



North 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. North 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 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/nc>.

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

	Child Care Licensing Laws/Regulations (relevant provision and citation)	
	Child Care Centers	Family Child Care Homes
Ages covered	• Infant – 13-years-old ¹	• Infant – 13-years-old ²
Beverages--water	• Drinking water must be freely available to all children. ³	• Drinking water must be freely available to all children, and offered on a frequent basis. ⁴
Beverages—milk, juice, other	• Beverages allowed are limited to: (1) breast milk; (2) formula; (3) water; (4) unflavored whole milk, for children ages 12-24 months; (5) unflavored skim or lowfat milk for children two years old and older; or (6) 100 percent fruit juice, limited to 6 ounces per day. ⁵	• Beverages allowed are limited to: (1) breast milk; (2) formula; (3) water; (4) unflavored whole milk, for children ages 12-24 months; (5) unflavored skim or lowfat milk for children two years old and older; or (6) 100 percent fruit juice, limited to 6 ounces per day. ⁶
Beverages—sugar-sweetened beverages	• Not allowed	• Not allowed
Food—family style	• Not Addressed in Regulations	• Not Addressed in Regulations

	Child Care Licensing Laws/Regulations (relevant provision and citation)	
	Child Care Centers	Family Child Care Homes
Food—fruits and vegetables	<ul style="list-style-type: none"> • Meals and snacks must comply with the USDA Meal Patterns for Children in Child Care Programs,⁷ which requires 1 fruit/vegetable at breakfast, 2 fruits/vegetables at lunch and supper, and the option of serving fruit/vegetable at snack.⁸ • No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned. • 100% juice is an acceptable option. 	<ul style="list-style-type: none"> • Meals and snacks must comply with the USDA Meal Patterns for Children in Child Care Programs,⁹ which requires 1 fruit/vegetable at breakfast, 2 fruits/vegetables at lunch and supper, and the option of serving fruit/vegetable at snack.¹⁰ • No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned. • 100% juice is an acceptable option.
Food—fried foods	<ul style="list-style-type: none"> • Not Addressed in Regulations 	<ul style="list-style-type: none"> • Not Addressed in Regulations
Food—trans fats	<ul style="list-style-type: none"> • Not Addressed in Regulations 	<ul style="list-style-type: none"> • Not Addressed in Regulations
Food—whole grains	<ul style="list-style-type: none"> • Meals and snacks must comply with the USDA Meal Patterns for Children in Child Care Programs, which requires whole-grain, enriched, or fortified breads, grains, and cereals.¹¹ 	<ul style="list-style-type: none"> • Meals and snacks must comply with the USDA Meal Patterns for Children in Child Care Programs, which requires whole-grain, enriched, or fortified breads, grains, and cereals.¹²
Food—added sugar	<ul style="list-style-type: none"> • No specific sugar restrictions, but foods that do not meet the nutritional standards of the USDA Meal Pattern are limited to special occasions. (E.g. cookies, chips, donuts, etc.).¹³ 	<ul style="list-style-type: none"> • No specific sugar restrictions, but foods that do not meet the nutritional standards of the USDA Meal Pattern are limited to special occasions. (E.g. cookies, chips, donuts, etc.).¹⁴
Infant feeding	<ul style="list-style-type: none"> • Parents must be allowed to provide breast milk for their children, and comfortable accommodations must be provided for mothers to either breastfeed or pump.¹⁵ 	<ul style="list-style-type: none"> • Parents must be allowed to provide breast milk for their children, and comfortable accommodations must be provided for mothers to either breastfeed or pump.¹⁶
Physical activity—defined time periods	<ul style="list-style-type: none"> • Weather permitting, children shall have the opportunity for outdoor play each day. Space and time for vigorous indoor activities must be provided when children cannot go outside.¹⁷ <ul style="list-style-type: none"> ○ at least 60 min./day of outdoor time if child is in care for more than four hours per day.¹⁸ ○ at least 30 min. /day of outdoor time if child is in care for four hours or less per day.¹⁹ ○ at least 30 min. /day of outdoor time for children under age two.²⁰ 	<ul style="list-style-type: none"> • Weather permitting, children shall have the opportunity for outdoor play each day. Space and time for vigorous indoor activities must be provided when children cannot go outside.²¹ <ul style="list-style-type: none"> ○ at least 60 min./ day of outdoor time.²²

