



Wisconsin 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. Wisconsin 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/wi>.

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

	Child Care Licensing Laws/Regulations (relevant provision and citation)			
	Group Child Care Centers	Day Camp & Day Care Programs Established by a School Board ¹	State & Federally Funded Certified Child Care	Family Child Care Centers
Ages covered	• Ages covered unclear	• 3-years-old – School Age	• Ages covered unclear	• Ages covered unclear

	Child Care Licensing Laws/Regulations (relevant provision and citation)			
	Group Child Care Centers	Day Camp & Day Care Programs Established by a School Board¹	State & Federally Funded Certified Child Care	Family Child Care Centers
Beverages—water	<ul style="list-style-type: none"> • A safe supply of drinking water shall be available to children at all times from a drinking fountain of the angle jet type or by use of disposable cups.² • Providers must offer infants over 6 months of age and toddlers drinking water several times a day.³ 	<ul style="list-style-type: none"> • A supply of safe drinking water shall be available to children at all times from disposable cups, covered water bottles labeled with the child's name, or angle jet type drinking fountains.⁴ • When running water is not available, a covered drinking water container that is easily distinguishable from other containers, constructed of a food grade material that does not permit the water to become contaminated by dirt, insects, or animals, and suitable for pouring or equipped with a faucet shall be provided. Dipping into water from the container is prohibited.⁵ 	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Providers must offer infants over 6 months of age and toddlers drinking water several times a day.⁶
Beverages—milk, juice, other	<ul style="list-style-type: none"> • Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,⁷ which calls for low-fat 	<ul style="list-style-type: none"> • Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,⁹ which calls for low-fat (1%) or nonfat milk for children 2 or older.¹⁰ 	<ul style="list-style-type: none"> • The program must serve grade A vitamin D milk.¹¹ • Pure fruit juice is a snack option for school-age children.¹² 	<ul style="list-style-type: none"> • Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,¹³ which calls for low-fat (1%) or nonfat milk for children 2 or older.¹⁴

	Child Care Licensing Laws/Regulations (relevant provision and citation)			
	Group Child Care Centers	Day Camp & Day Care Programs Established by a School Board¹	State & Federally Funded Certified Child Care	Family Child Care Centers
	(1%) or nonfat milk for children 2 or older. ⁸ • Full-strength juice is allowed to fulfill fruit/vegetable requirements.	• Full-strength juice is allowed to fulfill fruit/vegetable requirements.		• Full-strength juice is allowed to fulfill fruit/vegetable requirements.
Beverages—sugar-sweetened beverages	• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan. ¹⁵¹⁶	• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan. ¹⁷¹⁸	• Not addressed in regulations.	• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan. ¹⁹²⁰
Food—family style	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
Food—fruits and vegetables	• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan, ²¹ which requires 1 fruit/vegetable at breakfast, 2 fruits/vegetables at lunch and supper, and the option of serving fruit/vegetable at snack. ²² • No mention of whether fruits and vegetables must	• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan, ²³ which requires 1 fruit/vegetable at breakfast, 2 fruits/vegetables at lunch and supper, and the option of serving fruit/vegetable at snack. ²⁴ • No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned.	• Noon and evening meals must include a fruit and vegetable. ²⁵ • Fruit, pure fruit juice, and vegetables are optional components for snacks for school-age children. ²⁶ ○ No mention of snack components for non-school-age children.	• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan, ²⁷ which requires 1 fruit/vegetable at breakfast, 2 fruits/vegetables at lunch and supper, and the option of serving fruit/vegetable at snack. ²⁸ • No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned.

