This section introduces the rules and information about preventing physical injury and other harm to children. These rules apply to both the indoor and outdoor areas of the facility including vehicles when they are accessible to the children.

To keep children safe, the provider is responsible to 1) ensure that the child care environment is free of hazards and/or that hazards are inaccessible to children, and 2) provide necessary supervision in preventing harm to children.

Refer to 100-2(28) for the definition of inaccessible and approved ways of making hazards inaccessible. For the rules and guidance regarding the supervision of children, refer to “Section 11: Child Supervision and Security.”

1) The building, outdoor area, toys, and equipment shall be used in a safe manner and as intended by the manufacturer to prevent injury to children.

Rationale / Explanation
The provider has a duty to protect everyone in their facility by complying with manufacturer safety guidelines. Manufacturer instructions contain important safety information that helps avoid injury and property damage. Additionally, not using a product according to manufacturer instructions can be used against the provider if an accident occurred and legal action was taken.

The intent of this rule is not to impede children from healthy risk-taking. Children’s natural curiosity and predisposition for challenging activities is part of their normal development. Positive guidance and safe environments can minimize injury while encouraging safe exploration and decision making. Offering well planned or impromptu appropriate risk-taking activities can help minimize dangerous risk-taking behaviors.

Constant active supervision is needed in order to ensure that children do not use toys, equipment, and other materials in unsafe ways. CFOC 3rd ed. Standard 2.2.0.1. pp. 64-66.

Compliance Assessment and Guidance
This rule will be considered out of compliance when a child or adult is allowed to use the building, a toy, equipment, or another item in an unsafe way (Ex: a child goes down the slide head first and a caregiver does not immediately address the situation; or children are around an adult who is using equipment that requires safety protection such as a chain saw or a lawn edger).

Noncompliance Level
Level 2 Noncompliance

2) Poisonous and harmful plants shall be inaccessible to children.

Rationale / Explanation
Plants are among the most common household substances that children ingest. Some plants are poisonous when eaten and others are harmful even when touched. For some plants, all parts of the plant are poisonous. For others, only certain parts of the plant are harmful. The danger can range from mild irritation to severe illness or death. Determining the toxicity of every commercially...
available household plant is difficult. A more reasonable approach is to keep any unknown plant out of the environment that children use. *CFOC* 3rd ed. *Standard 5.2.9.10. p. 234.*

For more information about safe and harmful plants, see: 

For an illustrated list of poisonous plants, refer to: 
https://www.poison.org/articles/plant#poisonousplants

For a list of poisonous plants native to Utah, refer to the Utah Poison Control Center at: 
https://poisoncontrol.utah.edu/plants/listNativePlants.html.

**Compliance Assessment and Guidance**
Although there are other poisonous and harmful plants that must be made inaccessible to children, CCL only inspects for the following plants:

- castor bean
- jimson weed
- mushrooms
- mushrooms
- oleander
- poison ivy
- puncture weeds
- stinging nettle
- thistles
- toadstools

Without leaving children unsupervised or the group out of ratio, a staff member should check the outdoor area and remove any toadstools (or mushrooms) that might have grown overnight before children play outside.

**Noncompliance Level**
Level 2 Noncompliance

(3) **Sharp objects, edges, corners, or points that could cut or puncture skin shall be inaccessible to children.**

**Rationale / Explanation**
The purpose of this rule is to prevent children from being cut or having their skin punctured by sharp objects. *CFOC* 3rd ed. *Standards 5.3.1.1. - 5.3.1.2. pp 237-238.*

Consider an object to be sharp if:

- It is has an edge or point that is made for the purpose of cutting, slicing, piercing, or puncturing another object, such as a pair of adult scissors, a knife, razor (including electric), staple gun, thumb tack, sewing needle (including for a sewing machine), antler, quill, etc.
- It has an edge or point that could cut, slice, pierce, or puncture because it is broken, in disrepair, or improperly installed, such as toys or other objects with jagged or sharp edges, nails or screws with protruding points, etc.
- It has a rigid edge or point that is likely to cut or puncture when coming into contact with bare skin, such as a plugged-in fan or paper shredder without a finger guard that prevents a child’s fingers from reaching the blades.

**Compliance Assessment and Guidance**
The following guidelines apply to the assessment of this rule:

- The following objects will not be considered sharp objects:
  - Furniture edges (unless they are broken)
  - Hammers and screw drivers
  - Cheese graters, apple corers, and vegetable peelers
- Tape dispenser and staple removers
- Icicles
- Scissors with blunt or round blade ends.

