Nutrition, Active Play & Screen Time

Missouri’s Child Care Licensing Laws

Child care providers are in a unique position to cultivate practices by children that encourage healthy eating, active play and limited screen time. Nearly two-thirds of all three- to five-year-olds are in some form of child care. Children and youth spend up to 15 hours per week in afterschool and other out-of-school time (OST) activities when school is in session, or as many as 40 hours per week during the summer or other extended school breaks. Implementation of healthy eating and physical activity (HEPA) standards and programming in the child care setting is a natural complement to school wellness and early learning wellness initiatives. A focus on the licensed child care environment must be part of a comprehensive strategy to provide nutritious food and increased active play.

The Missouri Legislature has enacted a series of statutes regulating the child care setting. These statutes establish a basic licensing structure and delegate authority to the Department of Health and Senior Services (DHSS) to create rules for child care programs.¹ The statutes do not regulate anything relating to nutrition, physical activity, breastfeeding, or screen time; the power granted to DHSS allows for implementation of rules to
Missouri’s Child Care Licensing Laws

What are child care programs?

In Missouri, child care programs provide non-parental care for children for any part of a 24-hour day. There are three main categories subject to licensure: (1) Family Day Care Homes, (2) Group Day Care Homes, and (3) Child Day Care Centers.

Are the rules for all types of child care the same?

No, different rules apply to different types of licensed child care. There is one set of rules for Family Day Care Homes, and another set for Group Child Care Homes and Child Day Care Centers. While the rules do overlap in many areas, there are differences between the two sets of rules. When analyzing a child care rule, pay close attention to the type of program the rule addresses.

TABLE 1: Child care program categories subject to licensure

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Day Care Home</td>
<td>A facility providing care for a maximum of 10 children, typically in the provider’s own home.</td>
</tr>
<tr>
<td>Group Day Care Home</td>
<td>A facility providing care for 11 to 20 children in a location other than the provider’s permanent residence, or in an area separate from the provider’s living space.</td>
</tr>
<tr>
<td>Child Day Care Center</td>
<td>A facility providing care for children in a location other than the provider’s permanent residence, or in an area separate from the provider’s living space.</td>
</tr>
</tbody>
</table>

govern these areas. As of August 2015, approximately 2500 licensed child care facilities currently operate in the State of Missouri. An estimated 115,600 children under age six are cared for by licensed child care facilities throughout the state.

This resource outlines how the current child care licensing laws in Missouri address nutrition, breastfeeding, active play, and screen time compared to the YMCA of the USA’s Healthy Eating and Physical Activity (HEPA) standards.
Are there meal plan requirements for child care programs?

Yes, both sets of rules set nutritional requirements for child care programs. For infants up to 12-months old, nourishing foods shall be served as specified by the child’s parent(s). For children over 12-months-old, there are specific food requirements; the components for meals and snacks are the same for all children, but serving sizes vary depending on age.

### TABLE 2: Meal plan requirements

<table>
<thead>
<tr>
<th>Breakfast</th>
<th>Snack</th>
<th>Lunch/Supper</th>
</tr>
</thead>
<tbody>
<tr>
<td>One serving Fluid Milk</td>
<td>Two servings from two of the four food components</td>
<td>One serving Fluid Milk</td>
</tr>
<tr>
<td>One serving Fruit, Vegetable, or 100 percent Juice</td>
<td>- Milk</td>
<td>One serving Meat or Meat Alternate</td>
</tr>
<tr>
<td>One serving Bread or Bread Alternate</td>
<td>- Fruit, Vegetable, or 100 percent Juice</td>
<td>Two servings Meat or Meat Alternate</td>
</tr>
<tr>
<td></td>
<td>- Meat or Meat Alternate</td>
<td>One serving Bread or Bread Alternate</td>
</tr>
<tr>
<td></td>
<td>- Bread or Bread Alternate</td>
<td></td>
</tr>
</tbody>
</table>

The Missouri requirements do not specifically align with or address the HEPA standards relating to nutrition (see page 4).

Do the child care laws require that children have access to drinking water at all times?

Yes, family day care homes, group day care homes, and child day care centers must have water conveniently located so children may be free to drink as they wish. Water fountains or individual cups shall be used. This aligns with the HEPA standard.

What types of beverages may be served to children?

Water must be freely available, fluid milk must be included with each meal, and 100 percent fruit juice may be served at breakfast or snack. The child care laws do not specifically allow or prohibit other types of beverages. The YMCA’s HEPA standards suggest only providing water and unflavored low-fat (1 percent) or nonfat milk for children two-years-old or older. And while the Missouri requirement does specify 100 percent fruit juice, it is not limited to 4-6 ounces per day. Therefore, the Missouri requirements do not align with HEPA.

Must child care programs serve fruits or vegetables at every meal or snack?

A fruit or vegetable must be served with all meals, and they are an optional component for snacks. Breakfast must include one serving of either a fruit or vegetable, while lunch and supper must include two different fruits, two different vegetables, or one of each. One hundred percent fruit juice may be served to fulfill the requirement at breakfast or snack. HEPA requires a fruit or vegetable to be served at every meal, so the Missouri requirement regarding the snack does not meet the HEPA standard.

Do the child care laws require programs to serve only whole grains?

No. A serving of bread or a bread alternate must be included in all meals, and is an optional component for snacks, but the child care laws do not require them to be whole grain. Therefore, the Missouri requirement does not align with HEPA.
Are certain foods prohibited or limited in child care settings?

There are no foods specifically prohibited or limited according to Missouri’s child care laws. Meals and snacks must contain all the components listed in the rules, but neither the rules nor statutes bar providers from serving other foods too. Therefore, the Missouri requirement does not align with HEPA.