	Child Care Licensing Laws/Regulations (relevant provision and citation)			
	Group Child Care Centers	Day Camp & Day Care Programs Established by a School Board¹	State & Federally Funded Certified Child Care	Family Child Care Centers
	be fresh, frozen, dried, or canned. • Full-strength juice is an acceptable option to fulfill requirement.	• Full-strength juice is an acceptable option to fulfill requirement.	• No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned.	• Full-strength juice is an acceptable option to fulfill requirement.
Food—fried foods	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
Food—trans fats	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
Food—whole grains	• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan, ²⁹ which requires whole-grain, enriched, or fortified breads, grains, and cereals. ³⁰	• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan, ³¹ which requires whole-grain, enriched, or fortified breads, grains, and cereals. ³²	• Whole-grain or enriched bread or cereal is an optional component for snacks for school-age children. ³³ • Whether the cereal/bread product served with meals must be whole-grain is unclear. ³⁴	• Meals and snacks must comply with the nutritional requirements of the CACFP meal plan, ³⁵ which requires whole-grain, enriched, or fortified breads, grains, and cereals. ³⁶
Food—added sugar	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.

	Child Care Licensing Laws/Regulations (relevant provision and citation)			
	Group Child Care Centers	Day Camp & Day Care Programs Established by a School Board¹	State & Federally Funded Certified Child Care	Family Child Care Centers
Infant Feeding	<ul style="list-style-type: none"> • Infants may be fed formula or breast milk.³⁷ • Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,³⁸ 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.³⁹ • No specific regulations to support or accommodate breastfeeding mothers. 	<ul style="list-style-type: none"> • Not Applicable. 	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Infants may be fed formula or breast milk.⁴⁰ • Meals and snacks must comply with the nutritional requirements of the CACFP meal plan,⁴¹ 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.⁴² • No specific regulations to support or accommodate breastfeeding mothers.
Physical activity—defined time periods	<ul style="list-style-type: none"> • The program schedule shall be planned to provide a flexible balance each day of active and quiet activities.⁴³ • A center serving school-age children shall provide a change from the routine of school through recreational activities, 	<ul style="list-style-type: none"> • The program schedule shall be planned to provide a flexible balance each day of active and quiet activities.⁴⁵ • No mention of time requirements for active play. 	<ul style="list-style-type: none"> • The program shall provide a variety of activities that ensure that each child is involved in both active and quiet play.⁴⁶ • No mention of time requirements for active play. 	<ul style="list-style-type: none"> • The program schedule shall be planned to provide a flexible balance each day of active and quiet activities.⁴⁷ <ul style="list-style-type: none"> ○ No mention of time requirements for active play.

Child Care Licensing Laws/Regulations (relevant provision and citation)				
	Group Child Care Centers	Day Camp & Day Care Programs Established by a School Board ¹	State & Federally Funded Certified Child Care	Family Child Care Centers
	including outdoor and active play. ⁴⁴ <ul style="list-style-type: none"> ○ No mention of time requirements for active play. 			
Physical activity—mixture of activities	<ul style="list-style-type: none"> • The program schedule shall be planned to provide a flexible balance each day of active and quiet activities.⁴⁸ • A center serving school-age children shall provide a change from the routine of school through recreational activities, including outdoor and active play.⁴⁹ • The program shall promote large and small muscle development.⁵⁰ • Centers must provide equipment for large muscle development.⁵¹ 	<ul style="list-style-type: none"> • The program schedule shall be planned to provide a flexible balance each day of active and quiet activities.⁵² • The camp programs shall promote large and small muscle development.⁵³ • The camp must provide equipment for large muscle development.⁵⁴ 	<ul style="list-style-type: none"> • The program shall provide a variety of activities that ensure that each child is involved in both active and quiet play.⁵⁵ • A child care provider shall plan activities so children use large and small muscles.⁵⁶ 	<ul style="list-style-type: none"> • The program schedule shall be planned to provide a flexible balance each day of active and quiet activities.⁵⁷ • A provider shall plan activities so children use large and small muscles.⁵⁸ • Programs must provide equipment for large and small muscle activity.⁵⁹