	Child Care Licensing Laws/Regulations (relevant provision and citation)	
	Child Care Centers	Family Child Care Homes
Physical activity—mixture of activities	<ul style="list-style-type: none"> • Children must be provided with both active and quiet play periods.²³ • Outdoor equipment and materials must be available for vigorous play and large muscle development.²⁴ • There must also be time, equipment, and materials provided for daily gross motor activity, which may occur indoors or outdoors.²⁵ 	<ul style="list-style-type: none"> • Children must be provided with time, equipment, and materials for daily gross motor activity, which may occur indoors or outdoors.²⁶ • Outdoor equipment and materials must be available for vigorous play and large muscle development.²⁷
Physical activity--outdoor	<ul style="list-style-type: none"> • Outdoor equipment and materials must be available for vigorous play and large muscle development.²⁸ • Weather permitting, children shall have the opportunity for outdoor play each day. Space and time for vigorous indoor activities must be provided when children cannot go outside.²⁹ <ul style="list-style-type: none"> ○ at least 60 min./day of outdoor time if child is in care for more than four hours per day.³⁰ ○ at least 30 min. /day of outdoor time if child is in care for four hours or less per day.³¹ ○ 30 min. /day of outdoor time for children under age two.³² 	<ul style="list-style-type: none"> • Outdoor equipment and materials must be available for vigorous play and large & small muscle development.³³ • Weather permitting, children shall have the opportunity for outdoor play each day. Space and time for vigorous indoor activities must be provided when children cannot go outside.³⁴ <ul style="list-style-type: none"> ○ at least 60 min./ day of outdoor time.³⁵
Infant physical activity – varied activity	<ul style="list-style-type: none"> • Providers shall promote physical development through varied, developmentally appropriate physical activities. Infants and toddlers shall have a safe, clean, uncluttered area that allows freedom of movement, both indoors and outdoors.³⁶ 	<ul style="list-style-type: none"> • Not Addressed in Regulations
Infant Physical activity – tummy time	<ul style="list-style-type: none"> • While awake, children under 12 months shall be given the opportunity each day to play while positioned on his or her stomach.³⁷ 	<ul style="list-style-type: none"> • While awake, children under 12 months shall be given the opportunity each day to play while positioned on his or her stomach.³⁸
Screen time – definitions	<ul style="list-style-type: none"> • Screen time = television, videos, video games, and computer usage³⁹ 	<ul style="list-style-type: none"> • Screen time = television, videos, video games, and computer usage⁴⁰
Screen time – under 2 yrs old	<ul style="list-style-type: none"> • Screen time, including television, videos, video games, and computer usage, is prohibited for children under the age of two years.⁴¹ 	<ul style="list-style-type: none"> • Screen time is prohibited for children under the age of two years. If screen time is offered for older children, the operator shall offer alternate activities for children under the age of two.⁴²

