.gov at least 48 hours before the meeting. All relay calls are accepted. To best ensure our ability to provide a modification please contact us if you are considering attending the meeting and require a modification. The earlier you make a request the more likely we can meet the need.