	Child Care Licensing Laws/Regulations (relevant provision and citation)			
	Group Child Care Centers	Day Camp & Day Care Programs Established by a School Board¹	State & Federally Funded Certified Child Care	Family Child Care Centers
Physical activity-- outdoor	<ul style="list-style-type: none"> Centers that operate for more than 3 hours per day shall offer outdoor activities, except during inclement weather or when not advisable for health reasons.⁶⁰ 	<ul style="list-style-type: none"> Programs shall provide daily opportunities for children to play outdoors, except during inclement weather or when not advisable for health reasons.⁶¹ 	<ul style="list-style-type: none"> Programs shall provide daily opportunities for children to play outdoors, except during inclement weather or when not advisable for health reasons.⁶² 	<ul style="list-style-type: none"> Programs that operate for more than 3 hours per day shall offer outdoor activities, except during inclement weather or when not advisable for health reasons.⁶³
Infant physical activity— varied activity	<ul style="list-style-type: none"> A non-walking child who can creep or crawl shall be given daily opportunities to move freely by creeping and crawling in a safe, clean, open, warm and uncluttered area.⁶⁴ Infants and toddlers shall be taken outdoors for part of each day, except during inclement weather or when this is not advisable for health reasons.⁶⁵ 	<ul style="list-style-type: none"> Not Applicable 	<ul style="list-style-type: none"> A non-walking child who can creep or crawl shall be given daily opportunities to move freely by creeping and crawling in a safe, clean, open, warm and uncluttered area.⁶⁶ 	<ul style="list-style-type: none"> A non-walking child who can creep or crawl shall be given daily opportunities to move freely by creeping and crawling in a safe, clean, open, warm and uncluttered area.⁶⁷ Infants and toddlers shall be taken outdoors for part of each day, except during inclement weather or when this is not advisable for health reasons.⁶⁸
Infant Physical activity— tummy time	<ul style="list-style-type: none"> Non-mobile children shall have their position and location changed periodically, and shall be placed on their stomach 	<ul style="list-style-type: none"> Not Applicable 	<ul style="list-style-type: none"> Non-mobile children shall have their position and location changed periodically, and shall be placed on their stomach 	<ul style="list-style-type: none"> Non-mobile children shall have their position and location changed periodically, and shall be placed on their stomach occasionally throughout the day.⁷¹

	Child Care Licensing Laws/Regulations (relevant provision and citation)			
	Group Child Care Centers	Day Camp & Day Care Programs Established by a School Board¹	State & Federally Funded Certified Child Care	Family Child Care Centers
	occasionally throughout the day. ⁶⁹		occasionally throughout the day. ⁷⁰	
Screen time -- definitions	• Not defined in regulations.	• Not addressed in regulations.	• Not defined in regulations.	• Not defined in regulations.
Screen time – under 2 yrs old	• Not addressed in regulations.	• Not Applicable	• Not addressed in regulations.	• Not addressed in regulations.
Screen time – over 2 yrs old	• Television may be used only to supplement the daily plan for children. No child may be required to watch television. Other activities shall be available. ⁷²	• Not addressed in regulations.	<ul style="list-style-type: none"> • A child care provider may use television only to supplement daily activities for children. No child may be required to watch television.⁷³ • For school-age children, television viewing may not exceed one hour a day per child and shall be appropriate for the children in care.⁷⁴ 	• Television, including videotapes and DVDs, may be used only to supplement the daily plan for children. No child may be required to watch television. ⁷⁵
Screen time – food marketing	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.

	Child Care Licensing Laws/Regulations (relevant provision and citation)			
	Group Child Care Centers	Day Camp & Day Care Programs Established by a School Board¹	State & Federally Funded Certified Child Care	Family Child Care Centers
Family Engagement	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
Staff modeling—healthy eating, in general	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
Staff modeling—staff modeling, healthy eating—meals and snacks	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
Staff modeling—healthy eating, other foods	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.	• Not addressed in regulations.
Staff modeling—physical activity	• 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 or Julie Ralston Aoki at julie.ralstonaoki@wmitchell.edu.

¹ Definitions E9—Wis. Adm. Code s DCF 252.04(9).

² Nutrition C25—Wis. Adm. Code s DCF 251.06(6)(a).