	Child Care Licensing Laws/Regulations (relevant provision and citation)	
	Child Care Centers	Family Child Care Homes
Screen time – over 2 yrs old	<ul style="list-style-type: none"> • When screen time is provided for children over age two, including television, videos, video games, and computer usage, it shall be offered only as a free-choice activity and used to meet a developmental goal.⁴³ • Screen time shall be limited to no more than a total of two and a half hours per week, per child. Usage time periods may be extended for specific special events, projects, on-site computer classes, or occasions such as a current event, holiday, or birthday celebration.⁴⁴ • For school-age children in care for four hours or less per day, screen time shall be limited to a maximum of 30 minutes per child, per day. Usage time periods may be extended for specific special events, projects, on-site computer classes, or occasions such as a current event, holiday, or birthday celebration.⁴⁵ 	<ul style="list-style-type: none"> • When screen time is provided for children over age two, including television, videos, video games, and computer usage, it shall be offered only as a free-choice activity and used to meet a developmental goal.⁴⁶ • Screen time shall be limited to no more than a total of two and a half hours per week, per child. Usage time periods may be extended for specific special events, projects, on-site computer classes, or occasions such as a current event, holiday, or birthday celebration.⁴⁷
Screen time – food marketing	<ul style="list-style-type: none"> • Not Addressed in Regulations 	<ul style="list-style-type: none"> • Not Addressed in Regulations
Family engagement	<ul style="list-style-type: none"> • Not Addressed in Regulations 	<ul style="list-style-type: none"> • Not Addressed in Regulations
Staff modeling— healthy eating, in general	<ul style="list-style-type: none"> • Staff shall role model appropriate eating behaviors by consuming only food or beverages that meet the nutritional requirements specified in the USDA Meal Pattern in the presence of children in care.⁴⁸ 	<ul style="list-style-type: none"> • Not Addressed in Regulations
Staff modeling— staff modeling, healthy eating— meals and snacks	<ul style="list-style-type: none"> • Staff shall role model appropriate eating behaviors by consuming only food or beverages that meet the nutritional requirements specified in the USDA Meal Pattern in the presence of children in care.⁴⁹ 	<ul style="list-style-type: none"> • Not Addressed in Regulations
Staff modeling— healthy eating, other foods	<ul style="list-style-type: none"> • Staff shall role model appropriate eating behaviors by consuming only food or beverages that meet the nutritional requirements specified in the USDA Meal Pattern in the presence of children in care.⁵⁰ 	<ul style="list-style-type: none"> • Not Addressed in Regulations
Staff modeling—	<ul style="list-style-type: none"> • Not Addressed in Regulations 	<ul style="list-style-type: none"> • Not Addressed in Regulations

	Child Care Licensing Laws/Regulations (relevant provision and citation)	
	Child Care Centers	Family Child Care Homes
physical activity		

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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- ¹ Definitions B19—N.C. Gen. Stat. Ann. § 110-86
 - ² Definitions B19—N.C. Gen. Stat. Ann. § 110-86
 - ³ Nutrition C32—10A N.C. Admin. Code 09. 0901(d)
 - ⁴ Nutrition D32—10A N.C. Admin. Code 09. 1706(k)
 - ⁵ Nutrition C28—10A N.C. Admin Code 09 .0901(e)
 - ⁶ Nutrition D28—10A N.C. Admin Code 09 .1706(m)
 - ⁷ Meal Patterns available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>
 - ⁸ Nutrition C19—10A N.C. Admin. Code 09 .0901(a)
 - ⁹ Meal Patterns available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>
 - ¹⁰ Nutrition D19—10A N.C. Admin. Code 09 .1706(a)
 - ¹¹ Nutrition C19—10A N.C. Admin. Code 09 .0901(a)
 - ¹² Nutrition D19—10A N.C. Admin. Code 09 .1706(a)
 - ¹³ Nutrition C29—10A N.C. Admin. Code 09 .0901(h)
 - ¹⁴ Nutrition D29—10A N.C. Admin. Code 09 .1706(d)
 - ¹⁵ Breastfeeding C20—10A N.C. Admin. Code 09 .0901(j)
 - ¹⁶ Breastfeeding D20—10A N.C. Admin. Code 09 .1706(g)
 - ¹⁷ Space, Eqp. & Physical Activity C32—10A N.C. Admin. Code 09 .0508; C33—10A N.C. Admin. Code 09 .0509(4)
 - ¹⁸ Space, Eqp. & Physical Activity C31—10A N.C. Admin. Code 09 .0508(b)(4)
 - ¹⁹ Space, Eqp. & Physical Activity C31—10A N.C. Admin. Code 09 .0508(b)(4)
 - ²⁰ Space, Eqp. & Physical Activity C34—10A N.C. Admin. Code 09 .0508(c)
 - ²¹ Space, Eqp. & Physical Activity D33—10A N.C. Admin. Code 09 .1718(a)(1)
 - ²² Space, Eqp. & Physical Activity D31—10A N.C. Admin. Code 09 .1718(a)(7)(D)
 - ²³ Space, Eqp. & Physical Activity C25—10A N.C. Admin. Code 09 .0508(b)(1)
 - ²⁴ Space, Eqp. & Physical Activity C24—10A N.C. Admin. Code 09 .0509(4)
 - ²⁵ Space, Eqp. & Physical Activity C27—10A N.C. Admin. Code 09 .0508(d)(3)
 - ²⁶ Space, Eqp. & Physical Activity D27—10A N.C. Admin. Code 09 .1718(a)(7)(E)

