



California 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. California 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 resources provides a summary of California statutes and regulations impacting healthy food, physical activity and screen time. Please note that this chart focuses on two child care settings in California, but does cover all settings, such as school-age or infant child care centers. The detailed chart contains information relating to these other settings.

	California Child Care Licensing Laws/Regulations (relevant provision and citation)	
	Child Care Centers	Family Child Care Homes
Ages covered	<ul style="list-style-type: none"> • Infant – 13-years-old¹ 	<ul style="list-style-type: none"> • Infant – 13-years-old²
Beverages— water	<ul style="list-style-type: none"> • Providers must make clean and safe drinking water readily available and accessible to children throughout the day.³ • Children shall be free to drink as they wish.⁴ • Children’s water may be limited as is necessary because of illness.⁵ 	<ul style="list-style-type: none"> • Providers must make clean and safe drinking water readily available and accessible to children throughout the day.⁶
Beverages— milk, juice, other	<ul style="list-style-type: none"> • Whenever milk is served, providers shall serve only low-fat (1 %) milk or nonfat milk to children two years of age or older.⁷ • Juice shall be limited to not more than one serving per day of 100-percent juice.⁸ • A parent may provide a beverage for his or her child that does not meet the standards for beverages provided by the provider.⁹ 	<ul style="list-style-type: none"> • Whenever milk is served, providers shall serve only low-fat (1 %) milk or nonfat milk to children two years of age or older.¹⁰ • Juice shall be limited to not more than one serving per day of 100-percent juice.¹¹ • A parent may provide a beverage for his or her child that does not meet the standards for beverages provided by the provider.¹²

	California Child Care Licensing Laws/Regulations (relevant provision and citation)	
	Child Care Centers	Family Child Care Homes
Beverages—sugar-sweetened beverages	<ul style="list-style-type: none"> • Providers shall NOT serve beverages with added sweeteners, either natural or artificial.¹³ • A parent may provide a beverage for his or her child that does not meet the standards for beverages provided by the provider.¹⁴ 	<ul style="list-style-type: none"> • Providers shall NOT serve beverages with added sweeteners, either natural or artificial.¹⁵ • A parent may provide a beverage for his or her child that does not meet the standards for beverages provided by the provider.¹⁶
Food—family style	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations.
Food—fruits and vegetables	<ul style="list-style-type: none"> • Meals and snacks must comply with the USDA Child Care Food Program Guidelines,¹⁷ which requires 1 fruit/vegetable at breakfast, 2 fruits/vegetables at lunch and supper, and the option of serving fruit/vegetable at snack.¹⁸ • No mention of whether fruits and vegetables must be fresh, frozen, dried, or canned. • Full-strength juice is allowed to fulfill fruit/vegetable requirements. 	<ul style="list-style-type: none"> • Not addressed in regulations.
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 Child Care Food Program Guidelines,¹⁹ which requires whole-grain, enriched, or fortified breads, grains, and cereals.²⁰ 	<ul style="list-style-type: none"> • Not addressed in regulations.
Food—added sugar	<ul style="list-style-type: none"> • Providers shall NOT serve beverages with added sweeteners, either natural or artificial.²¹ • No mention of other foods with added sugar. 	<ul style="list-style-type: none"> • Providers shall NOT serve beverages with added sweeteners, either natural or artificial.²² • No mention of other foods with added sugar.
Infant feeding	<ul style="list-style-type: none"> • A parent has the option to provide formula or breast milk for an infant.²³ • Meals and snacks must comply with the USDA Child Care Food Program Guidelines,²⁴ which allows formula or breast milk for infants. However, it is recommended that breast milk be served in 	<ul style="list-style-type: none"> • Not addressed in regulations.

