



Public Health  
Law Center

AT WILLIAM MITCHELL COLLEGE OF LAW



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

	<b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>			
	<b>Child Care Centers</b>	<b>Child Care Centers Operated by Churches or Religious Entities</b>	<b>Family Day Care Homes</b>	<b>Group Child Care Homes</b>
<b>Ages covered</b>	• Infant – 15-years-old <sup>1</sup>	• Infant – 15-years-old <sup>2</sup>	• Ages covered unclear	• Infant – 15-years-old <sup>3</sup>
<b>Beverages—water</b>	<ul style="list-style-type: none"> <li>• Safe drinking water shall be available to children at all times and there shall be no use of common drinking cups.<sup>4</sup></li> <li>• Toddlers shall be offered water routinely throughout the day.<sup>5</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Safe drinking water shall be available to children at all times and there shall be no use of common drinking cups.<sup>6</sup></li> <li>• Toddlers shall be offered water routinely throughout the day.<sup>7</sup></li> </ul>	• Not addressed in regulations.	<ul style="list-style-type: none"> <li>• Safe drinking water shall be available to children at all times and there shall be no use of common drinking cups.<sup>8</sup></li> <li>• Toddlers shall be offered water routinely throughout the day.<sup>9</sup></li> </ul>
<b>Beverages—milk, juice, other</b>	<ul style="list-style-type: none"> <li>• Meals and snacks must comply with the USDA Child Care Food Program Guidelines,<sup>10</sup> which call for low-fat (1%) or nonfat milk for children 2 or older.<sup>11</sup></li> <li>• Full-strength juice is allowed to fulfill fruit/vegetable requirements.</li> <li>• Whole milk may not be served to children less than 12 months of age, except with a written permission from the child's health provider.<sup>12</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Meals and snacks must comply with the USDA Child Care Food Program Guidelines,<sup>13</sup> which call for low-fat (1%) or nonfat milk for children 2 or older.<sup>14</sup></li> <li>• Full-strength juice is allowed to fulfill fruit/vegetable requirements.</li> <li>• Whole milk may not be served to children less than 12 months of age, except with a written permission from the child's health provider.<sup>15</sup></li> </ul>	• Not addressed in regulations.	<ul style="list-style-type: none"> <li>• Meals and snacks must comply with the USDA Child Care Food Program Guidelines,<sup>16</sup> which call for low-fat (1%) or nonfat milk for children 2 or older.<sup>17</sup></li> <li>• Full-strength juice is allowed to fulfill fruit/vegetable requirements.</li> <li>• Whole milk may not be served to children less than 12 months of age, except with a written permission from the child's health provider.<sup>18</sup></li> </ul>

	<b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>			
	<b>Child Care Centers</b>	<b>Child Care Centers Operated by Churches or Religious Entities</b>	<b>Family Day Care Homes</b>	<b>Group Child Care Homes</b>
<b>Beverages—sugar-sweetened beverages</b>	<ul style="list-style-type: none"> <li>Meals and snacks must comply with the USDA Child Care Food Program Guidelines<sup>19</sup></li> </ul>	<ul style="list-style-type: none"> <li>Meals and snacks must comply with the USDA Child Care Food Program Guidelines<sup>20</sup></li> <li></li> </ul>	<ul style="list-style-type: none"> <li>Not addressed in regulations.</li> </ul>	<ul style="list-style-type: none"> <li>Meals and snacks must comply with the USDA Child Care Food Program Guidelines<sup>21</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>	<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 USDA Child Care Food Program Guidelines,<sup>22</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>23</sup></li> <li>No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned.</li> <li>Full-strength juice is allowed to fulfill fruit/vegetable requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Meals and snacks must comply with the USDA Child Care Food Program Guidelines,<sup>24</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>25</sup></li> <li>No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned.</li> <li>Full-strength juice is allowed to fulfill fruit/vegetable requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Not addressed in regulations.</li> </ul>	<ul style="list-style-type: none"> <li>Meals and snacks must comply with the USDA Child Care Food Program Guidelines,<sup>26</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>27</sup></li> <li>No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned.</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>Child Care Centers</b>	<b>Child Care Centers Operated by Churches or Religious Entities</b>	<b>Family Day Care Homes</b>	<b>Group Child Care Homes</b>
<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>	<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>	<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 USDA Child Care Food Program Guidelines,<sup>28</sup> which requires whole-grain, enriched, or fortified breads, grains, and cereals.<sup>29</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Meals and snacks must comply with the USDA Child Care Food Program Guidelines,<sup>30</sup> which requires whole-grain, enriched, or fortified breads, grains, and cereals.<sup>31</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• Meals and snacks must comply with the USDA Child Care Food Program Guidelines,<sup>32</sup> which requires whole-grain, enriched, or fortified breads, grains, and cereals.<sup>33</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>	<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 USDA Child Care Food Program Guidelines,<sup>34</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>35</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Meals and snacks must comply with the USDA Child Care Food Program Guidelines,<sup>37</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>38</sup></li> <li>• The center must follow certain</li> </ul>	<ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• Meals and snacks must comply with the USDA Child Care Food Program Guidelines,<sup>40</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>41</sup></li> <li>• The program must follow certain procedures for handling breast milk.<sup>42</sup></li> <li>• No specific regulations for supporting or</li> </ul>