³ Nutrition C30—Wis. Adm. Code s DCF 251.09(3)(a)(8).

⁴ Nutrition E25—Wis. Adm. Code s DCF 252.43(3)(d)(1).

⁵ Nutrition E29—Wis. Adm. Code s DCF 252.43(3)(d).

⁶ Nutrition D30—Wis. Adm. Code s DCF 250.09(3)(h).

⁷ Meal Patterns available in Appendices B & C of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

⁸ Nutrition C11—Wis. Adm. Code s DCF 251.07(5)(a).

⁹ Meal Patterns available in Appendix B of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

¹⁰ Nutrition E11—Wis. Adm. Code s DCF 252.55(5)(e).

¹¹ Nutrition F11—Wis. Adm. Code s DCF 202.08(1)(b); F12—Wis. Adm. Code s DCF 202.09(11)(c).

¹² Nutrition F13—Wis. Adm. Code s DCF 202.09(11)(d).

¹³ Meal Patterns available in Appendices A & B of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

¹⁴ Nutrition D11—Wis. Adm. Code s DCF 250.07(5)(c).

¹⁵ Nutrition C11—Wis. Adm. Code s DCF 251.07(5)(a).

¹⁶ Meal Patterns available in Appendices B & C of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

¹⁷ Nutrition E11—Wis. Adm. Code s DCF 252.55(5)(e).

¹⁸ Meal Patterns available in Appendix B of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

¹⁹ Nutrition D11—Wis. Adm. Code s DCF 250.07(5)(c).

²⁰ Meal Patterns available in Appendices A & B of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

²¹ Meal Patterns available in Appendices B & C of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

²² Nutrition C11—Wis. Adm. Code s DCF 251.07(5)(a).

²³ Meal Patterns available in Appendix B of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.

²⁴ Nutrition E11—Wis. Adm. Code s DCF 252.55(5)(e).

²⁵ Nutrition F11—Wis. Adm. Code s DCF 202.08(1)(b); F12—Wis. Adm. Code s DCF 202.09(11)(c).

²⁶ Nutrition F13—Wis. Adm. Code s DCF 202.09(11)(d).

