

# HOUSE RESEARCH

## Bill Summary

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**Version:** Third Engrossment

**Authors:** Wilkin and others

**Subject:** Use of swimming pools at licensed family day care or group family day care homes

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### Overview

This bill establishes licensing requirements and standards for family day care and group family day care providers to allow children in care to use swimming pools located at the day care home. It also provides immunity from liability to a municipality for claims arising out of the use of a swimming pool located at a family day care or group family day care home under certain circumstances.

### Section

- 1 **Pools at family day care or group family day care homes.** Amends § 144.1222, by adding subd. 2a. Provides that a swimming pool located at licensed family day care or group family day care home is not a public pool and is exempt from the regulatory requirements for public pools. Requires that a provider meet the requirements in section 245A.14, subdivision 10 (section 2 of the bill), if the provider chooses to allow children who are cared for at the family day care or group family day care home to use the swimming pool located at the home.
- 2 **Swimming pools; family day care and group family day care providers.** Amends § 245A.14, by adding subd. 10. (a) Provides that a family day care or group family day care provider is eligible to allow a child in care to use a swimming pool located at the day care home if the provider has not had a licensing sanction or correction order or conditional license relating to the supervision or health and safety of children during the prior 24 months and the provider satisfies the following requirements:
  - notifies the county agency before initial use of the swimming pool and annually thereafter;
  - obtains annual written consent from a child's parents or legal guardian allowing the child to use the swimming pool. The written consent must include materials from the department of health regarding the risk of disease and other health risks associated with swimming pools and a statement that the department of health, department of human

services, and county will not monitor or inspect the provider's swimming pool to ensure compliance with the requirements in this section;

enters an annual written contract with a child's parents or legal guardian that specifies that the provider agrees to perform all requirements in this section;

attends and successfully completes a swimming pool operator training course once every five years. Specifies acceptable pool training courses;

requires a caregiver trained in first aid and child cardiopulmonary resuscitation to supervise and be present at the pool with children using the swimming pool; and

meets several other requirements relating to maintaining the health and safety of children using the swimming pool.

(b) Provides that a violation of the notice, written consent, and written contract requirements in paragraph (a) are grounds for a sanction or correction order or conditional license.

(c) Prohibits a provider from continuing to allow children in care to use the swimming pool located at the day care home if the provider receives a licensing sanction or correction order or conditional license relating to the supervision or health and safety of children in care.

- 3     **Licensing of providers.** Amends § 466.03, subd. 6d. Provides that a municipality shall be immune from liability for a claim arising out of the use of a swimming pool located at a family day care or group family day care home unless the municipality had actual knowledge of a provider's failure to meet the licensing standards related to the use of the pool that resulted in a dangerous condition that foreseeably threatened the plaintiff.