<b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>				
	<b>Child Care Centers</b>	<b>Child Care Centers Operated by Churches or Religious Entities</b>	<b>Family Day Care Homes</b>	<b>Group Child Care Homes</b>
	<ul style="list-style-type: none"> <li>The center must follow certain procedures for handling breast milk.<sup>36</sup></li> <li>No specific regulations for supporting or accommodating breastfeeding mothers.</li> </ul>	<ul style="list-style-type: none"> <li>procedures for handling breast milk.<sup>39</sup></li> <li>No specific regulations for supporting or accommodating breastfeeding mothers.</li> </ul>		accommodating breastfeeding mothers.
<b>Physical activity—defined time periods</b>	<ul style="list-style-type: none"> <li>Children shall be provided daily indoor opportunities for freedom of movement.<sup>43</sup></li> </ul>	<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>	<ul style="list-style-type: none"> <li>Children shall be provided daily indoor opportunities for freedom of movement.<sup>44</sup></li> </ul>
<b>Physical activity—mixture of activities</b>	<ul style="list-style-type: none"> <li>Children shall be provided daily indoor opportunities for freedom of movement.<sup>45</sup></li> </ul>	<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>	<ul style="list-style-type: none"> <li>Children shall be provided daily indoor opportunities for freedom of movement.<sup>46</sup></li> </ul>
<b>Physical activity--outdoor</b>	<ul style="list-style-type: none"> <li>All children shall be given the opportunity for outdoor play, weather permitting.<sup>47</sup></li> </ul>	<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>	<ul style="list-style-type: none"> <li>All children, including infants and toddlers shall be given the opportunity for outdoor play, weather permitting.<sup>48</sup></li> </ul>
<b>Infant physical activity—varied activity</b>	<ul style="list-style-type: none"> <li>Children shall not remain in their cribs or play equipment other than for sleeping and specific, short time-limited quiet play.<sup>49</sup></li> </ul>	<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>	<ul style="list-style-type: none"> <li>Children shall not remain in their cribs or play equipment other than for sleeping and specific, short time-limited quiet play.<sup>50</sup></li> </ul>

	<b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>			
	<b>Child Care Centers</b>	<b>Child Care Centers Operated by Churches or Religious Entities</b>	<b>Family Day Care Homes</b>	<b>Group Child Care Homes</b>
<b>Infant Physical activity—tummy time</b>	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
<b>Screen time -- definitions</b>	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
<b>Screen time – under 2 yrs old</b>	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
<b>Screen time – over 2 yrs old</b>	• Age appropriate radio and television, VCR tapes, DVDs and other media shall be previewed by the director and staff and used only as a supplement and enhancement to the daily program. No child shall be required to view these media programs. <sup>51</sup>	• Not addressed in regulations.	• Not addressed in regulations.	• Age appropriate radio and television, VCR tapes, DVDs and other media shall be previewed by the director and staff and used only as a supplement and enhancement to the daily program. No child shall be required to view these media programs. <sup>52</sup>
<b>Screen time – food marketing</b>	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.

	<b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>			
	<b>Child Care Centers</b>	<b>Child Care Centers Operated by Churches or Religious Entities</b>	<b>Family Day Care Homes</b>	<b>Group Child Care Homes</b>
<b>Family engagement</b>	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
<b>Staff modeling—healthy eating, in general</b>	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
<b>Staff modeling—staff modeling, healthy eating—meals and snacks</b>	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
<b>Staff modeling—healthy eating, other foods</b>	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
<b>Staff modeling—physical activity</b>	• 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.

This research was funded by the Y-USA Pioneering Healthy Communities Project, and builds off of research originally funded by the Robert Wood Johnson Foundation's Healthy Eating Research program.

