

IN THE SENATE

SENATE BILL NO. 1034

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO FOSTER HOMES; AMENDING CHAPTER 12, TITLE 39, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 39-1211B, IDAHO CODE, TO ESTABLISH PROVISIONS  
3 REGARDING FOSTER HOME HEALTH AND SAFETY REQUIREMENTS; PROVIDING THAT  
4 CERTAIN ADMINISTRATIVE RULES CONTAINED IN IDAPA 16.06.02 SHALL BE NULL,  
5 VOID, AND OF NO FORCE AND EFFECT; AND DECLARING AN EMERGENCY.  
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 12, Title 39, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 39-1211B, Idaho Code, and to read as follows:

11 39-1211B. FOSTER HOME HEALTH AND SAFETY REQUIREMENTS. (1) Foster  
12 homes licensed by the department shall meet the health and safety require-  
13 ments described in this section.

14 (2) The living space of a home licensed by the department must have:

15 (a) An adequate supply of safe drinking water. In cases of non-munici-  
16 pal water, the department may test for safety;

17 (b) A properly operating kitchen with a sink, refrigerator, stove, and  
18 oven;

19 (c) At least one (1) toilet, sink, and tub or shower in operating condi-  
20 tion;

21 (d) Heating and cooling as required by the geographic area, consistent  
22 with accepted community standards and in safe operating condition; and

23 (e) A working phone or access to a working phone in close walking prox-  
24 imity.

25 (3) The applicant's home, grounds, and all structures on the grounds of  
26 the property must be properly maintained in a clean, safe, and sanitary con-  
27 dition and in a reasonable state of repair within community standards. The  
28 interior and exterior must be free from dangerous objects, conditions, and  
29 hazardous materials.

30 (4) The home shall have adequate lighting and ventilation, proper trash  
31 disposal, and, if recycling is available, proper recycling disposal.

32 (5) The home shall be free from rodent and insect infestation.

33 (6) The home shall have proper water heater temperature.

34 (7) Medications, poisonous materials, cleaning supplies, other haz-  
35 ardous materials, and alcoholic beverages in the home shall be stored such  
36 that they are not accessible by a child.

37 (8) Any pet or domestic animal that is suspected or known to be danger-  
38 ous shall be kept in an area inaccessible to children. Dogs shall be vac-  
39 cinated for rabies and comply with the provisions of section 25-2810, Idaho  
40 Code.

41 (9) Swimming pools, hot tubs, and spas shall meet all state, tribal, and  
42 local safety requirements. Additionally:

- 1 (a) Swimming pools shall have a barrier on all sides;  
2 (b) Swimming pools shall have their methods of access through the bar-  
3 rier equipped with a safety device, such as a bolt lock;  
4 (c) Swimming pools shall be equipped with a life saving device, such as  
5 a ring buoy;  
6 (d) If a swimming pool cannot be emptied after each use, it shall have a  
7 working pump and filtering system; and  
8 (e) Hot tubs and spas shall have safety covers that are locked when not  
9 in use.
- 10 (10) The home shall have at least one (1) functioning smoke detector on  
11 each level of occupancy of the home and at least one (1) functioning smoke  
12 detector near all sleeping areas.
- 13 (11) The home shall have at least one (1) functioning carbon monoxide  
14 detector on each level of occupancy of the home and at least one (1) function-  
15 ing carbon monoxide detector near all sleeping areas. A living space that  
16 does not have equipment that produces carbon monoxide or does not have an at-  
17 tached garage is exempt from this requirement.
- 18 (12) The home shall:
- 19 (a) Have at least one (1) operable fire extinguisher that is readily ac-  
20 cessible;
- 21 (b) Be free of obvious fire hazards such as defective heating equipment  
22 or improperly stored flammable materials;
- 23 (c) Have a written fire emergency evacuation plan posted in a prominent  
24 place in the home and reviewed with children placed for foster care;
- 25 (d) Maintain a comprehensive list of emergency telephone numbers, in-  
26 cluding poison control, posted in a prominent place in the home; and  
27 (e) Maintain first aid supplies.
- 28 (13) The home shall provide a safe sleeping space, including sleeping  
29 supplies such as a mattress and linens or appropriate cribs for each individ-  
30 ual child, as appropriate for the child's needs and age and similar to other  
31 household members. Foster parents may not co-sleep or bed-share with in-  
32 fants.

33 SECTION 2. The rules contained in IDAPA 16.06.02, Department of Health  
34 and Welfare, relating to Foster Care Licensing, Section 230., Section 232.,  
35 and Section 233. shall be null, void, and of no force and effect on and after  
36 the effective date of this act.

37 SECTION 3. An emergency existing therefor, which emergency is hereby  
38 declared to exist, this act shall be in full force and effect on and after its  
39 passage and approval.