- With active supervision children may use woodworking tools, but all sharp tools must be inaccessible when not in use.
- With active supervision school-age children may use adult scissors and sewing needles, but all sharp tools must be inaccessible when not in use.

Noncompliance Level
Level 2 Noncompliance

(4) **Choking hazards shall be inaccessible to children younger than 3 years of age.**

**Rationale / Explanation**

Choking occurs when food or other object blocks the airway making it difficult or impossible to breathe. A blocked airway can quickly lead to severe complications, including brain damage and death. According to the American Academy of Pediatrics, young children are at higher risk of choking because they tend to put objects in their mouths and because their windpipes (tracheas) are narrow (about the size of a drinking straw’s diameter). A child chokes to death approximately every five days; and 75% of choking deaths occur in children under the age of 3 years, making choking a leading cause of death in infants and toddlers.

According to federal standards, a choking hazard is a small object with a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches. Injury or fatality from breathing in or swallowing small objects is well-documented. Eliminating these small items from a child care facility greatly reduces the risk of a child choking. *CFOC 3rd ed. Standard 6.4.1.2. pp. 284-285.*

In 2010, the American Academy of Pediatrics (AAP) released guidelines for choking prevention for parents and health care providers. Knowing which objects most often cause choking can reduce risk, so common choking hazards (other than food) are listed below:

- Coins
- Buttons
- Toys with small parts
- Objects that can fit entirely in a child’s mouth (blocks, small balls, marbles, small stones, etc.)
- Balloons
- Small hair bows, barrettes, rubber bands, jewelry
- Art and craft supplies (pen or marker caps, macaroni, beans, beads, craft eyes, chalk, etc.)
- Small batteries, magnets, etc.
- Pet food

*First Aid for Families (PedFACTs) (Copyright © 2012 American Academy of Pediatrics)*

**Compliance Assessment and Guidance**

The following guidelines apply to the assessment of this rule:

- An object that, without altering its natural shape, fits completely in the choke tube is out of compliance if the object is accessible:
  - In all rooms (including bathrooms and outdoor areas) for children younger than 3 years old, or
  - In any other room when there are children younger than 3 years old present in the room.

- Allow the following exceptions:
  - Children younger than 3 years old may use materials smaller than the approved size (e.g. game pieces or art materials such as crayons, chalk, uncooked pasta, etc.) only in a carefully supervised activity. This means a caregiver is within arm’s reach of the children
and providing constant, active supervision; and the caregiver does not leave until the materials are made inaccessible.

- Attached caps (such as marker and bottle caps) and attached paper clips will not be considered choking hazards.
- Small items (such as pasta noodles) that are in the unopened original packaging will not be considered choking hazards.
- Elements of nature (such as rocks and shells) and parts of protective cushioning (such as bark) that are smaller than the allowed size may be accessible to children in the outdoor area.
- An object smaller than ½ by ½ inch will not be considered a choking hazard.

**Noncompliance Level**
Level 2 Noncompliance

(5) **Strangulation hazards such as ropes, cords, chains, and wires attached to a structure and long enough to encircle a child’s neck shall be inaccessible to children.**

**Rationale / Explanation**
Strings and cords (such as those that are parts of toys and those found on window coverings) that are long enough to encircle a child’s neck should not be accessible to children in child care. Cords on window blinds and curtains are frequently associated with strangulation of children under five years of age. Cords and ribbons tied to pacifiers can become tightly twisted, or can catch on crib corner posts or other protrusions and cause strangulation. *CFOC 3rd ed. Standard 3.4.6.1. p. 129.*

**Compliance Assessment and Guidance**
Examples of noncompliance include:
- Window covering cords or chains that are accessible to children (hanging within 36 inches of the floor).
- Pacifier cords longer than 8 inches.
- Ropes, cords, chains, or wires that are attached to structures, such as railings, fences, and decks, and are hanging within 36 inches of the floor or ground.
- Ropes, cords, chains, or wires that are longer than 12 inches and can make a loop 5 inches or greater in diameter and are attached to secure objects.

It is not out of compliance if:
- Children play with lacing cards, stringing beads, yarn, ribbon, boondoggle, scarves, string, shoelaces, jump ropes, dress-up clothing with ties, purses with straps, and hanging jewelry.
- Children are properly strapped into feeding tables or highchairs with nylon safety straps.
- Lanyards and necklaces are used.
- There are accessible loose jump ropes.
- An electrical cord is plugged in (even when the cord is longer than 12 inches).

