



## Virginia 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. Virginia 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/va>.

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

	<b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>	
	<b>Child Day Centers</b>	<b>Family Day Homes</b>
<b>Ages covered</b>	• Infant – 13-years-old <sup>1</sup>	• Infant – 13-years-old <sup>2</sup>
<b>Beverages— water</b>	<ul style="list-style-type: none"> <li>• Drinking fountains or individual disposable cups with safe drinking water shall be accessible at all times.<sup>3</sup></li> <li>• Drinking water or other beverage not containing caffeine shall be offered at regular intervals to nonverbal children.<sup>4</sup></li> </ul>	• Water shall be available for drinking and shall be offered on a regular basis to all children in care. <sup>5</sup>
<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>6</sup> which calls for low-fat (1%) or nonfat milk for children 2 or older.<sup>7</sup></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 nutritional requirements of the CACFP meal plan,<sup>8</sup> which calls for low-fat (1%) or nonfat milk for children 2 or older.<sup>9</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>Child Day Centers</b>	<b>Family Day Homes</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>1011</sup></li> </ul>	<ul style="list-style-type: none"> <li>Meals and snacks must comply with the nutritional requirements of the CACFP meal plan.<sup>1213</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>14</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>15</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>Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,<sup>16</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>17</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>18</sup> which requires whole-grain, enriched, or fortified breads, grains, and cereals.<sup>19</sup></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 whole-grain, enriched, or fortified breads, grains, and cereals.<sup>21</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>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>Breastfeeding shall be permitted.<sup>24</sup></li> </ul>	<ul style="list-style-type: none"> <li>Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,<sup>25</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>26</sup></li> <li>A child's mother shall be granted access to a private area of the family day home to facilitate breastfeeding.<sup>27</sup></li> </ul>
<b>Physical activity—defined time periods</b>	<ul style="list-style-type: none"> <li>There shall be a balance of active and quiet activities.<sup>28</sup></li> </ul>	<ul style="list-style-type: none"> <li>There shall be a balance of active and quiet activities.<sup>33</sup></li> <li>Exercise cannot be used as punishment.<sup>34</sup></li> </ul>

	<b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>	
	<b>Child Day Centers</b>	<b>Family Day Homes</b>
	<ul style="list-style-type: none"> <li>• The daily schedule shall include opportunities for small and large motor activities.<sup>29</sup></li> <li>• After school, school-age children shall have opportunities for large motor activities at least 25% of the time.<sup>30</sup></li> <li>• On non-school days, school-age children shall have opportunities for large motor activities at least 25% of the time.<sup>31</sup></li> <li>• Exercise cannot be used as punishment.<sup>32</sup></li> </ul>	
<b>Physical activity—mixture of activities</b>	<ul style="list-style-type: none"> <li>• There shall be a balance of active and quiet activities.<sup>35</sup></li> <li>• The daily schedule shall include opportunities for small and large motor activities.<sup>36</sup></li> <li>• After school, school-age children shall have opportunities for large motor activities at least 25% of the time.<sup>37</sup></li> <li>• On non-school days, school-age children shall have opportunities for large motor activities at least 25% of the time.<sup>38</sup></li> <li>• Exercise cannot be used as punishment.<sup>39</sup></li> </ul>	<ul style="list-style-type: none"> <li>• There shall be a balance of active and quiet activities.<sup>40</sup></li> <li>• Exercise cannot be used as punishment.<sup>41</sup></li> </ul>
<b>Physical activity--outdoor</b>	<ul style="list-style-type: none"> <li>• The daily schedule shall include opportunities for outdoor activity if the weather and air quality allows.<sup>42</sup> <ul style="list-style-type: none"> <li>○ 15 min./day if the center operates up to three hours per day/session.</li> <li>○ 30 min./day if the center operates between three and five hours per day/session.</li> <li>○ 60 min./day if the center operates more than five hours per day/session.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• There shall be daily opportunities for vigorous outdoor play daily, depending upon the weather, the ages, and the health of the children.<sup>43</sup> <ul style="list-style-type: none"> <li>○ No time requirements.</li> </ul> </li> </ul>
<b>Infant physical activity—varied activity</b>	<ul style="list-style-type: none"> <li>• Infants shall be provided with frequent opportunities to creep, crawl, toddle, and walk.<sup>44</sup></li> <li>• Staff shall provide awake infants not playing on the floor or ground a change in play space at least every 30 minutes or more often as determined by the individual infant's needs.<sup>45</sup></li> <li>• Staff shall change the position of an awake infant playing on the floor or ground and</li> </ul>	<ul style="list-style-type: none"> <li>• Infants and toddlers shall be provided with opportunities to reach, grasp, pull up, creep, crawl, and walk to develop motor skills.<sup>48</sup></li> <li>• Infants and toddlers shall spend no more than 30 minutes of consecutive time during waking hours, with the exception of mealtimes, confined in a crib, play pen, high chair or other confining piece of equipment. The intervening time period</li> </ul>

