



## Vermont 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. Vermont 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/ca>.

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

|                                      | <b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>                   |  |  |  |   |
|--------------------------------------|--|--|--|--|---|
|                                      | <b>Early Childhood Programs</b>  | <b>Family Child Care Homes</b>   | <b>School Age Care</b>   | <b>Non-Recurring Child Care</b>  | <b>Afterschool Child Care Programs<br/>EFFECTIVE<br/>1/1/16</b>   |
| <b>Ages covered</b>                  | • Infant – 13-years-old <sup>1</sup>   | • Infant – 13-years-old <sup>2</sup>   | • School-age Children <sup>3</sup>   | • Infant – 13-years-old <sup>4</sup>   | • 5-years-old – 16-years-old <sup>5</sup>   |
| <b>Beverages —water</b>              | • Drinking water shall be available upon request and offered often in warm weather. <sup>6</sup> | • Drinking water shall be available upon request and offered often in warm weather. <sup>7</sup> | • Upon request, children shall be provided with water for drinking. <sup>8</sup> | • Upon request, children shall be provided with water for drinking. <sup>9</sup> | • Children shall have access to clean, sanitary drinking water which is readily available in indoor and outdoor areas throughout the day. <sup>10</sup> |
| <b>Beverages —milk, juice, other</b> | • No mention of milk fat requirements, or whether other  | • No mention of milk fat requirements, or whether other  | • No mention of milk fat requirements, or whether other                          | • No mention of milk fat requirements, or whether other                          | • Meals and snacks must comply with the nutritional requirements of   |

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|  | beverages are allowed.  | beverages are allowed.  | beverages are allowed.  | beverages are allowed.  | the CACFP meal plan, <sup>11</sup> which includes low-fat (1%) or nonfat milk for children 2 or older. <sup>12</sup><br>• Full-strength juice is allowed to fulfill fruit/vegetable requirements.  |
| <b>Beverages—sugar-sweetened beverages</b>                                     | • Not addressed   | • Not addressed   | • Not addressed   | • Not addressed   | • Not addressed  |
| <b>Food—family style</b>   | • Staff shall encourage children to serve and feed themselves. <sup>13</sup>  | • Staff shall encourage children to serve and feed themselves. <sup>14</sup>  | • Not addressed in regulations.   | • Toddlers and preschoolers shall be encouraged to serve and feed themselves. <sup>15</sup>   | • Not addressed in regulations.  |
| <b>Food—fruits and vegetables</b>  | <ul style="list-style-type: none"> <li>• Fruits and vegetables are an option for meals and snacks. Snacks must consist of foods from at least two (2) food groups and meals must consist of foods from at least three (3) food groups.<sup>16</sup></li> <li>• The food groups are:               <ul style="list-style-type: none"> <li>○ Milk and milk products.</li> <li>○ Fruits and vegetables.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Fruits and vegetables are an option for meals and snacks. Snacks must consist of foods from at least two (2) food groups and meals must consist of foods from at least three (3) food groups.<sup>17</sup></li> <li>• The food groups are:               <ul style="list-style-type: none"> <li>○ Milk and milk products.</li> <li>○ Fruits and vegetables.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Fruits and vegetables are an option for meals and snacks. Snacks must consist of foods from at least two (2) food groups and meals must consist of foods from at least three (3) food groups.<sup>18</sup></li> <li>• The food groups are:               <ul style="list-style-type: none"> <li>○ Milk and milk products.</li> <li>○ Fruits and vegetables.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Fruits and vegetables are an option for meals and snacks. Snacks must consist of foods from at least two (2) food groups and meals must consist of foods from at least three (3) food groups.<sup>19</sup></li> <li>• The food groups are:               <ul style="list-style-type: none"> <li>○ Milk and milk products.</li> <li>○ Fruits and vegetables.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,<sup>20</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>21</sup></li> <li>• No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned.</li> </ul> |