**Noncompliance Level**
Level 2 Noncompliance

(6) **Tripping hazards such as unsecured flooring, rugs with curled edges, or cords in walkways shall be inaccessible to children.**

**Rationale / Explanation**
Tripping hazards are found by CPSC to be some of the most common causes of injury. Prevention of slipping and tripping hazards is key to preventing injuries from falls. *CFOC 3rd ed. Standard 5.1.6.2. pp. 209-210; Standard 5.3.1.1. pp. 237-238.*
Compliance Assessment and Guidance
- This rule will be assessed in all areas used by children.
- Tripping hazards include:
  - Defective flooring with uneven edges coming up more than 1/4 inch from the floor level
  - Rugs with curled edges of more than 1/4 inch above the rug level
  - Electrical and other cords that are in or across indoor and outdoor walkways

Noncompliance Level
Level 2 Noncompliance

(7) For children younger than 5 years of age, empty plastic bags large enough for a child’s head to fit inside, latex gloves, and balloons shall be inaccessible to children.

Rationale / Explanation
Plastic bags pose a risk of suffocation for children. Of all children’s products, balloons are the leading cause of suffocation deaths according to the Consumer Product Safety Commission. Balloons and latex gloves can cause choking if a piece is accidentally breathed in or swallowed. Exposure to latex can trigger an allergic reaction in some children and adults. CFOC 3rd ed. Standard 5.5.0.7. p. 257; Standard 6.4.1.5. p. 285.

Compliance Assessment and Guidance
This rule applies to:
- Any plastic bag that is 9 inches in diameter or bigger (that includes gallon-size storage bags)
- Empty plastic bags in a roll that are in accessible drawers, cupboards, containers, open boxes, or dispensers
- Balloons whether or not inflated, even if the children are being actively supervised

This rule does not apply to:
- Bags smaller than 9 inches in diameter
- Plastic trash can liners inside of a trash can
- Plastic grocery bags for activities, such as making kites, with constant, active supervision
- A plastic bag that is tied in a knot
- Plastic bags, latex gloves, or balloons in a sealed box that has not yet been opened
- Latex gloves on a changing table, if they are only within reach of the child on the changing table
- Multiple use gloves
- Mylar balloons
- Balloons encased in other non latex material (such as nylon or tulle, but not in a second balloon)

Noncompliance Level
Level 2 Noncompliance

(8) Standing water that measures 2 inches or deeper and 5 by 5 inches or greater in diameter shall be inaccessible to children.

Rationale / Explanation
Drowning can happen in unlikely places, even when no swimming pool or natural body of water is nearby. According to statistics from the Centers for Disease Control, drowning occurs in various sources of standing water, such as bathtubs, water play tables, dog bowls, toilet bowls, simple buckets for cleaning, and coolers. Small children can drown within 30 seconds in as little as 2 inches of water. In addition, standing water is breeding ground for mosquitoes, which can spread

**Compliance Assessment and Guidance**

Here is a list of common places standing water may be found:

- Buckets and other containers (including mop buckets)
- Coolers and ice chests that contain water
- Water features such as fountains, bird baths, etc.
- Garbage cans or other similar containers
- Wheelbarrows
- Bathtubs

Standing water does not include:

- Water being used as part of a supervised project such as painting on the sidewalk with water
- Water in a water table
- Temporary puddle on the ground caused by rain or sprinklers
- Animal water bowls or enclosed water dispensers, unless the water is served in a bucket
- Toilets
- Fish bowls, fish tanks, and aquariums (except for fish ponds and similar water features)

**Noncompliance Level**

Level 1 Noncompliance

(9) **Toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable materials shall be:**

(a) inaccessible to children,
(b) used according to manufacturer instructions, and
(c) stored in containers labeled with their contents.

**Rationale / Explanation**

**Inaccessible**

There are more than 2 million poison exposures reported to poison control centers every year. Young children account for over half of those potential poisonings. The substances most commonly involved in poison exposures of children are cosmetics and personal care products, cleaning substances, and medications. Chemical products must be inaccessible to children. CFOC 3rd ed. Standard 5.2.9.1. pp. 228-229.

Flammable materials such as chemicals and cleaners should be stored in an area inaccessible to children. They account for the majority of burns to the head and face of children, and are also involved in unintentional ingestion by children. CFOC 3rd ed. Standard 5.5.0.5. p. 256.

**Used According to Instructions**

Children must be protected from exposure to toxic products including insecticides and pesticides. To prevent contamination and poisoning, child care staff must be sure that chemicals are used and applied by individuals who fully understand how to avoid risk to children. These substances should be used only in a manner that will not contaminate play surfaces, food, or food preparation areas. CFOC 3rd ed. Standard 5.2.8.1 pp. 226-227.

