

10A NCAC 09 .1719 REQUIREMENTS FOR A SAFE INDOOR/OUTDOOR ENVIRONMENT

(a) The operator of a family child care home (operator) shall provide a physically safe and healthy indoor and outdoor environment that meets the developmental needs of children in care, including but not limited to the following:

- (1) keep all areas used by the children, both indoors and outdoors, clean and orderly and free of items that are potentially hazardous to children. Potentially hazardous items including but not limited to, power tools, nails, chemicals, propane stoves, lawn mowers, and gasoline or kerosene whether or not intended for use by children, shall be stored in locked areas, removed from the premises, or otherwise inaccessible to children. This includes the removal of items that a child can swallow. In addition, loose nails or screws and splinters shall be removed on inside and outside equipment;
- (2) empty firearms of ammunition and keep both in separate, locked storage;
- (3) keep all materials used for starting fires, such as matches, lighters, and accelerants in locked storage;
- (4) store all combustible materials that may create a fire hazard according to the instructions on the product label;
- (5) medications including prescription and non-prescription items shall be stored in a locked cabinet or other locked container. Designated emergency medications shall be stored out of reach of children at least five feet high, but are not required to be in locked storage. For purposes of this Rule, designated emergency medications are those that are used or needed for the immediate recovery from a life-threatening event and include Glucagon, epinephrine auto-injector, diazepam rectal installation and albuterol;
- (6) keep hazardous cleaning supplies and other items that might be poisonous, e.g., toxic plants, out of reach or in locked storage when children are in care; A list of toxic plants may be found on the Division's website at https://ncchildcare.ncdhhs.gov/pdf_forms.form16b_bb.pdf;
- (7) keep all corrosive agents, pesticides, bleaches, detergents, cleansers, polishes, any product that is under pressure in an aerosol dispenser, and any substance which may be hazardous to a child if ingested, inhaled, or handled shall be kept in its original container or in another labeled container, used according to the manufacturer's instructions, and stored in a locked area when not in use. Locked areas shall include those that are unlocked with a combination, electronic, or magnetic device, key, or equivalent locking device. These unlocking devices shall be kept out of the reach of a child and shall not be stored in the lock. Toxic substances shall be stored below or separate from medications and food. Any product not listed in this Paragraph that is labeled "keep out of reach of children" without any other warnings shall be kept inaccessible to children when not in use, but is not required to be kept in locked storage. The product shall be considered inaccessible to children when stored on a shelf or in an unlocked cabinet that is mounted a minimum vertical distance of five feet above the finished floor;
- (8) ensure potential biocontaminants are stored in locked areas, or removed from the premises or otherwise inaccessible to children, or disposed of in a covered, plastic-lined receptacle;
- (9) keep First Aid supplies in a place accessible to the operator;
- (10) keep tobacco products in locked storage when children are in care. Children shall be in a smoke free and tobacco free environment. The operator and staff shall not smoke or use any product containing, made or derived from tobacco, including cigarettes, e-cigarettes, cigars, little cigars, smokeless tobacco, and any device used to inhale or ingest tobacco products at any time during operating hours on the premises of the family child care home, on vehicles used to transport children, or during any off premise activities;
- (11) notify the parent of each child enrolled in the facility, in writing, of the smoking and tobacco restriction;
- (12) have a working telephone within the family child care home. A telephone located in an area of the family child care home that is sometimes locked during the time the children are present shall not be the only phone available during operating hours. Telephone numbers for the fire department, law enforcement office, emergency medical service, and poison control center shall be posted in a location visible in the home;
- (13) have access to a means of transportation that is available for emergency situations;
- (14) have a First Aid information sheet posted in a place for quick referral by staff members. The information sheet shall include First Aid guidance regarding burns, scalds, fractures, sprains, head injuries, poisons, skin wounds, stings and bites. A child care operator may request a First Aid

information sheet from the North Carolina Child Care Health and Safety Resource Center at 1-800-367-2229;

- (15) conduct a monthly fire drill;
 - (16) conduct a "shelter-in-place drill" or "lockdown drill" as defined in 10A NCAC 09 .0102 every three months and records shall be maintained as required by 10A NCAC 09 .1721(e)(7);
 - (17) check the indoor and outdoor environment daily for debris, vandalism, broken equipment and animal waste. The operator shall keep all areas used by the children, indoors and outdoors, clean and orderly and free of items which are potentially hazardous to children. This includes the removal of items that a child can swallow and use of outdoor play equipment that is too hot to touch. In addition, loose nails or screws and splinters shall be removed on inside and outside equipment;
 - (18) not have plastic bags, toys, and toy parts small enough to be swallowed accessible to children under three years of age. This includes materials that can be easily torn apart such as foam rubber and Styrofoam, except that Styrofoam plates may be used for food service and larger pieces of foam rubber may be used for supervised art activities;
 - (19) ensure that jump ropes and rubber bands are not accessible to children under five years of age without adult supervision. Balloons shall be prohibited for children of all ages;
 - (20) teacher-made and home-made equipment and materials may be used if they are safe and functional. Materials and equipment that are accessible to children shall not be coated or treated with, nor shall they contain, toxic materials such as creosote, pentachlorophenol, tributyl tin oxide, dislodgeable arsenic and any finishes which contain pesticides;
 - (21) ensure the equipment and toys are in good repair and are developmentally appropriate for the children in care;
 - (22) ensure that all stationary outdoor equipment is anchored and is not installed over concrete or asphalt. Footings that anchor the equipment shall not be exposed;
 - (23) ensure that any openings in equipment, steps, decks, and handrails shall be smaller than 3½ inches or greater than 9 inches to prevent entrapment;
 - (24) ensure that all commercially manufactured equipment and furnishings shall be assembled and installed according to procedures specified by the manufacturer;
 - (25) ensure that a shaded area is available to children in the outdoor learning environment. The shade may be provided by a building, awnings, trees, or other methods;
 - (26) mount electric fans out of the reach of children or have a mesh guard on each fan;
 - (27) cover all electrical outlets not in use and remove cracked, or frayed cords in occupied outlets;
 - (28) ensure that, for appliances with heating elements, such as bottle warmers, crock pots, irons, coffee pots, or curling irons, neither the appliance nor any cord, is accessible to children;
 - (29) indoor and outdoor stairs with more than two steps that are used by the children shall be railed. Indoor stairs with more than two steps shall be made inaccessible to children in care who are two years old or younger; and
- (b) When animals are on the premises, the following shall apply:
- (1) all household pets shall be vaccinated with up-to-date vaccinations as required by North Carolina law and local ordinances. Rabies vaccinations are required for cats and dogs;
 - (2) animal cages shall be kept free of animal waste; and
 - (3) prior to enrollment of children in a family child care home, and before new animals come into the family child care home, the family child care home operator shall obtain each parent's signature on a form acknowledging the type of animal located on the premises and where the animal will be kept during operating hours. This documentation shall be maintained in each child's file.

History Note: Authority G.S. 110-85; 110-88; 110-91(3),(4),(5),(6);
Eff. July 1, 1998;
Amended Eff. May 1, 2012; April 1, 2001;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017;
Amended Eff. September 1, 2019.