	<b>Child Care Licensing Laws/Regulations (relevant provision and citation)</b>	
	<b>Child Day Centers</b>	<b>Family Day Homes</b>
	<p>the selection of toys available to the infant every 30 minutes or more often as determined by the individual infant's needs.<sup>46</sup></p> <ul style="list-style-type: none"> <li>• Infants shall be provided with daily outdoor time if weather and air quality allow.<sup>47</sup></li> </ul>	<p>between confinements shall be at least one hour.<sup>49</sup></p>
<b>Infant Physical activity—tummy time</b>	<ul style="list-style-type: none"> <li>• Infants, who cannot turn themselves over and are awake, shall be placed on their stomachs a total of 30 minutes each day to facilitate upper body strength and to address misshapen head concerns.<sup>50</sup></li> </ul>	<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>	<ul style="list-style-type: none"> <li>• Not defined 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>	<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>	<ul style="list-style-type: none"> <li>• Use of media such as, but not limited to, television, videos, video games, and computers shall be limited to two hours per day.<sup>51</sup></li> <li>• Use of media such as, but not limited to, television, videos, video games, and computers shall be limited to programs, tapes, websites, and software that are produced for children or are suitable for children.<sup>52</sup></li> <li>• Other activities shall be available to children during television or video viewing.<sup>53</sup></li> </ul>
<b>Screen time – food marketing</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>Family engagement</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>Staff modeling—healthy eating, in general</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>Staff modeling—staff</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>

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	<b>Child Day Centers</b>	<b>Family Day Homes</b>
<b>modeling, healthy eating—meals and snacks</b>		
<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).

