

Child Care Licensing Laws for Nutrition, Active Play and Screen Time SNAPSHOT: New York

Child care providers are uniquely positioned to cultivate practices in children that encourage healthy eating, active play and limited screen time. Nearly two-thirds of children under the age of five are in some form of child care. A focus on the licensed child care environment must be part of a comprehensive strategy to provide nutritious food and increased active play so that young children can learn how to make healthy choices and live a healthful life. The table below compares scientifically-based health standards with New York’s child care licensing regulations related to nutrition standards, active play and screen time limits. Please note that this analysis focuses solely on the content of the standards. It does not address whether the standards are being implemented effectively, nor does it address how these standards do or do not take into account the perspectives, needs, and priorities of providers and children from socially disadvantaged and marginalized groups.

For more information about this project, including the research methods, state-specific child care regulations and resources, and 50-state maps for each of the Evidence-based Best Practices, please visit <http://www.publichealthlawcenter.org/childcare>.

This information is a part of two larger projects funded by Healthy Eating Research, a program of the Robert Wood Johnson Foundation: Child Care Licensing Laws for Nutrition, Active Play, and Screen Time (grant number 72062) and Licensing Laws Supporting Healthy Feeding and Active Play for Infants and Toddlers in Early Care and Education (grant number 73391). The research team for those projects are Natasha Frost, Anna Ayers Looby and Julie Ralston Aoki (The Public Health Law Center); and Angie Craddock, Erica Kenney, and Rebecca Mozaffarian (Harvard T.H. Chan School of Public Health); and Sara Benjamin Neelon, Sarah Gonzalez Nahm, and Elyse Grossman (Johns Hopkins Bloomberg School of Public Health). These projects are based on previous child care regulations analyses by Sara Benjamin Neelon, PhD, MPH, RD.

Table Color Codes:

Does not meet evidence-based best practice	Partially meets evidence-based best practice	Substantially meets evidence-based best practice	Needs further review/Not applicable/Known statutory impact	Not applicable
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Evidence-based Best Practices	Child Day Care Centers regulations (CENTER)	Group Family Daycare Homes regulations (HOME)	Family Day Care homes regulations (HOME)	Small Day Care Centers regulations (CENTER)
Birth to Two Years Old <i>(Current through Dec. 2016)</i>				
Infants are fed according to a feeding plan from a parent or physician				
Breastfeeding is supported by the child care facility				
No solid food is given before 6 months of age				
Infants are fed on demand				
Infants are fed by a consistent caregiver				
Infants are held while feeding; bottles will not be propped				
Infants cannot carry or sleep with a bottle				
Caregivers cannot feed more than one infant at a time				
No cow's milk is given to children less than twelve months of age				
No solid food is fed in a bottle				
Staff encourage older infants and toddlers to hold and drink from an appropriate child-sized cup, use a child-sized spoon, child-size fork, and to use their fingers for self-feeding				
Infants not fed beyond satiety or allowed to stop the feeding				
Infants not be given any fruit juice before twelve months of age. Whole fruit, mashed or pureed, is recommended for infants seven months up to one year of age				

The facility provides nourishing and attractive food for children according to a written plan developed by a qualified nutritionist/RD				
Children allowed time to eat their food and not be rushed during the meals or snack service				
The facility serves only full-strength (100%) pasteurized fruit juice or full-strength fruit juice diluted with water from a cup to children twelve months of age or older, and juice has no added sweeteners				
Juice consumption no more than a total of four to six ounces a day for children aged one to six years				
Children between twelve and twenty-four months of age, who are not on human milk or prescribed formula, served whole pasteurized milk, or reduced fat (2%) pasteurized milk for those children who are at risk for hypercholesterolemia or obesity, and flavored milk not served to children of any age				
The facility serves toddlers and preschoolers small-sized, age appropriate portions				
Children should be seated when eating. Staff should ensure that children do not eat when standing, walking, running, playing, lying down, watching TV, playing on the computer, or riding in vehicles.				
Staff and children sit at the table and eat the meal or snack together, with family style service if age and developmentally appropriate				
In consultation with the family and the nutritionist/registered dietitian, staff offer children familiar foods that are typical of the child's culture and religious preferences				