**Stored in Labeled Containers**

Toxic or hazardous chemicals should be stored in the original containers or if transferred to a container such as a spray bottle, must be labeled with the contents. This practice is to avoid
mistaking a toxic chemical for a harmless one. For example, an unlabeled bottle of bleach water used for sanitizing could be mistaken for plain water. *CFOC 3rd ed. Standard 5.2.9.1. p. 228-229.*

Rubbing alcohol looks like water. Even small amounts are poisonous to children. It is also poisonous to adults, who sometimes substitute rubbing alcohol for drinking alcohol. Rubbing alcohol can also be toxic when inhaled. It should be used in a well-ventilated area. In addition, because it is flammable, it should always be kept away from open flame. [www.poison.org](http://www.poison.org)

**Compliance Assessment and Guidance**

Refer to the following guidelines:
- Toiletries (products used to clean and/or groom one’s body, including hair dye) will not be considered chemicals or cleaners. This includes hand sanitizers, even those containing alcohol.
  - Nail polish remover, and contact lens cleaner solutions will be considered chemicals and have to be made inaccessible to children.
- Dish soap and laundry detergent are cleaners and must be inaccessible to children. However, dish soap and borax may be used for educational purposes only in a carefully supervised activity. This means a caregiver is within arm’s reach of the children and providing constant, active supervision; and the caregiver does not leave until the materials are made inaccessible.
- A cleaning bucket that contains a chemical and is in use does not need to be labeled with its contents.
- A bucket does not need to be labeled if used to carry or store labeled containers of chemicals.
- A sanitizing solution that is accessible to a child on a changing table will not be considered out of compliance as long as it is inaccessible to all children who are not being changed.
- Gasoline and other similar products enclosed in a vehicle or equipment, such as a lawn mower, are not considered accessible.

**Noncompliance Level**

Level 2 Noncompliance

(10) **Items and substances that could burn a child or start a fire shall be inaccessible, such as:**

(a) matches or cigarette lighters;
(b) open flames;
(c) hot wax or other substances; and
(d) when in use, portable space heaters, wood burning stoves, and fireplaces of all types.

**Rationale / Explanation**

The CPSC estimates that 150 deaths occur each year from fires started by children playing with lighters. Children younger than 5 years old account for most of these fatalities. Matches have also been the source of fire-related deaths. Children may hide in a closet or under a bed when faced with fire, leading to fatalities. *CFOC 3rd ed. Standard 5.5.0.6. p. 257.*

Because they could burn a child or start a fire, all types of lighters should be inaccessible to children, including long-reach lighters that are used to light fireplaces, grills, etc.

Children are at risk of burns from open flames. Fires may also be accidentally started by open flames, such as a burning candle, flare, or lantern. *CFOC 3rd ed. Standard 5.5.0.6. p. 257.*

Hot liquids and substances such as hot wax and glue can burn children. The most common burn suffered by young children is scalding from hot liquids tipped over in the kitchen. The skin of
young children is much thinner than that of adults and can burn at temperatures that adults find comfortable. In a recent study, 90.4% of scald injuries to children under age five were related to hot cooking or drinking hot liquids. *CFOC 3rd ed. Standard 4.5.0.9. p. 181.*

Portable space heaters, fireplaces, and wood burning stoves are all hot enough to burn children when in use. They can also start fires when heating elements, flames, or hot surfaces are too close to flammable materials, including children's clothing. In addition, fireplaces and wood burning stoves can be sources of toxic products of combustion. *CFOC 3rd ed. Standards 5.2.1.11.- 5.2.1.13. pp. 215-216.*

**Compliance Assessment and Guidance**

Refer to the following guidelines:
- Candles on a birthday cake or cupcake may be used as long as an adult is in constant arm’s reach of the lit candles until the candles are blown out.
- A fireplace pilot light will not be considered a violation.
- A space heater is any heater that can be moved and is not permanently installed into the wall. This includes convection heaters, infrared heaters, patio heaters, and space heaters that are manufactured to look like fireplaces. This rule applies to all types of fireplaces including electric, gas, and infrared fireplaces.
- Space heaters, wood burning stoves, and fireplaces of any type will be in compliance when:
  - They are not used while children are in care.
  - If used while children are in care, they must be inaccessible to children (A baby gate may make a piece of heating equipment inaccessible if the gate is attached to the wall on both sides and is at least 36 inches away from all sides of the heating equipment).
  - The provider has documentation from the manufacturer that a specific piece of heating equipment is safe for children to touch, and therefore may be accessible and used while children are in care.

