



## Minnesota 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. Minnesota 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/mn>.

This resource provides a summary of Minnesota statutes and regulations impacting healthy food, physical activity and screen time.

|                                     | <b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | <u><b>Child Care Centers</b></u>                                                                                                                                                                                                                                                                                           | <u><b>Day Care Facility</b></u><br><b>Family Day Care &amp; Group Family Day Care</b>                                                                                                                                                                                                                                                                  |
| <b>Ages covered</b>                 | <ul style="list-style-type: none"> <li>• Infant – 12 years-old<sup>1</sup></li> </ul>                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• Infant – 10-years-old<sup>2</sup></li> </ul>                                                                                                                                                                                                                                                                  |
| <b>Beverages—water</b>              | <ul style="list-style-type: none"> <li>• Drinking water must be available to the children and offered at frequent intervals in single service drinking cups or from drinking fountains accessible to children.<sup>3</sup></li> </ul>                                                                                      | <ul style="list-style-type: none"> <li>• Drinking water must be available to the children and offered at frequent intervals in separate or single service drinking cups or bottles.<sup>4</sup></li> </ul>                                                                                                                                             |
| <b>Beverages—milk, juice, other</b> | <ul style="list-style-type: none"> <li>• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,<sup>5</sup> which calls for low-fat (1%) or nonfat milk for children 2 or older.<sup>6</sup></li> <li>• Full-strength juice is allowed to fulfill fruit/vegetable requirements.</li> </ul> | <ul style="list-style-type: none"> <li>• Food served during the day must include servings from each of the basic food groups defined in the CACFP meal plan,<sup>7</sup> which includes low-fat (1%) or nonfat milk for children 2 or older.<sup>8</sup></li> <li>• Full-strength juice is allowed to fulfill fruit/vegetable requirements.</li> </ul> |

|                                            | <b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            | <b><u>Child Care Centers</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b><u>Day Care Facility</u><br/>Family Day Care &amp; Group Family Day Care</b>                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Beverages—sugar-sweetened beverages</b> | <ul style="list-style-type: none"> <li>• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan<sup>9</sup></li> </ul>                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• Food served during the day must include servings from each of the basic food groups defined in the CACFP meal plan<sup>10</sup></li> </ul>                                                                                                                                                                                                                                                                    |
| <b>Food—family style</b>                   | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Food—fruits and vegetables</b>          | <ul style="list-style-type: none"> <li>• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,<sup>11</sup> which requires 1 fruit/vegetable at breakfast, 2 fruits/vegetables at lunch and supper, and the option of serving fruit/vegetable at snack.<sup>12</sup></li> <li>• No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned.</li> <li>• Full-strength juice is an acceptable option to fulfill requirement.</li> </ul>                      | <ul style="list-style-type: none"> <li>• Food served during the day must include servings from each of the basic food groups defined in the CACFP meal plan,<sup>13</sup> which includes a fruit/vegetable food group.<sup>14</sup></li> <li>• No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned.</li> <li>• Full-strength juice is an acceptable option to fulfill requirement.</li> </ul>                          |
| <b>Food—fried foods</b>                    | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Food—trans fats</b>                     | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Food—whole grains</b>                   | <ul style="list-style-type: none"> <li>• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,<sup>15</sup> which requires whole-grain, enriched, or fortified breads, grains, and cereals.<sup>16</sup></li> </ul>                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>• Food served during the day must include servings from each of the basic food groups defined in the CACFP meal plan,<sup>17</sup> which includes a grains/bread food group that requires whole-grain, enriched, or fortified breads, grains, and cereals.<sup>18</sup></li> </ul>                                                                                                                              |
| <b>Food—added sugar</b>                    | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Infant Feeding</b>                      | <ul style="list-style-type: none"> <li>• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,<sup>19</sup> which requires formula or breast milk for infants. However, it is recommended that breast milk be served in place of formula from birth through 11 months.<sup>20</sup></li> <li>• The center must have sanitary procedures for handling breast milk.<sup>21</sup></li> <li>• No specific regulations for supporting or accommodating breastfeeding mothers.</li> </ul> | <ul style="list-style-type: none"> <li>• Food served during the day must include servings from each of the basic food groups defined in the CACFP meal plan,<sup>22</sup> which includes formula or breast milk for infants. However, it is recommended that breast milk be served in place of formula from birth through 11 months.<sup>23</sup></li> <li>• No specific regulations for supporting or accommodating breastfeeding mothers.</li> </ul> |