-
- ²⁷ Meal Patterns available in Appendices A & B of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
- ²⁸ Nutrition D11—Wis. Adm. Code s DCF 250.07(5)(c).
- ²⁹ Meal Patterns available in Appendices B & C of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
- ³⁰ Nutrition C11—Wis. Adm. Code s DCF 251.07(5)(a).
- ³¹ Meal Patterns available in Appendix B of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
- ³² Nutrition E11—Wis. Adm. Code s DCF 252.55(5)(e).
- ³³ Nutrition F13—Wis. Adm. Code s DCF 202.09(11)(d).
- ³⁴ Nutrition F11—Wis. Adm. Code s DCF 202.08(1)(b); F12—Wis. Adm. Code s DCF 202.09(11)(c).
- ³⁵ Meal Patterns available in Appendices A & B of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
- ³⁶ Nutrition D11—Wis. Adm. Code s DCF 250.07(5)(c).
- ³⁷ Breast Feeding C7—Wis. Adm. Code s DCF 251.09(3)(a)(4).
- ³⁸ Meal Patterns available in Appendices B & C of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
- ³⁹ Nutrition C11—Wis. Adm. Code s DCF 251.07(5)(a).
- ⁴⁰ Breast Feeding D7—Wis. Adm. Code s DCF 250.09(3)(d).
- ⁴¹ Meal Patterns available in Appendices A & B of regulations, and at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
- ⁴² Nutrition D11—Wis. Adm. Code s DCF 250.07(5)(c).
- ⁴³ Space & Equip-Physical Activity C18—Wis. Adm. Code s DCF 251.07(1)(b)(1).
- ⁴⁴ Space & Equip-Physical Activity C19—Wis. Adm. Code s DCF 251.095(4)(c)(2).
- ⁴⁵ Space & Equip-Physical Activity E18—Wis. Adm. Code s DCF 252.44(1)(b)(3)(a).
- ⁴⁶ Space & Equip-Physical Activity F18—Wis. Adm. Code s DCF 202.08(8)(b)(2); F19—Wis. Adm. Code s DCF 202.09(10)(a)(1).
- ⁴⁷ Space & Equip-Physical Activity D18—Wis. Adm. Code s DCF 250.07(1)(b)(2).
- ⁴⁸ Space & Equip-Physical Activity C18—Wis. Adm. Code s DCF 251.07(1)(b)(1).
- ⁴⁹ Space & Equip-Physical Activity C19—Wis. Adm. Code s DCF 251.095(4)(c)(2).
- ⁵⁰ Space & Equip-Physical Activity C7—Wis. Adm. Code s DCF 251.07(1)(a)(5).
- ⁵¹ Space & Equip-Physical Activity C15—Wis. Adm. Code s DCF 251.07(3)(b)(1)(a).
- ⁵² Space & Equip-Physical Activity E18—Wis. Adm. Code s DCF 252.44(1)(b)(3)(a).
- ⁵³ Space & Equip-Physical Activity E7—Wis. Adm. Code s DCF 252.44(1)(a)(2).
- ⁵⁴ Space & Equip-Physical Activity E15—Wis. Adm. Code s DCF 252.44(3)(a)(1).
- ⁵⁵ Space & Equip-Physical Activity F18—Wis. Adm. Code s DCF 202.08(8)(b)(2); F19—Wis. Adm. Code s DCF 202.09(10)(a)(1).
- ⁵⁶ Space & Equip-Physical Activity F7—Wis. Adm. Code s DCF 202.08(8)(a)(3).
- ⁵⁷ Space & Equip-Physical Activity D18—Wis. Adm. Code s DCF 250.07(1)(b)(2).
- ⁵⁸ Space & Equip-Physical Activity D7—Wis. Adm. Code s DCF 250.07(1)(a)(3).
- ⁵⁹ Space & Equip-Physical Activity D15—Wis. Adm. Code s DCF 250.07(3)(b).
- ⁶⁰ Space & Equip-Physical Activity C20—Wis. Adm. Code s DCF 251.0(71)(b)(3); C21—Wis. Adm. Code s DCF 251.07(1)(e)(4).
- ⁶¹ Space & Equip-Physical Activity E20—Wis. Adm. Code s DCF 252.44(1)(b)(4).
- ⁶² Space & Equip-Physical Activity F20—Wis. Adm. Code s DCF 202.08(8)(b)(1).

-
- ⁶³ Space & Equip-Physical Activity D20—Wis. Adm. Code s DCF 250.07(1)(b)(1).
⁶⁴ Space & Equip-Physical Activity C23—Wis. Adm. Code s DCF 251.09(2)(g).
⁶⁵ Space & Equip-Physical Activity C24—Wis. Adm. Code s DCF 251.09(2)(i).
⁶⁶ Space & Equip-Physical Activity F23—Wis. Adm. Code s DCF 202.08(8)(b)(6).
⁶⁷ Space & Equip-Physical Activity D23—Wis. Adm. Code s DCF 250.09(2)(h).
⁶⁸ Space & Equip-Physical Activity D24—Wis. Adm. Code s DCF 250.09(2)(j).
⁶⁹ Space & Equip-Physical Activity C22—Wis. Adm. Code s DCF 251.09(2)(f).
⁷⁰ Space & Equip-Physical Activity F22—Wis. Adm. Code s DCF 202.08(7)(j).
⁷¹ Space & Equip-Physical Activity D22—Wis. Adm. Code s DCF 250.09(2)(g).
⁷² Screen Time C7—Wis. Adm. Code s DCF 251.07(1)(c).
⁷³ Screen Time F7—Wis. Adm. Code s DCF 202.08(8)(c).
⁷⁴ Screen Time F8—Wis. Adm. Code s DCF 202.09(1)(b).
⁷⁵ Screen Time D7—Wis. Adm. Code s DCF 250.07(1)(c).