In consultation with the family and the nutritionist/registered dietitian, staff also introduce a variety of healthful foods that may not be familiar, but meet a child's nutritional needs	Red	Red	Red	Red
Staff not force or bribe children to eat nor use food as a reward or punishment	Green	Green	Green	Green
Facilitate nutrition education for children and families	Yellow	Yellow	Yellow	Yellow
Provide training and technical assistance to child care providers regarding child nutrition and healthy eating	Green	Green	Green	Green
Provide daily opportunities for infants to move freely under adult supervision to explore their indoor and outdoor environments	Green	Green	Green	Green
Engage with infants on the ground each day to optimize adult-infant interactions	Red	Red	Red	Red
Provide daily "tummy-time"	Yellow	Yellow	Yellow	Yellow
Use cribs, car seats, and high chairs for their primary purpose only—cribs for sleeping, car seats for vehicle travel, and highchairs for eating	Green	Green	Green	Green
Limit the use of equipment such as strollers, swings, and bouncer seats/chairs for holding infants while they are awake	Green	Green	Green	Green
Two or more structured or caregiver/teacher/adult-led activities or games that promote movement throughout the course of the day - indoor or outdoor	Yellow	Red	Red	Red
Infants (birth to twelve months of age) taken outside two to three times per day, as tolerated. There is no recommended duration of infant outdoor play	Yellow	Yellow	Yellow	Yellow
Have orientation and annual training opportunities to learn about age-appropriate gross motor activities and games that promote children's physical activity	Green	Green	Green	Green
Staff limit screen time (TV, DVD, computer, etc.)	Green	Red	Red	Red

Have written policies on the promotion of physical activity and the removal of physical activity barriers				
Staff wear clothing and footwear that permits easy and safe movement				
Three to Five Years Old <i>(Current through Apr. 2016)</i>				
Nutrition standards linked to CACFP and will update when new CACFP standards take effect				
Limitations to serving sugary drinks				
No more than four to six ounces of 100% juice is served per day for children aged one to six years				
Limitations to serving grain-based desserts (e.g. pancakes or sweet rolls)				
At least half of the grains/breads served in meals and snacks must be whole grain-rich				
Some types of meats are limited to help control calories, solid fat, and sodium				
Fruits and/or vegetables are served at each eating occasion				
The policy has nutritional guidance/standards for food brought in for meals and or snacks				
Nutritional guidance/standards are communicated to parents for food brought in for meals and or snacks				
Written menus are maintained and shared with parents/families				
Drinking water is made available to children throughout the day or in frequent intervals				
Drinking water is served or offered to children at meals or snacks				
Family style meal service practices are used				
Moderate to vigorous physical activity is defined in the regulation				

Toddlers offered adequate moderate to vigorous physical activity daily	Yellow	Yellow	Yellow	Yellow
Toddlers offered adequate moderate to vigorous physical activity for <i>part time</i> programs daily	Red	Red	Red	Red
Preschoolers offered adequate moderate to vigorous physical activity daily	Yellow	Yellow	Yellow	Yellow
Preschoolers offered adequate moderate to vigorous physical activity for <i>part time</i> programs daily	Red	Red	Red	Red
Adequate outdoor time provided daily	Yellow	Yellow	Yellow	Yellow
Indoor time provided for daily physical activity opportunities in place of outdoor time when weather is inclement	Red	Red	Red	Red
Outdoor time is provided daily for physical activity opportunities for part time programs	Red	Red	Red	Red
Outdoor play is only limited in case of specific weather conditions	Red	Red	Red	Red
Trainings for ECE staff in strategies to promote physical activity or educate in the area of childhood obesity are required	Yellow	Yellow	Yellow	Yellow
Staff provide structured and unstructured physical activity	Red	Red	Red	Red
No screen time for children younger than 2 years of age	Yellow	Red	Red	Red
Total screen time limited to 30 minutes per week for children older than 2 years of age	Red	Red	Red	Red
Television and/or video games limited to 30 minutes per week for children older than 2 years of age	Red	Red	Red	Red
Computer time limited to no more than fifteen-minute increments	Red	Red	Red	Red
Any screen time provided must be educational and/or free of advertising	Yellow	Yellow	Yellow	Yellow



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The policy mentions smart screens (iPad, smartphone, and/or tablet use)	No	No	No	No
Screen time is clearly defined in licensing regulations	No	No	No	No