|                                                      | <b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                      | <b><u>Child Care Centers</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b><u>Day Care Facility</u><br/>Family Day Care &amp; Group Family Day Care</b>                                                                                                                                                                                                                                                                                                                                                        |
| <b>Physical activity—<br/>defined time periods</b>   | <ul style="list-style-type: none"> <li>• The daily schedule must include both active and quiet activities.<sup>24</sup></li> <li>• Centers must provide daily access to space, equipment, and materials for large muscle activities.<sup>25</sup> <ul style="list-style-type: none"> <li>○ No time requirements.</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• The daily schedule must include both active and quiet activities.<sup>26</sup></li> </ul>                                                                                                                                                                                                                                                                                                     |
| <b>Physical activity—<br/>mixture of activities</b>  | <ul style="list-style-type: none"> <li>• The daily schedule must include both active and quiet activities.<sup>27</sup></li> <li>• Centers must provide daily access to space, equipment, and materials for large muscle activities.<sup>28</sup></li> <li>• Centers must provide toddlers and preschoolers with durable, large muscle equipment both indoors and outdoors.<sup>29</sup></li> <li>• Centers must provide school-age children with durable, outdoor, large muscle equipment, as well as sports or recreational equipment, such as bats, balls, hoops, and jump ropes.<sup>30</sup></li> </ul> | <ul style="list-style-type: none"> <li>• The daily schedule must include both active and quiet activities.<sup>31</sup></li> <li>• School-age children must be provided with space and opportunity for games, activities, or sports using the whole body, outdoors, weather permitting.<sup>32</sup></li> </ul>                                                                                                                        |
| <b>Physical activity—<br/>outdoor</b>                | <ul style="list-style-type: none"> <li>• The daily schedule must include both indoor and outdoor activities, weather permitting.<sup>33</sup></li> <li>• Centers must provide toddlers and preschoolers with durable, large muscle, outdoor equipment.<sup>34</sup></li> <li>• Centers must provide school-age children with durable, outdoor, large muscle equipment, as well as sports or recreational equipment, such as bats, balls, hoops, and jump ropes.<sup>35</sup></li> </ul>                                                                                                                      | <ul style="list-style-type: none"> <li>• The daily schedule must include both indoor and outdoor activities, weather permitting.<sup>36</sup></li> <li>• School-age children must be provided with space and opportunity for games, activities, or sports using the whole body, outdoors, weather permitting.<sup>37</sup></li> </ul>                                                                                                  |
| <b>Infant physical activity—<br/>varied activity</b> | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>• Infants shall be provided freedom of movement during a large part of the waking day to the extent that safety and weather permits.<sup>38</sup></li> <li>• The non-creeping child shall spend part of each day out of a crib or infant seat.<sup>39</sup></li> <li>• The creeping infant or newborn shall have freedom to explore outside of the crib or infant seat.<sup>40</sup></li> </ul> |

|                                                        | <b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b> |                                                                                 |
|--------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
|                                                        | <b><u>Child Care Centers</u></b>                                               | <b><u>Day Care Facility</u><br/>Family Day Care &amp; Group Family Day Care</b> |
| <b>Infant Physical activity—tummy time</b>             | • Not addressed in regulations.                                                | • Not addressed in regulations.                                                 |
| <b>Screen time—definitions</b>                         | • Not addressed in regulations.                                                | • Not addressed in regulations.                                                 |
| <b>Screen time – under 2 yrs old</b>                   | • Not addressed in regulations.                                                | • Not addressed in regulations.                                                 |
| <b>Screen time – over 2 yrs old</b>                    | • Not addressed in regulations.                                                | • Not addressed in regulations.                                                 |
| <b>Screen time – food marketing</b>                    | • Not addressed in regulations.                                                | • Not addressed in regulations.                                                 |
| <b>Family Engagement</b>                               | • Not addressed in regulations.                                                | • Not addressed in regulations.                                                 |
| <b>Staff modeling—healthy eating, in general</b>       | • Not addressed in regulations.                                                | • Not addressed in regulations.                                                 |
| <b>Staff modeling—healthy eating, meals and snacks</b> | • Not addressed in regulations.                                                | • Not addressed in regulations.                                                 |
| <b>Staff modeling—healthy eating, other foods</b>      | • Not addressed in regulations.                                                | • Not addressed in regulations.                                                 |
| <b>Staff modeling—physical activity</b>                | • 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](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> Minnesota laws and regulations do not consistently define “child.” See Minn. Stat. § 245A.02 subd. 4 (“child” is up to 18 years old); subd. 16 (“school age child” for licensed centers is child eligible to attend kindergarten up to 12 years old); Minn. R. 9503.0005 subp. 6 (“child” is 12 years old or younger).

