



Washington 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. Washington 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/wa>.

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

	Child Care Licensing Laws/Regulations (relevant provision and citation)		
	Child Care Centers	Family Home Child Care	School-Age Child Care
Ages covered	• Infant – 12-years-old ¹	• Infant – 12-years-old ²	• 5-years-old – 12-years-old ³
Beverages— water	• Regulations address safety of drinking water, but not children’s access to water.	• Drinking water must be served in a safe and sanitary manner and be available throughout the day. ⁴	• A safe supply of drinking water must always be available to each child and must be served in a sanitary manner. ⁵
Beverages— milk, juice, other	• Each snack or meal must include a liquid to drink. The drink could be water or one of the required components such as milk, fruit or vegetable juice. ⁶ • For children two or older, the fat content of milk is decided by the provider or parent. ⁷	• Meals and snacks must comply with the USDA’s CACFP Guidelines, ⁸ which call for low-fat (1%) or nonfat milk for children 2 or older. ⁹ • Full-strength juice is allowed to fulfill fruit/vegetable requirements.	• Meals and snacks must comply with the USDA’s CACFP Guidelines, ¹⁰ which call for low-fat (1%) or nonfat milk for children 2 or older. ¹¹ • Full-strength juice is allowed to fulfill fruit/vegetable requirements.
Beverages— sugar- sweetened beverages	• Not addressed in regulations.	• Meals and snacks must comply with the USDA’s CACFP Guidelines. ¹²¹³	• Meals and snacks must comply with the USDA’s CACFP Guidelines. ¹⁴¹⁵

	Child Care Licensing Laws/Regulations (relevant provision and citation)		
	Child Care Centers	Family Home Child Care	School-Age Child Care
Food—family style	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • The provider may serve each child individually, or serve family style in serving containers that allow children the opportunity to serve themselves.¹⁶ 	<ul style="list-style-type: none"> • The provider may serve each child individually, or serve family style in serving containers that allow children the opportunity to serve themselves.¹⁷
Food—fruits and vegetables	<ul style="list-style-type: none"> • Breakfast must include one fruit or vegetable or one hundred percent fruit or vegetable juice.¹⁸ • Lunch and dinner must include two fruits or two vegetables or one fruit and one vegetable. One hundred percent fruit or vegetable juice may be served in place of a fruit or vegetable.¹⁹ • A fruit or vegetable is an option for snacks.²⁰ 	<ul style="list-style-type: none"> • Meals and snacks must comply with the USDA’s CACFP Guidelines,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 be fresh, frozen, dried, or canned. • Full-strength juice is allowed to fulfill fruit/vegetable requirements. 	<ul style="list-style-type: none"> • Meals and snacks must comply with the USDA’s CACFP Guidelines,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. • Full-strength juice is allowed to fulfill fruit/vegetable requirements.
Food—fried foods	<ul style="list-style-type: none"> • Not addressed in regulations. 	<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. 	<ul style="list-style-type: none"> • Not addressed in regulations.
Food—whole grains	<ul style="list-style-type: none"> • A grain product must be included in all meals, and is an option for snacks, but whole grains are not required.²⁵ 	<ul style="list-style-type: none"> • Meals and snacks must comply with the USDA’s CACFP Guidelines,²⁶ which requires whole-grain, enriched, or fortified breads, grains, and cereals.²⁷ 	<ul style="list-style-type: none"> • Meals and snacks must comply with the USDA’s CACFP Guidelines,²⁸ which requires whole-grain, enriched, or fortified breads, grains, and cereals.²⁹
Food—added sugar	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations.
Infant feeding	<ul style="list-style-type: none"> • An infant may be served either formula or breast milk.³⁰ • No specific regulations for supporting or accommodating breastfeeding mothers. 	<ul style="list-style-type: none"> • An infant may be served either formula or breast milk.³¹ • Meals and snacks must comply with the USDA’s CACFP Guidelines,³² which allows formula or breast milk for infants. However, it is recommended that breast milk be served in place of formula from birth through 11 months.³³ 	<ul style="list-style-type: none"> • Not Applicable.

