

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**SESSION LAW 2010-117  
HOUSE BILL 1726**

AN ACT TO REQUIRE THE CHILD CARE COMMISSION, IN CONSULTATION WITH THE DIVISION OF CHILD DEVELOPMENT OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO DEVELOP IMPROVED NUTRITION STANDARDS FOR CHILD CARE FACILITIES, TO DIRECT THE DIVISION OF CHILD DEVELOPMENT TO STUDY AND RECOMMEND GUIDELINES FOR INCREASED LEVELS OF PHYSICAL ACTIVITY IN CHILD CARE FACILITIES, AND TO DIRECT THE DIVISION OF PUBLIC HEALTH TO WORK WITH OTHER ENTITIES TO EXAMINE AND MAKE RECOMMENDATIONS FOR IMPROVING NUTRITION STANDARDS IN CHILD CARE FACILITIES.

The General Assembly of North Carolina enacts:

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

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

- a. Limiting or prohibiting the serving of sweetened beverages, other than 100% fruit juice, to children of any age.
- b. Limiting or prohibiting the serving of whole milk to children two years of age or older or flavored milk to children of any age.
- c. Limiting or prohibiting the serving of more than six ounces of juice per day to children of any age.
- d. Limiting or prohibiting the serving of juice from a bottle.
- e. Creating an exception from the rules for parents of children who have medical needs, special diets, or food allergies.
- f. Creating an exception from the rules to allow a parent or guardian, or to allow the center upon the request of a parent or guardian, to provide to a child food and beverages that may not meet the nutrition standards.

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

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

**SECTION 3.** The Department of Health and Human Services, Division of Public Health, in conjunction with the Division of Child Development, nutritionists, pediatricians, and child care providers, shall examine the current nutrition standards for children in child care facilities. This examination shall be conducted in consideration of any potential changes in the federal guidelines related to the Child and Adult Care Food Program. Not later than December



1, 2010, the Division of Public Health shall report its findings and recommendations for improving nutrition standards in child care facilities to the Legislative Task Force on Childhood Obesity, if reestablished, to the Public Health Study Commission, and to the Fiscal Research Division.

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

In the General Assembly read three times and ratified this the 9<sup>th</sup> day of July, 2010.

s/ Walter H. Dalton  
President of the Senate

s/ Joe Hackney  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 3:23 p.m. this 20<sup>th</sup> day of July, 2010