| <b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b> |   |   |  |  |  |
|--|---|---|--|--|--|
|  | <b>Early Childhood Programs</b>   | <b>Family Child Care Homes</b>  | <b>School Age Care</b>   | <b>Non-Recurring Child Care</b>  | <b>Afterschool Child Care Programs EFFECTIVE 1/1/16</b>  |
|  | <ul style="list-style-type: none"> <li>○ Meat and meat alternatives.</li> <li>○ Bread and bread alternatives.</li> </ul>                              | <ul style="list-style-type: none"> <li>○ Meat and meat alternatives.</li> <li>○ Bread and bread alternatives.</li> </ul>                              | <ul style="list-style-type: none"> <li>○ Meat and meat alternatives.</li> <li>○ Bread and bread alternatives.</li> </ul> | <ul style="list-style-type: none"> <li>○ Meat and meat alternatives.</li> <li>○ Bread and bread alternatives.</li> </ul>                           | <ul style="list-style-type: none"> <li>● Full-strength juice is an acceptable option to fulfill requirement.</li> </ul>  |
| <b>Food—fried foods</b>  | ● Not addressed in regulations.   | ● Not addressed in regulations.   | ● Not addressed in regulations.  | ● Not addressed in regulations.  | ● Not addressed in regulations.  |
| <b>Food—trans fats</b>   | ● Not addressed in regulations.   | ● Not addressed in regulations.   | ● Not addressed in regulations.  | ● Not addressed in regulations.  | ● Not addressed in regulations.  |
| <b>Food—whole grains</b>   | ● Not addressed in regulations.   | ● Not addressed in regulations.   | ● Not addressed in regulations.  | ● Not addressed in regulations.  | ● Meals and snacks must comply with the nutritional requirements of the CACFP meal plan, <sup>22</sup> which requires whole-grain, enriched, or fortified breads, grains, and cereals. <sup>23</sup> |
| <b>Food—added sugar</b>  | ● Not addressed in regulations.   | ● Not addressed in regulations.   | ● Not addressed in regulations.  | ● Not addressed in regulations.  | ● Not addressed in regulations.  |
| <b>Infant feeding</b>  | ● The program shall provide comfortable accommodations for mothers who breast-feed their child during the hours their child is present. <sup>24</sup> | ● The program shall provide comfortable accommodations for mothers who breast-feed their child during the hours their child is present. <sup>25</sup> | ● Not Applicable.  | ● The program shall allow space where mothers can breastfeed their children comfortably during the hours their children are in care. <sup>26</sup> | ● Not Applicable.  |
| <b>Physical activity—defined time periods</b>                                  | ● The program curriculum shall promote physical development in both indoor and outdoor settings,  | ● The program curriculum shall promote physical development in both indoor and outdoor settings,  | ● The daily curriculum shall provide for indoor and outdoor activities, quiet and active play,                           | ● The daily curriculum shall provide for indoor and outdoor activities, quiet and active play,   | ● The program curriculum shall provide for indoor and outdoor activities, quiet and active play,   |

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|  | strengthening large and small muscles and encouraging eye-hand coordination, body awareness, rhythm, and movement. <sup>27</sup><br>• No time requirements.   | strengthening large and small muscles and encouraging eye-hand coordination, body awareness, rhythm, and movement. <sup>28</sup><br>• No time requirements.   | and large and small muscle activities. <sup>29</sup><br>• Materials and daily activities for school age children shall be varied and age-appropriate, and include cooperative active play (indoor/outdoor). <sup>30</sup><br>• No time requirements. | and large and small muscle activities. <sup>31</sup><br>• No time requirements.   | and cognitive and physical opportunities. <sup>32</sup><br>• No time requirements.  |
| <b>Physical activity—mixture of activities</b>                                 | • The program curriculum shall promote physical development in both indoor and outdoor settings, strengthening large and small muscles and encouraging eye-hand coordination, body awareness, rhythm, and movement. <sup>33</sup> | • The program curriculum shall promote physical development in both indoor and outdoor settings, strengthening large and small muscles and encouraging eye-hand coordination, body awareness, rhythm, and movement. <sup>34</sup> | • The daily curriculum shall provide for indoor and outdoor activities, quiet and active play, and large and small muscle activities. <sup>35</sup>  | • The daily curriculum shall provide for indoor and outdoor activities, quiet and active play, and large and small muscle activities. <sup>36</sup> | • The program curriculum shall provide for indoor and outdoor activities, quiet and active play, and cognitive and physical opportunities. <sup>37</sup>  |
| <b>Physical activity--outdoor</b>  | • Not addressed in regulations.   | • Not addressed in regulations.   | • Materials and daily activities for school age children shall be varied and age-appropriate, and include cooperative active play (indoor/outdoor). <sup>38</sup>  | • Not addressed in regulations.   | • The program curriculum shall provide for indoor and outdoor activities (weather permitting). <sup>39</sup><br>• Children shall be provided with a variety of outdoor play experiences daily when weather and air quality conditions |