If accessible to children, items considered out of compliance include:
- A cigarette lighter, whether or not the lighter contains fluid
- Plug-in warmers that contain melted wax or hot oil
- Hot glue guns, irons, and hair styling irons that are plugged in.
- Hot liquids, foods, and substances in an appliance (such as a crock pot or coffee pot)
- Electrical cords from an appliance containing a hot substance that children could pull down

**Noncompliance Level**

Level 1 Noncompliance if open flames are accessible to children.

Level 2 Noncompliance otherwise

(11) **Children shall be protected from items that cause electrical shock such as:**

(a) live electrical wires; and
(b) for children younger than 5 years of age, electrical outlets and surge protectors without protective caps or safety devices when not in use.

**Rationale / Explanation**

Preventing children from touching electrical wires or placing objects or fingers into exposed electrical outlets prevents electrical shock, electrical burns, and potential fires. Oral injuries can also occur when young children insert a metal object into an outlet and try to use their teeth to extract the object. The combination of electricity and mouth moisture closes the electrical circuit, and can lead to serious lifelong injuries. *CFOC 3rd ed. Standard 5.2.4.2. p. 219.*
Compliance Assessment and Guidance
Refer to the following additional guidelines:

• Exposed electrical wires (the metal is exposed) will be treated as if current is running through them and will not be tested to determine compliance; they will be considered live.
• In areas used by children younger than 5 years old, electrical outlets and surge protectors must be inaccessible or have protective caps or safety devices when not in use. This includes areas within 36 inches from:
  - Any sleeping surface used by infants, toddlers, and preschoolers
  - Any surface in a bathroom where a child could climb or stand, such as a bathtub, toilet or counter

The outlets and surge protectors that must be inaccessible to children younger than 5 years old include:
• GFCI Protected outlets (A grounded outlet is one that has holes for three prongs and must be inaccessible or have a protective cover unless it is tamper resistant. However, the bottom grounding hole is not required to be covered or protected.)
• All unused plugs in surge protectors must be covered. Some surge protectors pose a fire hazard if covered with individual safety caps. There are covers that encase the entire surge protector that may be safer to use.

Acceptable ways to protect or cover outlets (receptacles) include:
• Have tamper-resistant receptacles installed. They appear to have the slots filled in and are labeled “TR” between the two slots or with the words “tamper-resistant.”
• Use individual outlet caps to cover all openings in the outlet or surge protector.
• Install an electrical outlet cover (or safe plate) that sits on top of the existing outlet.
• Replace existing outlet covers with safe plate slide covers that have spring-loaded shutters that cover the outlet openings.
• Cover receptacle openings by using an item, such as a doorbell box or deodorizer, that plugs into one plug and covers the entire outlet.

Noncompliance Level
Level 1 Noncompliance if
• An exposed live electrical wire is accessible.

Level 2 Noncompliance if:
• An electrical outlet or surge protector is without a protective cap or safety device when not in use and is accessible to children younger than 5 years old.

(12) Unless used and stored in compliance with the Utah Concealed Weapons Act or as otherwise allowed by law, firearms such as guns, muzzle loaders, rifles, shotguns, hand guns, pistols, and automatic guns shall:
(a) be locked in a cabinet or area with a key, combination lock, or fingerprint lock; and
(b) stored unloaded and separate from ammunition.

Rationale / Explanation
Approximately 20,000 children are taken to emergency departments for firearm-related injuries every year and the majority of these injuries are accidental. Younger children are more likely to be unintentionally injured, and the majority of these accidental shootings occur in homes. It is critical that firearms be properly locked. “Pediatric Firearm-Related Injuries in the United States” (Parikh K, et al. Hosp Pediatr. May 23, 2017).
The following is an informational news report about guns and gun safety:

Compliance Assessment and Guidance
The following guidelines apply to the assessment of this rule:
- Firearms include guns, muzzle loaders, rifles, shotguns, hand guns, pistols, and automatic guns.
- Guns that are dismantled and do not contain a trigger mechanism are not considered a firearm.
- Firearms must be stored unloaded. Ammunition may be stored in the same area as the firearm as long as the area is locked according to rule.
- When an old or antique gun is used as decoration and cannot be fired, the provider will need to apply for a variance that includes documentation from a gunsmith that the specific gun cannot be fired.

It is out of compliance if:
- A firearm is stored in a room, cabinet, or area that can be unlocked by swiping an app on a cell phone.
- A trigger lock is used as an alternative to storing firearms in a locked cabinet or area as described in rule.