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> S.C. Code Ann. Regs. 114-501(A)(8).
  - <sup>2</sup> S.C. Code Ann. Regs. 114-521(A)(7).
  - <sup>3</sup> S.C. Code Ann. Regs. 114-511(A)(4).
  - <sup>4</sup> Nutrition C15—S.C. Code Ann. Regs. 114-507(A)(6)(d).
  - <sup>5</sup> Nutrition C18—S.C. Code Ann. Regs. 114-509(A)(3)(h).
  - <sup>6</sup> Nutrition E15—S.C. Code Ann. Regs. 114-526(A)(6)(d).
  - <sup>7</sup> Nutrition E18—S.C. Code Ann. Regs. 114-529(A)(1)(h).
  - <sup>8</sup> Nutrition D15—S.C. Code Ann. Regs. 114-517(A)(6)(d).
  - <sup>9</sup> Nutrition D18—S.C. Code Ann. Regs. 114-519(A)(3)(h).
  - <sup>10</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
  - <sup>11</sup> Nutrition C9—S.C. Code Ann. Regs. 114-508(A)(1)(b).
  - <sup>12</sup> Nutrition C19—S.C. Code Ann. Regs. 114-508(A)(1)(d).
  - <sup>13</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
  - <sup>14</sup> Nutrition E9—S.C. Code Ann. Regs. 114-527(A)(1)(b).
  - <sup>15</sup> Nutrition E19—S.C. Code Ann. Regs. 114-527(A)(1)(d).
  - <sup>16</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
  - <sup>17</sup> Nutrition D9—S.C. Code Ann. Regs. 114-518(A)(1)(b).
  - <sup>18</sup> Nutrition D19—S.C. Code Ann. Regs. 114-518(A)(1)(d).
  - <sup>19</sup> Nutrition C9—S.C. Code Ann. Regs. 114-508(A)(1)(b).
  - <sup>20</sup> Nutrition E9—S.C. Code Ann. Regs. 114-527(A)(1)(b).
  - <sup>21</sup> Nutrition D9—S.C. Code Ann. Regs. 114-518(A)(1)(b).
  - <sup>22</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
  - <sup>23</sup> Nutrition C9—S.C. Code Ann. Regs. 114-508(A)(1)(b).
  - <sup>24</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
  - <sup>25</sup> Nutrition E9—S.C. Code Ann. Regs. 114-527(A)(1)(b).
  - <sup>26</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
  - <sup>27</sup> Nutrition D9—S.C. Code Ann. Regs. 114-518(A)(1)(b).



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- <sup>28</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>29</sup> Nutrition C9—S.C. Code Ann. Regs. 114-508(A)(1)(b).  
<sup>30</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>31</sup> Nutrition E9—S.C. Code Ann. Regs. 114-527(A)(1)(b).  
<sup>32</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>33</sup> Nutrition D9—S.C. Code Ann. Regs. 114-518(A)(1)(b).  
<sup>34</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>35</sup> Nutrition C9—S.C. Code Ann. Regs. 114-508(A)(1)(b).  
<sup>36</sup> Breast Feeding C8—S.C. Code Ann. Regs. 114-509(A)(3)(d); C9—S.C. Code Ann. Regs. 114-509(A)(3)(i).  
<sup>37</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>38</sup> Nutrition E9—S.C. Code Ann. Regs. 114-527(A)(1)(b).  
<sup>39</sup> Breast Feeding E8—S.C. Code Ann. Regs. 114-509(A)(1)(d); E9—S.C. Code Ann. Regs. 114-509(A)(1)(i).  
<sup>40</sup> Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>41</sup> Nutrition D9—S.C. Code Ann. Regs. 114-518(A)(1)(b).  
<sup>42</sup> Breast Feeding D8—S.C. Code Ann. Regs. 114-519(A)(3)(d); D9—S.C. Code Ann. Regs. 114-519(A)(3)(i).  
<sup>43</sup> Space & Equip-Physical Activity C10—S.C. Code Ann. Regs. 114-506(A)(4).  
<sup>44</sup> Space & Equip-Physical Activity D10—S.C. Code Ann. Regs. 114-516(A)(4).  
<sup>45</sup> Space & Equip-Physical Activity C10—S.C. Code Ann. Regs. 114-506(A)(4).  
<sup>46</sup> Space & Equip-Physical Activity D10—S.C. Code Ann. Regs. 114-516(A)(4).  
<sup>47</sup> Space & Equip-Physical Activity C12—S.C. Code Ann. Regs. 114-506(A)(8).  
<sup>48</sup> Space & Equip-Physical Activity D12—S.C. Code Ann. Regs. 114-516(A)(8).  
<sup>49</sup> Space & Equip-Physical Activity C11—S.C. Code Ann. Regs. 114-509(A)(1)(a).  
<sup>50</sup> Space & Equip-Physical Activity D11—S.C. Code Ann. Regs. 114-519(A)(1)(a).  
<sup>51</sup> Screen Time C8—S.C. Code Ann. Regs. 114-50(6A)(7).  
<sup>52</sup> Screen Time D8—S.C. Code Ann. Regs. 114-516(A)(7).