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|  |   |   |   |   | do not pose a significant health risk. <sup>40</sup>  |
| <b>Infant physical activity—varied activity</b>                                | <ul style="list-style-type: none"> <li>• Infants and toddlers shall have ample opportunities to move about freely in a safe area. When infant chairs, infant/toddler swings, high chairs or playpens are used for supervised play their usage shall not exceed a ½ hour period for every 3-hour interval.<sup>41</sup></li> </ul> | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul> | <ul style="list-style-type: none"> <li>• Not Applicable.</li> </ul>             | <ul style="list-style-type: none"> <li>• Infants and toddlers shall have ample opportunities to move about freely in a safe area. When infant chairs, infant/toddler swings, high chairs or playpens are used for supervised play their usage shall not exceed a ½ hour period for every 3-hour interval.<sup>42</sup></li> </ul> | <ul style="list-style-type: none"> <li>• Not Applicable.</li> </ul>   |
| <b>Infant Physical activity—tummy time</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 Applicable.</li> </ul>             | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>   | <ul style="list-style-type: none"> <li>• Not Applicable.</li> </ul>   |
| <b>Screen time -- definitions</b>  | <ul style="list-style-type: none"> <li>• Not defined in regulations.</li> </ul>   | <ul style="list-style-type: none"> <li>• Not defined in regulations.</li> </ul>   | <ul style="list-style-type: none"> <li>• Not defined in regulations.</li> </ul> | <ul style="list-style-type: none"> <li>• Not defined in regulations.</li> </ul>   | <ul style="list-style-type: none"> <li>• Screen time = the time spent watching television, playing video games, using computers including hand held devices and surfing the internet.<sup>43</sup></li> </ul> |
| <b>Screen time – under 2 yrs old</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 Applicable.</li> </ul>             | <ul style="list-style-type: none"> <li>• Not addressed in regulations.</li> </ul>   | <ul style="list-style-type: none"> <li>• Not Applicable.</li> </ul>   |

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|  | <b>Early Childhood Programs</b>   | <b>Family Child Care Homes</b>  | <b>School Age Care</b>   | <b>Non-Recurring Child Care</b>  | <b>Afterschool Child Care Programs<br/>EFFECTIVE<br/>1/1/16</b>   |
| <b>Screen time –over 2 yrs old</b>   | <ul style="list-style-type: none"> <li>• If television/video viewing occurs, it shall be in the presence of staff, educational, and designed for children.<sup>44</sup></li> <li>• Age-appropriate alternatives shall be available when television/video viewing occurs.<sup>45</sup></li> <li>• Television/video viewing shall not exceed five (5) hours per week.<sup>46</sup></li> </ul> | <ul style="list-style-type: none"> <li>• If television/video viewing occurs, it shall be in the presence of staff, educational, and designed for children.<sup>47</sup></li> <li>• Age-appropriate alternatives shall be available when television/video viewing occurs.<sup>48</sup></li> <li>• Television/video viewing shall not exceed five (5) hours per week.<sup>49</sup></li> </ul> | <ul style="list-style-type: none"> <li>• If television/video viewing occurs, it shall be in the presence of staff and designed for children.<sup>50</sup></li> <li>• Television/video viewing shall not exceed 1/3 of total child care program time per child.<sup>51</sup></li> </ul> | <ul style="list-style-type: none"> <li>• If television/video viewing occurs, it shall be in the presence of staff, educational, and designed for children.<sup>52</sup></li> <li>• Television/video viewing shall not exceed 90 minutes per day per child.<sup>53</sup></li> </ul> | <ul style="list-style-type: none"> <li>• Screen time shall be in the presence of staff and designed for the age of the engaged children.<sup>54</sup></li> <li>• Written parental permission from all parents shall be required for each child to view PG Rated movies shown in the program.<sup>55</sup></li> <li>• Screen time shall not exceed 2 hours per week.<sup>56</sup></li> </ul> |
| <b>Screen time –food marketing</b>   | • Not addressed in regulations.   | • Not addressed in regulations.   | • Not addressed in regulations.  | • Not addressed in regulations.  | • Not addressed in regulations.   |
| <b>Family engagement</b>   | • Not addressed in regulations.   | • 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.  | • 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.  | • 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.  | • Not addressed in regulations.   |