When assessing the storage of firearms, a licensor will:
- Ask if there are firearms on the property.
- If yes, observe where each firearm is stored.
- Verify that each firearm is actually locked in a room or other area with a key, combination lock, or fingerprint lock by checking the doorknob, handle or lock.
- Assess the storage of firearms in outbuildings by verifying that the building is locked with a key or combination lock, or if the building is not locked, then verify that the firearm is in a cabinet or other area that is locked with a key, combination lock, or fingerprint lock.
- If a firearm is stored in a vehicle that is not used to transport children, check that the vehicle is locked with a key or keypad.
- If a firearm is stored in a vehicle that is used to transport children, check that the firearm is locked with a key, combination lock, or fingerprint lock within the vehicle.

Noncompliance Level
Level 1 Noncompliance

(13) Weapons such as paintball guns, BB guns, airsoft guns, sling shots, arrows, and mace shall be inaccessible to children.

Rationale / Explanation
The potential for injury to and death of children due to firearms and weapons is apparent. Children have a natural curiosity about firearms and other weapons, and they have seen their use glamorized on television. These items should not be accessible to children in a child care facility. CFC 3rd ed. Standard 5.5.0.8. p. 257; Standard 9.2.3.16. p .363.

Compliance Assessment and Guidance
A weapon is defined as an item for which the intended use can cause harm or death to people or animals. Paintball guns, BB guns, Airsoft guns, stun guns, sling shots, arrows, and mace are some examples of weapons, and must be inaccessible to children in care.

For assessing compliance to this rule, a licensor will:
• Ask if there are weapons on the property.
• If yes, observe where each weapon is stored including outbuildings and vehicles on the property.
• Verify that each weapon is inaccessible to children.
• Refer to the following guidelines:
  - Bows (if arrows are inaccessible) can be accessible.
  - Crossbows (with or without arrows) must be inaccessible.
  - Arrows must be inaccessible.

**Noncompliance Level**
Level 1 Noncompliance

(14) Alcohol, illegal substances, and sexually explicit material shall be inaccessible, and shall not be used on the premises, during offsite activities, or in center vehicles any time a child is in care.

**Rationale / Explanation**
Alcohol, illegal substances, and sexually explicit material must be inaccessible to prevent potential ingestion or exposure. The age, defenselessness, and lack of mature judgement of children in care make the prohibition of alcohol, illegal substances, and sexually explicit material an absolute requirement in child care programs. **CFOC 3rd ed. Standard 3.4.1.1. pp. 118-119; Standard 9.2.3.15. p. 363.**

**Compliance Assessment and Guidance**
Refer to the following guidelines:
• In addition to making sexually explicit materials inaccessible to children, the facility must be free of any depiction of nudity in a lascivious manner through pictures, posters, or media while children are in care.
• The facility must be free of any illegal substances. Illegal substances are any items that by law are not allowed to be produced, consumed, sold, or present in the facility.
• Alcohol and illegal substances are considered being used when there are open bottles of alcohol or when alcohol or illegal substances are served or consumed in the facility while children are in care.

**Noncompliance Level**
Level 1 Noncompliance

(15) An outdoor source of drinking water, such as individually labeled water bottles, a pitcher of water and individual cups, or a working water fountain shall be available to each child whenever the outside temperature is 75 degrees or higher.

**Rationale / Explanation**
To prevent dehydration, clean, sanitary drinking water should be readily available in indoor and outdoor areas throughout the day. Children need additional water as physical activity and/or hot temperatures cause their needs to increase. Water needs vary among young children and increase during times in which dehydration is a risk (e.g., hot summer days, during exercise, and in dry days in winter).

**Compliance Assessment and Guidance**
Refer to the following guidelines in the assessment of this rule:
• The outdoor temperature can be measured by any available electronic means including a cell phone.
• When the outdoor source of drinking water is an outside drinking fountain, the fountain must be in working order.
• Drinking water may come from a hose as long as the hose is attached to a source of culinary water (the same water that is used inside), and not a secondary water source (such as water used to irrigate or water gardens and lawns).
• Water must be accessible to the children in their play area. If a drinking fountain is behind a closed gate, it is not considered available and is a rule violation.

Noncompliance Level
Level 1 Noncompliance if:
• Children do not have an outdoor source of drinking water and the temperature is 90 degrees or higher.

Level 2 Noncompliance otherwise.

(16) Areas accessible to children shall be free of heavy or unstable objects that children could pull down on themselves, such as furniture, unsecured televisions, and standing ladders.

Rationale / Explanation
Children have suffered serious injuries and death due to unstable heavy equipment falling on them. The Consumer Product Safety Commission (CPSC) estimates that:
• Every 30 minutes a child in the U.S. is injured as a result of a TV or furniture tip-over incident.
• Two-thirds of TV and furniture tip-over fatalities involve toddlers.
• A TV can fall with the force of thousands of pounds. That is 10 times more powerful than being hit by a NFL lineman.
• On average, one child dies every two weeks from being crushed by a television set.

