



## Massachusetts 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. Massachusetts 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/ma>. This resource provides a summary of Massachusetts statutes and regulations impacting healthy food, physical activity and screen time.

	<b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>
	<b><u>Massachusetts Licensed Child Care</u> Family Child Care, Small Group Child Care, Large Group Child Care, &amp; School-Age Programs</b>
<b>Ages covered</b>	• Infant – 13-years-old <sup>1</sup>
<b>Beverages— water</b>	• Children must be offered water at frequent intervals and given water upon request. <sup>2</sup>
<b>Beverages— milk, juice, other</b>	• The licensee must design and implement a nutrition program that meets the U.S.D.A. guidelines for the nutritional and dietary needs and feeding requirements of each child, including those of children with disabilities. <sup>3</sup> <ul style="list-style-type: none"> <li>○ Further research is necessary to accurately interpret this language, determine which guidelines are being referenced, and understand if they affect beverages.</li> </ul>
<b>Beverages— sugar- sweetened beverages</b>	• The licensee must design and implement a nutrition program that meets the U.S.D.A. guidelines for the nutritional and dietary needs and feeding requirements of each child, including those of children with disabilities. <sup>4</sup>

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	<ul style="list-style-type: none"> <li>• Further research is necessary to accurately interpret this language, determine which guidelines are being referenced, and understand if they affect beverages.</li> </ul>
<b>Food—family style</b>	<ul style="list-style-type: none"> <li>• During meal and snack times, children should be encouraged to serve themselves, when appropriate.<sup>5</sup></li> </ul>
<b>Food—fruits and vegetables</b>	<ul style="list-style-type: none"> <li>• The licensee must design and implement a nutrition program that meets the U.S.D.A. guidelines for the nutritional and dietary needs and feeding requirements of each child, including those of children with disabilities.<sup>6</sup> <ul style="list-style-type: none"> <li>○ Further research is necessary to accurately interpret this language, determine which guidelines are being referenced, and understand if they affect fruits and vegetables.</li> </ul> </li> </ul>
<b>Food—fried foods</b>	<ul style="list-style-type: none"> <li>• The licensee must design and implement a nutrition program that meets the U.S.D.A. guidelines for the nutritional and dietary needs and feeding requirements of each child, including those of children with disabilities.<sup>7</sup> <ul style="list-style-type: none"> <li>○ Further research is necessary to accurately interpret this language, determine which guidelines are being referenced, and understand if they affect fried foods.</li> </ul> </li> </ul>
<b>Food—trans fats</b>	<ul style="list-style-type: none"> <li>• The licensee must design and implement a nutrition program that meets the U.S.D.A. guidelines for the nutritional and dietary needs and feeding requirements of each child, including those of children with disabilities.<sup>8</sup> <ul style="list-style-type: none"> <li>○ Further research is necessary to accurately interpret this language, determine which guidelines are being referenced, and understand if they affect trans fats.</li> </ul> </li> </ul>
<b>Food—whole grains</b>	<ul style="list-style-type: none"> <li>• The licensee must design and implement a nutrition program that meets the U.S.D.A. guidelines for the nutritional and dietary needs and feeding requirements of each child, including those of children with disabilities.<sup>9</sup> <ul style="list-style-type: none"> <li>○ Further research is necessary to accurately interpret this language, determine which guidelines are being referenced, and understand if they affect whole grains.</li> </ul> </li> </ul>
<b>Food—added sugar</b>	<ul style="list-style-type: none"> <li>• The licensee must design and implement a nutrition program that meets the U.S.D.A. guidelines for the nutritional and dietary needs and feeding requirements of each child, including those of children with disabilities.<sup>10</sup> <ul style="list-style-type: none"> <li>○ Further research is necessary to accurately interpret this language, determine which guidelines are being referenced, and understand if they affect foods with added sugar.</li> </ul> </li> </ul>
<b>Infant feeding</b>	<ul style="list-style-type: none"> <li>• Child care facilities must document whether an infant is being fed breast milk or formula, but that is the only mention of breastfeeding.<sup>11</sup></li> </ul>