<sup>2</sup> Minn. Stat. § 245A.02 subd. 19.

<sup>3</sup> Nutrition C18—Minn. R. 9503.0145(8).

<sup>4</sup> Nutrition D18—Minn. R. 9502.0445(1)(B).

<sup>5</sup> Meal Patterns available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

<sup>6</sup> Nutrition C14—Minn. R. 9503.0145(2).

<sup>7</sup> Meal Patterns available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

<sup>8</sup> Nutrition D14—Minn. R. 9502.0445(3).

<sup>9</sup> Nutrition C14—Minn. R. 9503.0145(2).

<sup>10</sup> Nutrition D14—Minn. R. 9502.0445(3).

<sup>11</sup> Meal Patterns available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

<sup>12</sup> Nutrition C14—Minn. R. 9503.0145(2).

<sup>13</sup> Meal Patterns available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

<sup>14</sup> Nutrition D14—Minn. R. 9502.0445(3).

<sup>15</sup> Meal Patterns available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

<sup>16</sup> Nutrition C14—Minn. R. 9503.0145(2).

<sup>17</sup> Meal Patterns available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

<sup>18</sup> Nutrition C14—Minn. R. 9503.0145(2).

<sup>19</sup> Meal Patterns available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

<sup>20</sup> Nutrition C14—Minn. R. 9503.0145(2).

<sup>21</sup> Breast Feeding C11—Minn. R. 9503.0145(7).

<sup>22</sup> Meal Patterns available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

<sup>23</sup> Nutrition C14—Minn. R. 9503.0145(2).

<sup>24</sup> Space & Equip-Phy Activity C23—Minn. R. 9503.0045(1)(J).

<sup>25</sup> Space & Equip-Phy Activity C24—Minn. R. 9503.0045(2)(G).

<sup>26</sup> Space & Equip-Phy Activity D23—Minn. R. 9502.0415(1)(C).

<sup>27</sup> Space & Equip-Phy Activity C23—Minn. R. 9503.0045(1)(J).

<sup>28</sup> Space & Equip-Phy Activity C24—Minn. R. 9503.0045(2)(G).

<sup>29</sup> Space & Equip-Phy Activity C16—Minn. R. 9503.0060(4)(B)(8) & (9); C18—Minn. R. 9503.0060(5)(B)(8) & (9).

<sup>30</sup> Space & Equip-Phy Activity C20—Minn. R. 9503.0060(6)(B)(7) & (11).

<sup>31</sup> Space & Equip-Phy Activity D23—Minn. R. 9502.0415(1)(C).

<sup>32</sup> Space & Equip-Phy Activity D31—Minn. R. 9502.0415(10)(B).

<sup>33</sup> Space & Equip-Phy Activity C29—Minn. R. 9503.0045(1)(I).

<sup>34</sup> Space & Equip-Phy Activity C16—Minn. R. 9503.0060(4)(B)(9); C18—Minn. R. 9503.0060(5)(B)(9).

<sup>35</sup> Space & Equip-Phy Activity C20—Minn. R. 9503.0060(6)(B)(7) & (11).

<sup>36</sup> Space & Equip-Phy Activity D29—Minn. R. 9502.0415(1)(A).

<sup>37</sup> Space & Equip-Phy Activity D31—Minn. R. 9502.0415(10)(B).

<sup>38</sup> Space & Equip-Phy Activity D26—Minn. R. 9502.0415(4)(C).

<sup>39</sup> Space & Equip-Phy Activity D26—Minn. R. 9502.0415(4)(C).

<sup>40</sup> Space & Equip-Phy Activity D26—Minn. R. 9502.0415(4)(C).