Even though televisions are heavy, they are not stable. Older, boxy TVs have most of their weight in front, which makes them easy to topple. New flat-screen TVs have their weight more evenly distributed but are often much larger, and can easily tip if not secured.

CPSC recommends the following to help prevent tip-over accidents:
• Anchor furniture (including entertainment units, TV stands, bookcases, shelving, and bureaus) to the floor or wall using appropriate hardware, such as brackets, screws, or toggle bolts.
• Place televisions on low, sturdy furniture or a base manufactured for that purpose.
• Place televisions on other furniture only if the furniture is anchored to the wall or floor, the TV is pushed as far back on the furniture as possible, and the TV is anchored to the wall or the anchored furniture.
• Keep remote controls, toys, and other items that might attract children off TV stands or furniture.
• Keep TV and/or cable cords out of reach of children.
• Make sure freestanding kitchen ranges and stoves are installed with anti-tip brackets.
• Never leave children alone in rooms where these safety tips have not been followed.

For more information, refer to:
• https://www.anchorit.gov/why-anchor-it/
• https://www.cpsc.gov/content/anchor-for-safety-tv-and-furniture-tip-over-related-deaths-and-injuries-not-slowing-down
Compliance Assessment and Guidance

Refer to the following guidelines in the assessment of accessible rooms and areas for unstable objects:

• Visually check that heavy furniture or other objects that are higher than 3 feet are stable. This includes:
  - Freestanding kitchen ranges and stoves, entertainment units, TV stands, bookcases, shelving, and bureaus that are higher than 3 feet.
  - Vehicles on jack stands or blocks, piles of wood, bales of straw, loose stacked cinder blocks or other solid objects.
• It is not necessary to shake furniture or other heavy objects to determine stability. Furniture or a heavy object that is noticeably unstable will be out of compliance.
  - Unstable furniture means that the furniture is compromised in some way (e.g. missing or loose legs, leaning, etc.). A dresser with more than one fully open drawer will be considered unstable.
  - To be in compliance, unstable furniture or objects that are higher than 3 feet need to be made stable, secured, or anchored.
• It is out of compliance if there is a heavy object (such as a TV) on unstable furniture of any height.

Refer to the following guidelines in the assessment of accessible rooms and areas for television and other equipment screens that are required to be anchored:

• Only assess screens that are larger than 19 inches and accessible to children.
  - Accessible means that the screen and/or attached cords are lower than 36 inches.
  - A 19-inch or smaller screen or TV is not required to be anchored. If necessary to determine the size of the screen, measure the screen diagonally from corner to corner on the inside of the frame. For more information, visit: http://www.wikihow.com/Measure-a-TV
  - If the screen is larger than 19 inches and accessible, it must be securely anchored, mounted, or tied to a stable structure to be in compliance with rule. A television that is built into a stable cabinet or similar piece of furniture is considered anchored.
  - Even if the equipment screen is inaccessible, if the equipment cords are accessible so children could pull the screen down, the screen must be anchored.

Refer to the following guidelines in the assessment of accessible areas for standing ladders:

• Ladders permanently attached to a structure, such as a shed or treehouse, and ladders lying down are not out of compliance.

Noncompliance Level
Level 2 Noncompliance

(17) Hot water accessible to children shall not exceed 120 degrees Fahrenheit.

Rationale / Explanation
Tap water that is too hot is a common cause of scald injuries in children. Children younger than 6 years old are the most frequent victims of non-fatal burns. Water heated to temperatures greater than 120 degrees Fahrenheit takes less than thirty seconds to burn the skin. If the water is heated to 120 degrees Fahrenheit it takes two minutes to burn the skin. That extra two minutes could provide enough time to remove the child from the hot water source and avoid a burn. CFOC 3rd ed. Standard 5.2.1.14. p. 216.

Compliance Assessment and Guidance
Refer to the following guidelines:

• Water temperature must be assessed in one handwashing sink connected to each hot water
heater when there is more than one hot water heater in the building.

- When there is only one hot water heater in the building, the water temperature will be measured at only one handwashing sink used by the children.
- Hot water will be measured by holding a thermometer in the running water until the temperature stops rising.
- In an effort to conserve water, there is no need to continue measuring once the temperature reaches 128 degrees Fahrenheit.
- Water temperature will be measured at each portable sink and each sink with a mixing valve that is used by children.
- If a hot water tank indicates the water temperature on a digital gauge, this measurement will be used as the assessment. In this case, there is no need to assess the water temperature at a handwashing sink connected to the water heater.
- Water faucets with motion detector shut-offs do not ensure compliance with this rule. When assessing the temperature of water from faucets with motion detector shut-offs, the licensor will restart the water flow as often as necessary until the temperature on the thermometer stops rising.
- Due to the variable accuracy of hot water thermometers, this rule is not considered out of compliance unless the temperature measures 123 degrees Fahrenheit or hotter.

