AN ACT relating to care of children; requiring the State Board of Health to adopt regulations prescribing requirements for meals and snacks provided to children at child care facilities; setting forth certain requirements for child care facilities relating to breastfeeding, physical activity and viewing media; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a child care facility to be licensed by the State Board of Health or, if the county or city in which the child care facility is located requires child care facilities to be licensed, by such a county or city. If a city or county licenses child care facilities, the city or county is required to adopt standards and regulations governing child care facilities that are at least as stringent as those adopted by the Board. (NRS 432A.131) Federal law establishes the Child and Adult Care Food Program, and federal regulations set forth requirements for the contents of each meal served pursuant to the Program. (42 U.S.C. § 1766; 7 C.F.R. § 226.20)

Section 2 of this bill requires the Board to adopt regulations prescribing requirements for all meals and snacks served to children by child care facilities, including a requirement that all such meals and snacks comply with the minimum requirements established pursuant to the Child and Adult Care Food Program.
Section 3 of this bill requires a child care facility to: (1) provide appropriate, private space where mothers may breastfeed; and (2) limit the amount of time a child may spend viewing media. Section 3 also: (1) requires certain child care facilities to provide a program of physical activity; and (2) prohibits a child care facility from withholding or requiring physical activity as a form of discipline.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. The Board shall adopt regulations prescribing requirements for all meals and snacks provided to children by a child care facility. Such regulations must, without limitation:

1. Require each meal or snack provided to a child by a child care facility to:
   (a) Comply with the minimum food components set forth in 7 C.F.R. § 226.20; and
   (b) Be served in a portion size appropriate for the age of the child;

2. Include specific requirements concerning milk, other dairy products and juice; and

3. Limit the fat and sugar content of all meals and snacks.

Sec. 3. 1. A licensee that operates a child care facility shall provide appropriate, private space on the premises of the child care facility where a mother may breastfeed.

2. A licensee that operates a child care facility, other than an accommodation facility or a child care institution, shall provide a program of physical activity that:
   (a) Ensures that all children receive daily moderate or vigorous physical activity; and
   (b) Includes specialized plans for children with special needs or who have disabilities.

3. An employee of a child care facility shall not allow children under 2 years of age to view media or allow children to view media during snack or meal times, and shall limit the total amount of time children are allowed to view media.

4. An employee of a child care facility shall not withhold or require a child to participate in physical activity as a form of discipline.

5. As used in this section:
   (a) “Moderate or vigorous physical activity” means activity that significantly uses arms or legs, including, without limitation, brisk walking, skipping, bicycling, hiking, dancing, kicking a ball,
gardening, running, jumping, playing tag, chasing games, soccer, basketball, swimming and heavy yard work.

(b) “View media” includes, without limitation, watch television, video tapes and digital video discs, play video games or computer games, use a smartphone or handheld device and use the Internet.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.