



Indiana Child Care Licensing Laws: Healthy Food, Physical Activity and Screen Time Summary

Child care providers are important partners in helping children learn how to eat healthy and be physically active. Indiana requires licensure of certain child care providers, and the licensing requirements include regulations about providing nutritious food and active play. The Public Health Law Center has reviewed the child care licensing statutes and regulations to identify the how the setting is defined, how it is regulated, and who is exempt from regulation. The review also identifies the public health requirements for child care providers (nutrition, active play, screen-time limitations, etc.). We have created several resources, including highlighted statutes and regulations and a detailed chart with key child care licensing components, found here: <http://www.publichealthlawcenter.org/resources/healthy-child-care/in>. This resources provides a summary of Indiana statutes and regulations impacting healthy food, physical activity and screen time.

	Child Care Licensing Laws/Regulations (relevant provision and citation)				
	School-Age Programs	Registered Day Care Ministries	Exempted Day Nursery	Child Care Centers	Child Care Homes
Ages covered	• 5-years-old – 15-years-old ¹	• Ages covered unclear	• Ages covered unclear	• Infant – 13-years-old ²	• Ages covered unclear

	Child Care Licensing Laws/Regulations (relevant provision and citation)				
	School-Age Programs	Registered Day Care Ministries	Exempted Day Nursery	Child Care Centers	Child Care Homes
Beverages—water	<ul style="list-style-type: none"> • Drinking water must be readily available to all children.³ 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Water must be available to children either through a drinking fountain or individual single service cups.⁴ 	<ul style="list-style-type: none"> • Drinking water shall be freely available to all children during all hours. Water shall be offered to toddlers between meals.⁵ 	<ul style="list-style-type: none"> • Drinking water shall be available at all times.⁶
Beverages—milk, juice, other	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • The center shall serve whole milk to children under two (2) years of age unless a physician orders a specific substitution. Reconstituted dry milk or fat free milk should not be served to any children.⁷ • 100% fruit juice with no added sugar is allowed at breakfast and snacks, but competing beverage shall not be served with milk at lunch or dinner.⁸ • Ades, soft drinks, and powdered drinks are not allowed.⁹ 	<ul style="list-style-type: none"> • Not addressed in regulations

	Child Care Licensing Laws/Regulations (relevant provision and citation)				
	School-Age Programs	Registered Day Care Ministries	Exempted Day Nursery	Child Care Centers	Child Care Homes
Beverages—sugar-sweetened beverages	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Ades, soft drinks, and powdered drinks are not allowed. ¹⁰	• Not addressed in regulations
Food—family style	• Not addressed in regulations	• Not addressed in regulations	• Children shall not serve food or assist in the preparation of food that will be consumed by another person. ¹¹	• Home style food service is allowed so long as certain serving, food safety, and sanitation rules are followed. ¹²	• Not addressed in regulations
Food—fruits and vegetables	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations
Food—fried foods	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations
Food—trans fats	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations
Food—whole grains	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations
Food—added sugar	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations

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	School-Age Programs	Registered Day Care Ministries	Exempted Day Nursery	Child Care Centers	Child Care Homes
Infant Feeding	<ul style="list-style-type: none"> • Not Applicable 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Centers shall support mothers who are breastfeeding.¹³ • There are regulations for the safe handling of breast milk.¹⁴ 	<ul style="list-style-type: none"> • Not addressed in regulations
Physical activity—defined time periods	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • There shall be daily opportunities for children to use large muscle skills, learn about outdoor environments, and express themselves freely and loudly, except when weather or a documented health reason prevents it.¹⁵ • Infants and toddlers must be provided with many opportunities for active, large muscle play, both indoors and outdoors.¹⁶ • No mention of time requirements. 	<ul style="list-style-type: none"> • The caregiver shall provide activities according to the age, developmental needs, interests, and number of children in care while including both active and quiet play which may consist of safe, age-appropriate toys, games, and equipment for both indoor and outdoor play.¹⁷ • No mention of time requirements.

	Child Care Licensing Laws/Regulations (relevant provision and citation)				
	School-Age Programs	Registered Day Care Ministries	Exempted Day Nursery	Child Care Centers	Child Care Homes
Physical activity—mixture of activities	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Infants and toddlers must be provided with many opportunities for active, large muscle play, both indoors and outdoors.¹⁸ • Children shall be provided with large muscle equipment.¹⁹ 	<ul style="list-style-type: none"> • The caregiver shall provide activities according to the age, developmental needs, interests, and number of children in care while including both active and quiet play which may consist of safe, age-appropriate toys, games, and equipment for both indoor and outdoor play.²⁰
Physical activity--outdoor	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • There shall be daily opportunities for children to use large muscle skills, learn about outdoor environments, and express themselves freely and loudly, except when weather or a documented health reason prevents it.²¹ 	<ul style="list-style-type: none"> • An opportunity shall be provided for children to play outdoors daily, except when weather or a documented health reason prevents it.²²
Infant physical activity—varied activity	<ul style="list-style-type: none"> • Not Applicable 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Not addressed in regulations 	<ul style="list-style-type: none"> • Infants and toddlers shall be provided with many opportunities for active, large muscle 	<ul style="list-style-type: none"> • Infants shall have opportunities for play and exploration.²⁶