**Noncompliance Level**

**Level 2 Noncompliance if:**
- The water temperature is 128 degrees Fahrenheit or higher.

**Level 3 Noncompliance if:**
- The water temperature is between 123 and 127.9 degrees Fahrenheit.

(18) **Highchairs shall have T-shaped safety straps or devices that are used whenever a child is in the chair.**

**Rationale / Explanation**

Highchairs need a T-shaped safety strap or device to prevent children from sliding out of the highchair and falling to the ground, or sliding partway out and becoming entrapped and posing the risk of strangulation. *CFOC 3rd ed. Standard 5.3.1.8. pp. 241-242.*

**Compliance Assessment and Guidance**

Refer to the following guidelines:
- Booster seats are considered a highchair.
- If the chair is on or low to the floor so the child’s feet touch the ground while sitting in the chair, a T-shaped strap or device is not required.

**Noncompliance Level**

**Level 1 Noncompliance if:**
- The highchair does not have a T-shaped safety strap or device and is used by infants or toddlers.

**Level 2 Noncompliance if:**
- The highchair does not have a T-shaped safety strap or device and is used by older children.

(19) **Infant walkers with wheels shall be inaccessible to children.**

**Rationale / Explanation**

Because many injuries, some fatal, have been associated with the use of walkers and because
there is no clear developmental benefit from their use, the American Academy of Pediatrics has recommended that they not be used. Walkers are dangerous because they move children around too fast and to hazardous areas such as stairs. The upright position also brings children closer to objects that they can pull down on themselves. *CFOC 3rd ed. Standard 5.3.1.10. pp. 242-243.*

**Compliance Assessment and Guidance**

These guidelines apply to the assessment of this rule:

- A walker is a piece of equipment that is designed for a child to sit in and use their legs to move from one place to another. A device that has a seat that rotates, but does not have wheels that move the child around the room is not considered an infant walker.
- A walker with wheels used by a child with a disability is not out of compliance.

**Noncompliance Level**

Level 2 Noncompliance

(20) In compliance with the Utah Indoor Clean Air Act, tobacco, e-cigarettes, e-juice, e-liquids, and similar products shall be inaccessible and not used:

(a) in the facility or any other building when a child is in care,
(b) in any vehicle that is being used to transport a child in care,
(c) within 25 feet of any entrance to the facility or other building occupied by a child in care, or
(d) in any outdoor area or within 25 feet of any outdoor area occupied by a child in care.

**Rationale / Explanation**

Scientific evidence has linked respiratory health risks to secondhand smoke. No children, especially those with respiratory problems, should be exposed to additional risk from the air they breathe. Infants and young children exposed to secondhand smoke are at risk of developing bronchitis, pneumonia, and middle ear infections when they experience common respiratory infections. The age, defenselessness, and lack of mature judgment of children in care make the prohibition of tobacco and tobacco products an absolute requirement. *CFOC 3rd ed. Standard 3.4.1.1. pp. 118-119. Standard 9.2.3.15. p. 363.*

This rule is in accordance with the Utah Indoor Clean Air Act, R392-510.

**Compliance Assessment and Guidance**

Tobacco and similar products such as the following must be inaccessible and not used on the premises, in vehicles, or in the presence of any child in care:

- Ashtrays with cigarettes and cigarette butts
- Chewing tobacco
- Cigars
- Cigarettes and cigarette butts
- E-cigarettes and E-liquid (E-juice)
- Pipes
- Vaporizers (not to be mistaken for a humidifier or steam vaporizer)

These products may not contain tobacco, but do contain harmful ingredients and are treated as a tobacco product.

Whenever a child is in care, the provider shall ensure that tobacco is not used:

- In the facility or any other building used by a child in care.
- In any vehicle that is being used to transport a child in care.
- Within 25 feet of any building, entrance, exit, window, or air intake on a building used by a child in care.
• In any outdoor area where a child in care plays, or within 25 feet of any outdoor area where a child in care plays.

**Noncompliance Level**
Level 1 Noncompliance if:
• Tobacco or a similar product is used any place indoors, in a vehicle, or within 25 feet of the entrance or exit of the building, a window, the outdoor play area, or a child.

Level 2 Noncompliance if:
• Tobacco or a similar product is accessible to any child is in care.