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|---|--|---------------------------------|---------------------------------|---------------------------------|---|
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| <b>Staff modeling—physical activity</b> | • 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.

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).

<sup>1</sup> Definitions B3— Vt. Stat. Ann. tit. 33 § 3511(3).  
<sup>2</sup> Definitions B3— Vt. Stat. Ann. tit. 33 § 3511(3).  
<sup>3</sup> Definitions E5—tit. no. 12 ch. no. 3 Vt. Code R. § 100:1.  
<sup>4</sup> Definitions B3— Vt. Stat. Ann. tit. 33 § 3511(3).  
<sup>5</sup> ASP §§ 2.9 & 2.42  
<sup>6</sup> Nutrition C24—tit. no. 12 ch. no. 3 Vt. Code R. § 102:6(B)(2).  
<sup>7</sup> Nutrition D24—tit. no. 12 ch. no. 3 Vt. Code R. § 103:6(B)(2).  
<sup>8</sup> Nutrition E24—tit. no. 12 ch. no. 3 Vt. Code R. § 100:12(8)(i).  
<sup>9</sup> Nutrition F24—tit. no. 12 ch. no. 3 Vt. Code R. § 101:12(8)(j).  
<sup>10</sup> Nutrition G26—ASP § 13.4  
<sup>11</sup> Meal Patterns available in Appendix B and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>12</sup> Nutrition G4—ASP §14.1.  
<sup>13</sup> Nutrition C21—tit. no. 12 ch. no. 3 Vt. Code R. § 102:6(I)(9).  
<sup>14</sup> Nutrition D21—tit. no. 12 ch. no. 3 Vt. Code R. § 103:6(L)(9).  
<sup>15</sup> Nutrition F21—tit. no. 12 ch. no. 3 Vt. Code R. § 101:12(10)(h).  
<sup>16</sup> Nutrition C4—tit. no. 12 ch. no. 3 Vt. Code R. § 102:6(I)(4).  
<sup>17</sup> Nutrition D4—tit. no. 12 ch. no. 3 Vt. Code R. § 103:6(L)(4).  
<sup>18</sup> Nutrition E4—tit. no. 12 ch. no. 3 Vt. Code R. § 100:12(8)(e).  
<sup>19</sup> Nutrition F4—tit. no. 12 ch. no. 3 Vt. Code R. § 101:12(10)(e).  
<sup>20</sup> Meal Patterns available in Appendix B and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>21</sup> Nutrition G4—ASP §14.1.  
<sup>22</sup> Meal Patterns available in Appendix B and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>23</sup> Nutrition G4—ASP §14.1.  
<sup>24</sup> Breast Feeding C3—tit. no. 12 ch. no. 3 Vt. Code R. § 102:5(7).  
<sup>25</sup> Breast Feeding D3—tit. no. 12 ch. no. 3 Vt. Code R. § 103:5(7).