	Child Care Licensing Laws/Regulations (relevant provision and citation)				
	School-Age Programs	Registered Day Care Ministries	Exempted Day Nursery	Child Care Centers	Child Care Homes
				play, both indoors and outdoors. ²³ • Infants shall have safe areas where they can roll over, crawl, and freely explore their environment. ²⁴ • Infants shall not spend non-sleep time confined to cribs. ²⁵	• Providers shall periodically change the available toys and the place and position of infants not yet able to move about on their own. ²⁷
Infant Physical activity—tummy time	• Not Applicable	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations
Screen time -- definitions	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not defined in regulations.	• Not addressed in regulations
Screen time – under 2 yrs old	• Not Applicable	• Not addressed in regulations	• Not addressed in regulations	• Television is prohibited in infant and toddler areas. ²⁸	• Not addressed in regulations
Screen time – over 2 yrs old	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Caregivers shall not require children to watch or sit in front of a television and shall offer other choices of activities. ²⁹	• Not addressed in regulations

	Child Care Licensing Laws/Regulations (relevant provision and citation)				
	School-Age Programs	Registered Day Care Ministries	Exempted Day Nursery	Child Care Centers	Child Care Homes
				<ul style="list-style-type: none"> All programs must be age-appropriate, must be for educational purposes only, and incorporated into lesson plans.³⁰ 	
Screen time – food marketing	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations
Family Engagement	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations
Staff modeling—healthy eating, in general	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations
Staff modeling—staff modeling, healthy eating—meals and snacks	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> If adults eat with the children, the center shall serve adults the same meal as the children.³¹ 	<ul style="list-style-type: none"> Not addressed in regulations
Staff modeling—healthy eating, other foods	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations 	<ul style="list-style-type: none"> Not addressed in regulations

	Child Care Licensing Laws/Regulations (relevant provision and citation)				
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Staff modeling—physical activity	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations	• Not addressed in regulations

Because child care licensing laws are constantly being reviewed, some statutes and regulations may have been updated since the Center collected them. Therefore, users should confirm whether there have been any revisions to state law since this information was gathered.

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The Public Health Law Center provides information and technical assistance on issues related to public health. The Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, consult with an attorney. For more information on this project, please contact Natasha Frost at natasha.frost@wmitchell.edu or Julie Ralston Aoki at julie.ralstonaoki@wmitchell.edu.

¹ 470 Ind. Admin. Code 3-4.6-7(a)

² 470 Ind. Admin. Code 3-4.7-1(11)

³ Nutrition G30—470 Ind. Admin. Code 3-4.6-6(3)(5)

⁴ Nutrition E31—470 Ind. Admin. Code 3-4.4-8(b)

⁵ Nutrition C30—470 Ind. Admin. Code 3-4.7-115(a); C35—470 Ind. Admin. Code 3-4.7-140(n)

⁶ Nutrition D30—470 Ind. Admin. Code 3-1.1-42(b)

⁷ Nutrition C23—470 Ind. Admin. Code 3-4.7-78(d); C38—470 Ind. Admin. Code 3-4.7-78(c)

⁸ Nutrition C24—470 Ind. Admin. Code 3-4.7-78(e)(1); C154—470 Ind. Admin. Code 3-4.7-78(e)(4)

⁹ Nutrition C39—470 Ind. Admin. Code 3-4.7-78(e)(3)

¹⁰ Nutrition C39—470 Ind. Admin. Code 3-4.7-78(e)(3)

¹¹ Nutrition E165—470 Ind. Admin. Code 3-4.4-6(l)

¹² Nutrition C42—470 Ind. Admin. Code 3-4.7-80

¹³ Breast Feeding C11—470 Ind. Admin. Code 3-4.7-136(i)

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- ¹⁴ Breast Feeding C8—470 Ind. Admin. Code 3-4.7-135(d); C9—470 Ind. Admin. Code 3-4.7-136
- ¹⁵ Space & Equip-Phys Activity C23—470 Ind. Admin. Code 3-4.7-59(3)
- ¹⁶ Space & Equip-Phys Activity C21—470 Ind. Admin. Code 3-4.7-125(6)
- ¹⁷ Space & Equip-Phys Activity D20—470 Ind. Admin. Code 3-1.1-38(a)
- ¹⁸ Space & Equip-Phys Activity C21—470 Ind. Admin. Code 3-4.7-125(6)
- ¹⁹ Space & Equip-Phys Activity C15—470 Ind. Admin. Code 3-4.7-63(c)(1)(C); C18—470 Ind. Admin. Code 3-4.7-132(a)(3); C19—470 Ind. Admin. Code 3-4.7-133(b)(3)
- ²⁰ Space & Equip-Phys Activity D20—470 Ind. Admin. Code 3-1.1-38(a)
- ²¹ Space & Equip-Phys Activity C23—470 Ind. Admin. Code 3-4.7-59(3)
- ²² Space & Equip-Phys Activity D22—470 Ind. Admin. Code 3-1.1-38(b)
- ²³ Space & Equip-Phys Activity C28—470 Ind. Admin. Code 3-4.7-125(6)
- ²⁴ Space & Equip-Phys Activity C24—470 Ind. Admin. Code 3-4.7-126(1)(B) & (C); C25—470 Ind. Admin. Code 3-4.7-126(2)
- ²⁵ Space & Equip-Phys Activity C27—470 Ind. Admin. Code 3-4.7-126(4)
- ²⁶ Space & Equip-Phys Activity D25—470 Ind. Admin. Code 3-1.2-4(b)(2)
- ²⁷ Space & Equip-Phys Activity D26—470 Ind. Admin. Code 3-1.2-4(b)(3)
- ²⁸ Screen Time C9—470 Ind. Admin. Code 3-4.7-132(d); C10—470 Ind. Admin. Code 3-4.7-13(c)
- ²⁹ Screen Time C8—470 Ind. Admin. Code 3-4.7-64(3)
- ³⁰ Screen Time C11—470 Ind. Admin. Code 3-4.7-64(1) & (2)
- ³¹ Nutrition C48—470 Ind. Admin. Code 3-4.7-79(k)