

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1726\*  
Committee Substitute Favorable 5/24/10  
Committee Substitute #2 Favorable 6/23/10

Short Title: Improve Child Care Nutrition/Activity Stnds.

(Public)

Sponsors:

Referred to:

May 17, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE CHILD CARE COMMISSION, IN CONSULTATION WITH  
3 THE DIVISION OF CHILD DEVELOPMENT OF THE DEPARTMENT OF HEALTH  
4 AND HUMAN SERVICES, TO DEVELOP IMPROVED NUTRITION STANDARDS  
5 FOR CHILD CARE FACILITIES, TO DIRECT THE DIVISION OF CHILD  
6 DEVELOPMENT TO STUDY AND RECOMMEND GUIDELINES FOR INCREASED  
7 LEVELS OF PHYSICAL ACTIVITY IN CHILD CARE FACILITIES, AND TO DIRECT  
8 THE DIVISION OF PUBLIC HEALTH TO WORK WITH OTHER ENTITIES TO  
9 EXAMINE AND MAKE RECOMMENDATIONS FOR IMPROVING NUTRITION  
10 STANDARDS IN CHILD CARE FACILITIES.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** G.S. 110-91(2) reads as rewritten:

13 "(2) Health-Related Activities. – The Commission shall adopt rules for child care  
14 facilities to ensure that all children receive nutritious food and beverages  
15 according to their developmental needs. ~~After consultation with the State~~  
16 ~~Health Director, The Commission shall consult with the Division of Child~~  
17 ~~Development of the Department of Health and Human Services to develop~~  
18 nutrition standards ~~shall to~~ provide for requirements appropriate for children  
19 of different ages. The nutrition standards shall include all of the following:

- 20 a. A prohibition against serving sugar-sweetened beverages to children  
21 of any age.  
22 b. A prohibition against serving whole milk to children two years of age  
23 or older or flavored milk to children of any age.  
24 c. A prohibition against serving more than six ounces of juice per day  
25 to children of any age.  
26 d. A requirement that all juice be served in a cup and not in a bottle.

27 Each child care facility shall have a rest period for each child in care  
28 after lunch or at some other appropriate time and arrange for each child in  
29 care to be out-of-doors each day if weather conditions permit."

30 **SECTION 2.** The Department of Health and Human Services, Division of Child  
31 Development, shall examine the current levels of physical activity children receive in child care  
32 facilities and review model physical activity guidelines. Not later than September 1, 2011, the  
33 Division shall report its findings and recommendations for increasing physical activity levels in  
34 child care facilities, with a goal of reaching model guidelines, to the Legislative Task Force on  
35 Childhood Obesity, if reestablished, to the Public Health Study Commission, and to the Fiscal  
36 Research Division.



1           **SECTION 3.** The Department of Health and Human Services, Division of Public  
2 Health, in conjunction with the Division of Child Development, nutritionists, pediatricians, and  
3 child care providers, shall examine the current nutrition standards for children in child care  
4 facilities. This examination shall be conducted in consideration of any potential changes in the  
5 federal guidelines related to the Child and Adult Care Food Program. Not later than December  
6 1, 2010, the Division of Public Health shall report its findings and recommendations for  
7 improving nutrition standards in child care facilities to the Legislative Task Force on  
8 Childhood Obesity, if reestablished, to the Public Health Study Commission, and to the Fiscal  
9 Research Division.

10           **SECTION 4.** This act is effective when it becomes law.