Child Care Licensing Laws/Regulations (relevant provision and citation)			
	Child Care Centers	Family Home Child Care	School-Age Child Care
		<ul style="list-style-type: none"> • No specific regulations for supporting or accommodating breastfeeding mothers. 	
Physical activity—defined time periods	<ul style="list-style-type: none"> • The daily schedule must include active play, large and small muscle activities, and indoor and outdoor play.³⁴ <ul style="list-style-type: none"> ○ No time requirements. 	<ul style="list-style-type: none"> • The program must provide children with daily small and large muscle activities.³⁵ <ul style="list-style-type: none"> ○ No time requirements. 	<ul style="list-style-type: none"> • The program must include a variety of options including a balance between quiet and active play, opportunities for small and large muscle activities, and outdoor play.³⁶ • The schedule must include the opportunity for children to participate in moderate to vigorous physical activity on an average of thirty minutes for every three hours of care.³⁷
Physical activity—mixture of activities	<ul style="list-style-type: none"> • The daily schedule must include active play, large and small muscle activities, and indoor and outdoor play.³⁸ • The program must provide children with daily small and large muscle activities.³⁹ 	<ul style="list-style-type: none"> • The program must provide children with daily small and large muscle activities.⁴⁰ 	<ul style="list-style-type: none"> • The program must include a variety of options including a balance between quiet and active play, opportunities for small and large muscle activities, and outdoor play.⁴¹ • Active play may not be withheld as a form of punishment.⁴²
Physical activity--outdoor	<ul style="list-style-type: none"> • The typical daily schedule must include outdoor time.⁴³ • If full-time care is provided, then the schedule must provide both morning and afternoon outdoor play.⁴⁴ • The center must provide a variety of age-appropriate outdoor equipment for climbing, pulling, pushing, riding and balancing activities.⁴⁵ • The program must have an outdoor play area that promotes active play.⁴⁶ • Drop-in care centers may be allowed to provide indoor 	<ul style="list-style-type: none"> • The typical daily schedule must include outdoor time.⁴⁸ • The program must provide outdoor activities at least thirty minutes each day unless conditions pose a health and safety risk to the children.⁴⁹ • The program must have an outdoor play area that promotes a variety of age and developmentally appropriate active play for the children in care.⁵⁰ 	<ul style="list-style-type: none"> • The typical daily schedule must include outdoor time.⁵¹ • The program must provide outdoor activities at least twenty minutes for every three hours of care unless conditions pose a health and safety risk to the children.⁵² • The program must have an outdoor play area that promotes a variety of age and developmentally appropriate active play for the children in care.⁵³

	Child Care Licensing Laws/Regulations (relevant provision and citation)		
	Child Care Centers	Family Home Child Care	School-Age Child Care
	space for large muscle play instead of outdoor space. ⁴⁷		
Infant physical activity—varied activity	<ul style="list-style-type: none"> • Infants must be provided with daily indoor opportunities for freedom of movement outside their cribs, in an open, uncluttered space.⁵⁴ • Infants must be provided with a safe environment for climbing, moving and exploring.⁵⁵ • Infants must be provided with materials and opportunities for large and small muscle development.⁵⁶ • Infants must not be left in playpens for extended periods of time when they are awake.⁵⁷ 	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not Applicable.
Infant Physical activity—tummy time	<ul style="list-style-type: none"> • When infants are awake, they must be placed in a prone (lying on the tummy) position part of each day under staff supervision.⁵⁸ 	<ul style="list-style-type: none"> • When infants are awake, the provider must allow each infant supervised tummy time at least three times daily.⁵⁹ 	<ul style="list-style-type: none"> • Not Applicable.
Screen time -- definitions	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not defined in regulations. 	<ul style="list-style-type: none"> • Not defined in regulations.
Screen time – under 2 yrs old	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • The licensee must minimize exposure to screen time for any child under the age of two by: (1) Providing alternative activities for the child; (2) Moving the child away from direct view of the screen; and (3) Positioning the child so the child is not able to view the screen.⁶⁰ 	<ul style="list-style-type: none"> • Not Applicable.
Screen time – over 2 yrs old	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • A child's screen time must be limited to less than two hours per day.⁶¹ • Children cannot be required to participate in screen time, and alternative activities must be available.⁶² 	<ul style="list-style-type: none"> • A child's screen time must be limited to no more than one hour per week, except when a child is completing homework assignments.⁶⁴ • Children cannot be required to participate in screen time, and

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		<ul style="list-style-type: none"> • Screen time must be educational, developmentally, and age appropriate, have child-appropriate content, and not have violent or adult content.⁶³ 	alternative activities must be available. ⁶⁵ <ul style="list-style-type: none"> • Screen time must be educational, developmentally, and age appropriate, have child-appropriate content, and not have violent or adult content.⁶⁶
Screen time – food marketing	<ul style="list-style-type: none"> • Not addressed in regulations. 	<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. 	<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. 	<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. 	<ul style="list-style-type: none"> • Not addressed in regulations.
Staff modeling— healthy eating, other foods	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations.
Staff modeling— physical activity	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • Not addressed in regulations. 	<ul style="list-style-type: none"> • 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.