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<b>Physical activity— defined time periods</b>	<ul style="list-style-type: none"> <li>• The program curriculum must include at least 60 minutes of physical activity in full day programs.<sup>12</sup> <ul style="list-style-type: none"> <li>○ No mention of time requirements for half-day programs.</li> </ul> </li> <li>• Materials and equipment that encourage active physical play and quiet play activities must be provided.<sup>13</sup></li> </ul>
<b>Physical activity— mixture of activities</b>	<ul style="list-style-type: none"> <li>• The program curriculum must include daily indoor and outdoor time periods, weather permitting, which include both small and large muscle activities.<sup>14</sup></li> </ul>
<b>Physical activity-- outdoor</b>	<ul style="list-style-type: none"> <li>• The program curriculum must include daily indoor and outdoor time periods, weather permitting, which include both small and large muscle activities.<sup>15</sup></li> </ul>
<b>Infant physical activity— varied activity</b>	<ul style="list-style-type: none"> <li>• Programs serving infants and toddlers must provide opportunities for infants and toddlers to move freely and achieve mastery of their bodies through self-initiated movement, including multiple opportunities to practice emerging skills in coordination, movement, balance, and perceptual-motor integration.<sup>16</sup></li> <li>• The following practices are strictly prohibited: (e) confining a child to a swing, high chair, crib, playpen or any other piece of equipment for an extended period of time.<sup>17</sup></li> </ul>
<b>Infant Physical activity— tummy time</b>	<ul style="list-style-type: none"> <li>• Not addressed in regulations</li> </ul>
<b>Screen time - -definitions</b>	<ul style="list-style-type: none"> <li>• Not addressed in regulations</li> </ul>
<b>Screen time – under 2 yrs old</b>	<ul style="list-style-type: none"> <li>• Not addressed in regulations</li> </ul>
<b>Screen time – over 2 yrs old</b>	<ul style="list-style-type: none"> <li>• Not addressed in regulations</li> </ul>
<b>Screen time – food marketing</b>	<ul style="list-style-type: none"> <li>• Not addressed in regulations</li> </ul>
<b>Family engagement</b>	<ul style="list-style-type: none"> <li>• Not addressed in regulations</li> </ul>
<b>Staff modeling— healthy eating, in general</b>	<ul style="list-style-type: none"> <li>• Not addressed in regulations</li> </ul>

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<b>Staff modeling— staff modeling, healthy eating— meals and snacks</b>	<ul style="list-style-type: none"> <li>• Not addressed in regulations</li> </ul>
<b>Staff modeling— healthy eating, other foods</b>	<ul style="list-style-type: none"> <li>• Not addressed in regulations</li> </ul>
<b>Staff modeling— physical activity</b>	<ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>

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](mailto:natasha.frost@wmitchell.edu) or Julie Ralston Aoki at [julie.ralstonaoki@wmitchell.edu](mailto:julie.ralstonaoki@wmitchell.edu).

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<sup>1</sup> 606 Mass. Code Regs. 7.02 “child”  
<sup>2</sup> Nutrition C22—606 Mass. Code Regs. 7.12(14)  
<sup>3</sup> Nutrition C12—606 Mass. Code Regs. 7.12(1)  
<sup>4</sup> Nutrition C12—606 Mass. Code Regs. 7.12(1)  
<sup>5</sup> Nutrition C24—606 Mass. Code Regs. 7.12(11)(c)  
<sup>6</sup> Nutrition C12—606 Mass. Code Regs. 7.12(1)  
<sup>7</sup> Nutrition C12—606 Mass. Code Regs. 7.12(1)  
<sup>8</sup> Nutrition C12—606 Mass. Code Regs. 7.12(1)  
<sup>9</sup> Nutrition C12—606 Mass. Code Regs. 7.12(1)  
<sup>10</sup> Nutrition C12—606 Mass. Code Regs. 7.12(1)  
<sup>11</sup> Breast Feeding C12—606 Mass. Code Regs. 7.12(10)(a)(1)

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- <sup>12</sup> Space & Equip-Physical Activity C16—606 Mass. Code Regs. 7.06(1)(b)(5)  
<sup>13</sup> Space & Equip-Physical Activity C15—606 Mass. Code Regs. 7.06(1)(c)(2)  
<sup>14</sup> Space & Equip-Physical Activity C17—606 Mass. Code Regs. 7.06(1)(b)(4)  
<sup>15</sup> Space & Equip-Physical Activity C17—606 Mass. Code Regs. 7.06(1)(b)(4)  
<sup>16</sup> Space & Equip-Physical Activity C19—606 Mass. Code Regs. 7.06(1)(b)(14)  
<sup>17</sup> Space & Equip-Physical Activity C18—606 Mass. Code Regs. 7.05(8)(e)