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- <sup>26</sup> Breast Feeding F3—tit. no. 12 ch. no. 3 Vt. Code R. § 101:2(16).
- <sup>27</sup> Space, Eqp. & Physical Activity C3—tit. no. 12 ch. no. 3 Vt. Code R. § 102:2(A)(2).
- <sup>28</sup> Space, Eqp. & Physical Activity D3—tit. no. 12 ch. no. 3 Vt. Code R. § 103:2(A)(2).
- <sup>29</sup> Space, Eqp. & Physical Activity E3—tit. no. 12 ch. no. 3 Vt. Code R. § 100:6(2)(a), (b), (d).
- <sup>30</sup> Space, Eqp. & Physical Activity E8—tit. no. 12 ch. no. 3 Vt. Code R. § 100:6(13)(a).
- <sup>31</sup> Space, Eqp. & Physical Activity F3—tit. no. 12 ch. no. 3 Vt. Code R. § 101:6(2a)(a), (b), (d).
- <sup>32</sup> Space, Eqp. & Physical Activity G3—ASP §8.2.
- <sup>33</sup> Space, Eqp. & Physical Activity C3—tit. no. 12 ch. no. 3 Vt. Code R. § 102:2(A)(2).
- <sup>34</sup> Space, Eqp. & Physical Activity D3—tit. no. 12 ch. no. 3 Vt. Code R. § 103:2(A)(2).
- <sup>35</sup> Space, Eqp. & Physical Activity E3—tit. no. 12 ch. no. 3 Vt. Code R. § 100:6(2)(a), (b), (d).
- <sup>36</sup> Space, Eqp. & Physical Activity F3—tit. no. 12 ch. no. 3 Vt. Code R. § 101:6(2a)(a), (b), (d).
- <sup>37</sup> Space, Eqp. & Physical Activity G3—ASP §8.2.
- <sup>38</sup> Space, Eqp. & Physical Activity E8—tit. no. 12 ch. no. 3 Vt. Code R. § 100:6(13)(a).
- <sup>39</sup> Space, Eqp. & Physical Activity G3—ASP §8.2.a.
- <sup>40</sup> Space, Eqp. & Physical Activity G10—ASP §12.8.
- <sup>41</sup> Space, Eqp. & Physical Activity C9—tit. no. 12 ch. no. 3 Vt. Code R. § 102:2(A)(6).
- <sup>42</sup> Space, Eqp. & Physical Activity F9—tit. no. 12 ch. no. 3 Vt. Code R. § 101:6.(I22), (I/T23).
- <sup>43</sup> Screen Time G3—ASP § 8.9.
- <sup>44</sup> Screen Time C3 & C6—tit. no. 12 ch. no. 3 Vt. Code R. § 102:2(A)(7)(a), (b), (c).
- <sup>45</sup> Screen Time C4—tit. no. 12 ch. no. 3 Vt. Code R. § 102:2(A)(7)(d).
- <sup>46</sup> Screen Time C5—tit. no. 12 ch. no. 3 Vt. Code R. § 102:2(A)(7).
- <sup>47</sup> Screen Time C3 & C6—tit. no. 12 ch. no. 3 Vt. Code R. § 103:2(A)(7)(a), (b), (c).
- <sup>48</sup> Screen Time C4—tit. no. 12 ch. no. 3 Vt. Code R. § 103:2(A)(7)(d).
- <sup>49</sup> Screen Time C5—tit. no. 12 ch. no. 3 Vt. Code R. § 103:2(A)(7).
- <sup>50</sup> Screen Time E3 & E6—tit. no. 12 ch. no. 3 Vt. Code R. § 100:6(10)(a), (b).
- <sup>51</sup> Screen Time E5—tit. no. 12 ch. no. 3 Vt. Code R. § 100:6(10)(c).
- <sup>52</sup> Screen Time F3 & F6— tit. no. 12 ch. no. 3 Vt. Code R. § 101:6(12)(a), (b), (c).
- <sup>53</sup> Screen Time F3 & F6— tit. no. 12 ch. no. 3 Vt. Code R. § 101:6(12)(d).
- <sup>54</sup> Screen Time G3 & G6—ASP § 8.9.
- <sup>55</sup> Screen Time G7—ASP § 8.10.
- <sup>56</sup> Screen Time G5—ASP § 8.9.