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- ¹ Definitions C11—Wash. Admin. Code § 170-296A-0010.
² Wash. Admin. Code § 170-296A-0010 “Child”
³ Wash. Admin. Code § 170-297-0010 “Child”
⁴ Nutrition D51—Wash. Admin. Code § 170-296A-7575.
⁵ Nutrition E-51—Wash. Admin. Code § 170-297-7575(1).
⁶ Nutrition C18—Wash. Admin. Code § 170-295-3160(5).
⁷ Nutrition C48—Wash. Admin. Code § 170-295-3140(3)(c).
⁸ Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
⁹ Nutrition D10—Wash. Admin. Code § 170-296A-7500.
¹⁰ Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
¹¹ Nutrition E10—Wash. Admin. Code § 170-297-7500(2).
¹² Nutrition D10—Wash. Admin. Code § 170-296A-7500.
¹³ Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
¹⁴ Nutrition E10—Wash. Admin. Code § 170-297-7500(2).
¹⁵ Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
¹⁶ Nutrition D40—Wash. Admin. Code § 170-296A-7650.
¹⁷ Nutrition E40—Wash. Admin. Code § 170-297-7650.
¹⁸ Nutrition C13—Wash. Admin. Code § 170-295-3160(2)(a)(i).
¹⁹ Nutrition C14—Wash. Admin. Code § 170-295-3160(2)(b)(iv).
²⁰ C17—Wash. Admin. Code § 170-295-3160(4)(d).
²¹ Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
²² Nutrition D10—Wash. Admin. Code § 170-296A-7500.
²³ Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
²⁴ Nutrition E10—Wash. Admin. Code § 170-297-7500(1).
²⁵ Nutrition C13—Wash. Admin. Code § 170-295-3160(2)(a)(iii); C14—Wash. Admin. Code § 170-295-3160(2)(b)(iii); C17—Wash. Admin. Code § 170-295-3160(4)(c).
²⁶ Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
²⁷ Nutrition D10—Wash. Admin. Code § 170-296A-7500.
²⁸ Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
²⁹ Nutrition E10—Wash. Admin. Code § 170-297-7500(1).
³⁰ Nutrition C10—Wash. Admin. Code § 170-295-3140(3)(a); C12, C13, C14, C15, & C16—Wash. Admin. Code § 170-295-4020(2).
³¹ Breast Feeding D10—Wash. Admin. Code § 170-296A-7600(1)(a).
³² Guidelines available at: <http://www.fns.usda.gov/cacfp/meals-and-snacks>.
³³ Nutrition D10—Wash. Admin. Code § 170-296A-7500.
³⁴ Space, Equipment & Activity C10—Wash. Admin. Code § 170-295-2010(2).
³⁵ Space, Equipment & Activity D16—Wash. Admin. Code § 170-296A-6575(4).
³⁶ Space, Equipment & Activity E10—Wash. Admin. Code § 170-297-6575(2)(d) & (3).
³⁷ Space, Equipment & Activity E10—Wash. Admin. Code § 170-297-6575(4).
³⁸ Space, Equipment & Activity C10—Wash. Admin. Code § 170-295-2010(2).
³⁹ Space, Equipment & Activity C16—Wash. Admin. Code § 170-295-2010(8).
⁴⁰ Space, Equipment & Activity D16—Wash. Admin. Code § 170-296A-6575(4).
⁴¹ Space, Equipment & Activity E10—Wash. Admin. Code § 170-297-6575(2)(d) & (3).
⁴² Space, Equipment & Activity E25—Wash. Admin. Code § 170-297-6150(5).
⁴³ Space, Equipment & Activity C22—Wash. Admin. Code § 170-295-2010(8).
⁴⁴ Space, Equipment & Activity C23—Wash. Admin. Code § 170-295-2130(2).
⁴⁵ Space, Equipment & Activity C15—Wash. Admin. Code § 170-295-2130(6).
⁴⁶ Space, Equipment & Activity C12—Wash. Admin. Code § 170-295-2130(1).
⁴⁷ Space, Equipment & Activity C13—Wash. Admin. Code § 170-295-2130(3).
⁴⁸ Space, Equipment & Activity D22—Wash. Admin. Code § 170-296A-6550(2)(g).

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- ⁴⁹ Space, Equipment & Activity D24—Wash. Admin. Code § 170-296A-5125.
⁵⁰ Space, Equipment & Activity D14—Wash. Admin. Code § 170-296A-5025.
⁵¹ Space, Equipment & Activity E22—Wash. Admin. Code § 170-297-6550(2)(f).
⁵² Space, Equipment & Activity E23—Wash. Admin. Code § 170-297-5125(2).
⁵³ Space, Equipment & Activity E14—Wash. Admin. Code § 170-297-5125(1).
⁵⁴ Space, Equipment & Activity C19—Wash. Admin. Code § 170-295-2120(1)(e).
⁵⁵ Space, Equipment & Activity C17—Wash. Admin. Code § 170-295-2120(1)(b).
⁵⁶ Space, Equipment & Activity C18—Wash. Admin. Code § 170-295-2120(1)(c).
⁵⁷ Space, Equipment & Activity C21—Wash. Admin. Code § 170-295-2120.(1)(h).
⁵⁸ Space, Equipment & Activity C20—Wash. Admin. Code § 170-295-2120(1)(f).
⁵⁹ Space, Equipment & Activity D20—Wash. Admin. Code § 170-296A-7025.
⁶⁰ Screen Time D11—Wash. Admin. Code § 170-296A-6700.
⁶¹ Screen Time D12—Wash. Admin. Code § 170-296A-6675(1).
⁶² Screen Time D13—Wash. Admin. Code § 170-296A-6675(2) & (3).
⁶³ Screen Time D10—Wash. Admin. Code § 170-296A-6650.
⁶⁴ Screen Time E12—Wash. Admin. Code § 170-297-6675(1).
⁶⁵ Screen Time E13—Wash. Admin. Code § 170-297-6675(2) & (3).
⁶⁶ Screen Time E10—Wash. Admin. Code § 170-297-6650.