YMCA HEPA NUTRITION STANDARDS

- Do not serve fried foods, including pre-fried and reheated.
- Do not serve foods containing trans fats.
- Provide foods that do not list sugar as one of first three ingredients or that contain no more than eight grams of added sugar/serving.
May child care providers serve meals and snacks family style?

Child care providers are neither required nor prohibited from serving meals and snacks family style. The YMCA HEPA standards promote eating all meals and snacks family style when possible, with children serving themselves from common bowls and pitchers with limited help from adults. Therefore, the Missouri requirement does not align with HEPA.

Are there laws specifically dealing with breast milk, nursing mothers, or breastfeeding as it relates to the child care setting?

Missouri law offers protection for mothers who, with discretion, breastfeed or express breast milk in any public or private location where the mother is otherwise authorized to be. However, the law does not say anything about breastfeeding specific to the child care setting. There is no mention of breastfeeding or breast milk in either the child care statutes or rules. The YMCA’s HEPA standards push for child care providers to promote exclusive breastfeeding for six months and continuation in conjunction with complementary foods for one year or more. Therefore, the Missouri requirement does not align with HEPA.

Does the law require children to have daily opportunities for moderate and vigorous physical activities?

The daily activities for preschool and school-age children must include indoor and outdoor play periods which offer a balance of quiet and active play. The level of active play is not specified. All programs must also provide indoor large muscle equipment for children of all ages. Therefore, the Missouri requirement does not align with HEPA.

Breastfeeding

While there are no child care laws relating to breastfeeding, the Department of Health and Senior Services does promote breastfeeding by offering a voluntary recognition program to child care providers.*

Requirements for Breastfeeding-Friendly Child Care

- Have a written policy that reflects their support of breastfeeding.
- Provide a welcoming environment for breastfeeding families.
- Offer breastfeeding resources to parents.
- Feed infants on demand and communicate with moms about feeding preferences.
- Train staff to support breastfeeding parents.

* [http://health.mo.gov/living/wellness/nutrition/breastfeedingfriendlychildcare](http://health.mo.gov/living/wellness/nutrition/breastfeedingfriendlychildcare)
Are there daily time requirements for physical activity?

No. While children must be provided with daily opportunities for active play, there are no time requirements for physical activity. Therefore, the Missouri requirement does not align with HEPA.

**YMCA HEPA PHYSICAL ACTIVITY STANDARDS**

- 60 min./day of moderate and vigorous physical activity for full-day programs.
- 30 min./day of moderate and vigorous physical activity for half-day programs.

Must children be provided with opportunities to play outdoors?

Yes, Missouri rules require family day care homes, group day care homes, and child day care centers to offer all children daily opportunities for outdoor play when weather permits. There are no specific time requirements for infants and toddlers, but preschool and school-age children must be allowed at least one hour of outdoor play when in attendance for a full day. Therefore, the Missouri requirement does align with HEPA.

Are there special requirements for physical activity as it relates to infants?

Yes, there must be daily activities for infants and toddlers that encourage the development of motor
skills by providing opportunities for reaching, grasping, pulling up, creeping, crawling, and walking. Also, an infant may not be confined to a crib for longer than 30 minutes after waking. Therefore, the Missouri requirement does align with HEPA.

Do the child care laws require tummy time for infants?

No, there are no laws requiring tummy time for infants. Therefore, the Missouri requirement does not align with HEPA.

What does the law say about screen time in child care programs?

Neither the Missouri statutes nor rules address screen time in child care settings. There are no restrictions on content or the amount of time children may use electronic media. Therefore, the Missouri requirement does not align with HEPA.

Do the child care laws address the modeling of healthy habits by staff members?

No, child care staff are not required to model healthy habits. To meet the YMCA’s HEPA standards, child care staff would need to model healthy eating behaviors at all times, eat the same food as children during meals and snacks and avoid foods that don’t meet the HEPA standards during program time. Also, staff would need to model active living by participating in physical activity with children. Therefore, the Missouri requirement does not align with HEPA.

Are there provisions that encourage family engagement in order to educate parents on healthy living?

No, family engagement is not addressed in the child care laws. The YMCA’s HEPA standards note the importance of engaging parents and caregivers using informational materials and/or activities focused on healthy eating and physical activity a minimum of 3-4 times a year. Therefore, the Missouri requirement does not align with HEPA.

Conclusion

The Missouri Legislature has enacted relatively few statutes regulating child care, opting instead to delegate broad authority to DHSS to regulate the child care setting. This situation allows for expansion of nutrition, physical activity, and screen time requirements by adopting new rules instead of enacting new statutes. The rules carry the force of law as long as they are in line with the enabling statute that granted DHSS the power to create rules. The process of making a rule in Missouri is a complex and extensive process, but may be done without appealing to the legislature to enact a statute.

YMCA HEPA SCREEN TIME STANDARDS

- Screen Time = TV, movies, cell phone, video games, computers, & other digital devices
- Eliminate screen time for children under two years old.
- Limit screen time for children over two years old.
  - 30 min/day for half-day programs.
  - 60 min/day for full-day programs.
- Minimize children’s exposure to commercials and ads marketing unhealthy foods.
This publication was prepared by the Public Health Law Center at Mitchell Hamline School of Law, St. Paul, Minnesota, in partnership with the YMCA of the USA, as part of a project to promote healthy child care and out-of-school time settings. Financial support for the development of this resource was provided by the YMCA of the USA.

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Endnotes

2 Child Care ABCs of the Missouri Workforce. Child Care Aware of Missouri. 2014
3 Child Care ABCs of the Missouri Workforce. Child Care Aware of Missouri. 2014
4 This resource addresses the HEPA standards that could be readily incorporated into licensing regulations, but does not include all the HEPA standards.