<sup>1</sup> Definitions C11—22 Va. Admin. Code § 40-185-10.  
<sup>2</sup> Definitions D11—22 Va. Admin. Code § 40-111-10.  
<sup>3</sup> Nutrition C14—22 Va. Admin. Code § 40-185-270(E).  
<sup>4</sup> Nutrition C17—22 Va. Admin. Code § 40-185-560(D).  
<sup>5</sup> Nutrition D17—22 Va. Admin. Code § 40-111-910(A).  
<sup>6</sup> Nutritional requirements available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>7</sup> Nutrition C8— 22 Va. Admin. Code § 40-185-560(F)(1).  
<sup>8</sup> Nutritional requirements available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>9</sup> Nutrition D8— 22 Va. Admin. Code § 40-111-880(1).  
<sup>10</sup> Nutrition C8— 22 Va. Admin. Code § 40-185-560(F)(1).  
<sup>11</sup> Nutritional requirements available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>12</sup> Nutrition D8— 22 Va. Admin. Code § 40-111-880(1).  
<sup>13</sup> Nutritional requirements available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>14</sup> Nutritional requirements available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>15</sup> Nutrition C8— 22 Va. Admin. Code § 40-185-560(F)(1).  
<sup>16</sup> Nutritional requirements available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>17</sup> Nutrition D8— 22 Va. Admin. Code § 40-111-880(1).  
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<sup>21</sup> Nutrition D8— 22 Va. Admin. Code § 40-111-880(1).  
<sup>22</sup> Nutritional requirements available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>23</sup> Nutrition C8— 22 Va. Admin. Code § 40-185-560(F)(1).  
<sup>24</sup> Breast Feeding C9—22 Va. Admin. Code § 40-185-570(J).  
<sup>25</sup> Nutritional requirements available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.  
<sup>26</sup> Nutrition C8— 22 Va. Admin. Code § 40-185-560(F)(1).  
<sup>27</sup> Breast Feeding D9—22 Va. Admin. Code § 40-111-960(I).  
<sup>28</sup> Space, Equipment & Activity C12—22 Va. Admin. Code § 40-185-360(A).  
<sup>29</sup> Space, Equipment & Activity C13—22 Va. Admin. Code § 40-185-380(A)(4).  
<sup>30</sup> Space, Equipment & Activity C14—22 Va. Admin. Code § 40-185-390(A).  
<sup>31</sup> Space, Equipment & Activity C15—22 Va. Admin. Code § 40-185-390(B).  
<sup>32</sup> Space, Equipment & Activity C22—22 Va. Admin. Code § 40-185-410(1).  
<sup>33</sup> Space, Equipment & Activity D12—22 Va. Admin. Code § 40-111-580(C)(1).  
<sup>34</sup> Space, Equipment & Activity D22—22 Va. Admin. Code § 40-111-640(1).  
<sup>35</sup> Space, Equipment & Activity C12—22 Va. Admin. Code § 40-185-360(A).  
<sup>36</sup> Space, Equipment & Activity C13—22 Va. Admin. Code § 40-185-380(A)(4).  
<sup>37</sup> Space, Equipment & Activity C14—22 Va. Admin. Code § 40-185-390(A).  
<sup>38</sup> Space, Equipment & Activity C15—22 Va. Admin. Code § 40-185-390(B).  
<sup>39</sup> Space, Equipment & Activity C22—22 Va. Admin. Code § 40-185-410(1).  
<sup>40</sup> Space, Equipment & Activity D12—22 Va. Admin. Code § 40-111-580(C)(1).  
<sup>41</sup> Space, Equipment & Activity D22—22 Va. Admin. Code § 40-111-640(1).  
<sup>42</sup> Space, Equipment & Activity C20—22 Va. Admin. Code § 40-185-380; C15—22 Va. Admin. Code § 40-185-390(B).  
<sup>43</sup> Space, Equipment & Activity D20—22 Va. Admin. Code § 40-111-580(C)(2).  
<sup>44</sup> Space, Equipment & Activity C16—22 Va. Admin. Code § 40-185-370(5)(c).  
<sup>45</sup> Space, Equipment & Activity C17—22 Va. Admin. Code § 40-185-370(5)(e).  
<sup>46</sup> Space, Equipment & Activity C17—22 Va. Admin. Code § 40-185-370(5)(e).  
<sup>47</sup> Space, Equipment & Activity C21—22 Va. Admin. Code § 40-185-370(3).  
<sup>48</sup> Space, Equipment & Activity D16—22 Va. Admin. Code § 40-111-600(A)(4).  
<sup>49</sup> Space, Equipment & Activity D19—22 Va. Admin. Code § 40-111-600(B).  
<sup>50</sup> Space, Equipment & Activity C18—22 Va. Admin. Code § 40-185-370(5)(g).  
<sup>51</sup> Screen Time D6—22 Va. Admin. Code § 40-111-610(A)(1).  
<sup>52</sup> Screen Time D7—22 Va. Admin. Code § 40-111-610(A)(2).  
<sup>53</sup> Screen Time D8—22 Va. Admin. Code § 40-111-610(B).