	California Child Care Licensing Laws/Regulations (relevant provision and citation)	
	Child Care Centers	Family Child Care Homes
	<p>place of formula from birth through 11 months.²⁵</p> <ul style="list-style-type: none"> • If requested, arrangements for privacy shall be made for any mother who has reached an agreement with the infant care center to nurse her infant in the center.²⁶ 	
Physical activity—defined time periods	<ul style="list-style-type: none"> • The center shall provide a variety of activities, including quiet and active play.²⁷ 	<ul style="list-style-type: none"> • Not addressed in regulations.
Physical activity—mixture of activities	<ul style="list-style-type: none"> • The center shall provide a variety of activities, including quiet and active play.²⁸ 	<ul style="list-style-type: none"> • Not addressed in regulations.
Physical activity--outdoor	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations.
Infant physical activity—varied activity	<ul style="list-style-type: none"> • Centers shall provide infants with indoor and outdoor activities, including quiet and active play.²⁹ 	<ul style="list-style-type: none"> • Not addressed in regulations.
Infant Physical activity—tummy time	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations.
Screen time -- definitions	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations.
Screen time – under 2 yrs old	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations.
Screen time – over 2 yrs old	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations.
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"> • Not addressed in regulations. 	<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"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations.

	California Child Care Licensing Laws/Regulations (relevant provision and citation)	
	Child Care Centers	Family Child Care Homes
Staff modeling— healthy eating, other foods	• Not addressed in regulations.	• Not addressed in regulations.
Staff modeling— physical activity	• 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 or Julie Ralston Aoki at julie.ralstonaoki@wmitchell.edu.

¹ Definitions B7—Ann. Cal.Educ.Code § 8208(i).
² Definitions B7—Ann. Cal.Educ.Code § 8208(i).
³ Nutrition B18—Ann. Cal.Health & Safety Code § 1596.808(a)(4).
⁴ Nutrition C18—Cal. Code Regs. tit. 22 § 101239.2(a)(1).
⁵ Nutrition G19—Cal. Code Regs. tit. 22 § 101639.2(d).
⁶ Nutrition B18—Ann. Cal.Health & Safety Code § 1596.808(a)(4).
⁷ Nutrition B13—Ann. Cal.Health & Safety Code § 1596.808(a)(1).
⁸ Nutrition B14—Ann. Cal.Health & Safety Code § 1596.808(a)(2).
⁹ Nutrition B68—Ann. Cal.Health & Safety Code § 1596.808(c).
¹⁰ Nutrition B13—Ann. Cal.Health & Safety Code § 1596.808(a)(1).
¹¹ Nutrition B14—Ann. Cal.Health & Safety Code § 1596.808(a)(2).
¹² Nutrition B68—Ann. Cal.Health & Safety Code § 1596.808(c).
¹³ Nutrition B21—Ann. Cal.Health & Safety Code § 1596.808(a)(3).
¹⁴ Nutrition B68—Ann. Cal.Health & Safety Code § 1596.808(c).
¹⁵ Nutrition B21—Ann. Cal.Health & Safety Code § 1596.808(a)(3).
¹⁶ Nutrition B68—Ann. Cal.Health & Safety Code § 1596.808(c).
¹⁷ Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
¹⁸ Nutrition C13—Cal. Code Regs. tit. 22 § 101227(a)(1).
¹⁹ Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
²⁰ Nutrition C13—Cal. Code Regs. tit. 22 § 101227(a)(1).
²¹ Nutrition B21—Ann. Cal.Health & Safety Code § 1596.808(a)(3).
²² Nutrition B21—Ann. Cal.Health & Safety Code § 1596.808(a)(3).
²³ Breast Feeding E7—Cal. Code Regs. tit. 22 § 10142(e).
²⁴ Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
²⁵ Nutrition C13—Cal. Code Regs. tit. 22 § 101227(a)(1).
²⁶ Breast Feeding E9—Cal. Code Regs. tit. 22 § 101427(m).
²⁷ Space & Equip-Physical Activity C17—Cal. Code Regs. tit. 22 § 101230(a)(1).
²⁸ Space & Equip-Physical Activity C17—Cal. Code Regs. tit. 22 § 101230(a)(1).
²⁹ Space & Equip-Physical Activity E20—Cal. Code Regs. tit. 22 § 101430(a)(1)(A).