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- ²⁷ Space, Eqp. & Physical Activity D24—10A N.C. Admin. Code 09 .1718(a)(1)
²⁸ Space, Eqp. & Physical Activity C24—10A N.C. Admin. Code 09 .0509(4)
²⁹ Space, Eqp. & Physical Activity C32—10A N.C. Admin. Code 09 .0508; C33—10A N.C. Admin. Code 09 .0509(4);
³⁰ Space, Eqp. & Physical Activity C31—10A N.C. Admin. Code 09 .0508(b)(4)
³¹ Space, Eqp. & Physical Activity C31—10A N.C. Admin. Code 09 .0508(b)(4)
³² Space, Eqp. & Physical Activity C34—10A N.C. Admin. Code 09 .0508(c)
³³ Space, Eqp. & Physical Activity D26—10A N.C. Admin. Code 09 .1718(a)(7)E); D24—10A N.C. Admin. Code 09 .1718(a)(1)
³⁴ Space, Eqp. & Physical Activity D33—10A N.C. Admin. Code 09 .1718(a)(1)
³⁵ Space, Eqp. & Physical Activity D31—10A N.C. Admin. Code 09 .1718(a)(7)(D)
³⁶ Space, Eqp. & Physical Activity C28—10A N.C. Admin. Code 09 .051(a)(1)(C)
³⁷ Space, Eqp. & Physical Activity C29—10A N.C. Admin. Code 09 .0511(d)
³⁸ Space, Eqp. & Physical Activity D29—10A N.C. Admin. Code 09 .1718(a)(6)
³⁹ Screen Time C19—10A N.C. Admin. Code 09 .0510(7); C20—10A N.C. Admin Code 09 .2508(e).
⁴⁰ Screen Time D19—10A N.C. Admin. Code 09 .1718(a)(8)(A) & (B)
⁴¹ Screen Time C23—10A N.C. Admin. Code 09 .0511(e)
⁴² Screen Time D23—10A N.C. Admin. Code 09 .1718(a)(8)(C)
⁴³ Screen Time C19—10A N.C. Admin. Code 09 .0510(7)(a) & (b); C20—10A N.C. Admin Code 09 .2508(e)(1) & (2)
⁴⁴ Screen Time C21—10A N.C. Admin. Code 09 .0510(7)(c); C22—10A N.C. Admin Code 09 .2508(e)(3)
⁴⁵ Screen Time C22—10A N.C. Admin Code 09 .2508(e)(4)
⁴⁶ Screen Time D19—10A N.C. Admin. Code 09 .1718(a)(8)(A) & (B)
⁴⁷ Screen Time D21—10A N.C. Admin. Code 09 .1718(a)(8)(C)
⁴⁸ Nutrition C42—10A N.C. Admin. Code 09 .0901(i)
⁴⁹ Nutrition C42—10A N.C. Admin. Code 09 .0901(i)
⁵⁰ Nutrition C42—10A N.C. Admin. Code 09 .0901(i)