

## 1 HOUSE BILL NO. 267

2 INTRODUCED BY D. SANDS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROMOTING EARLY CHILDHOOD HEALTH THROUGH DAY-CARE  
5 LICENSING REQUIREMENTS RELATED TO NUTRITION AND PHYSICAL ACTIVITY; AND AMENDING  
6 SECTIONS 52-2-702, 52-2-723, AND 52-2-731, MCA."

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8 WHEREAS, exposure at an early age to proper nutrition, physical activity, and appropriate limits on  
9 inactivity may help instill children with lifelong habits that will result in better health, lower incidences of chronic  
10 disease, and lower health care costs; and

11 WHEREAS, national studies have determined that two-thirds of U.S. adults are overweight or obese,  
12 putting them at greater risk of chronic disease and illness and resulting in additional health care costs for publicly  
13 funded health care systems; and

14 WHEREAS, a 2008 survey of adult Montanans found that obesity among adults increased from 14% in  
15 1996 to 24% in 2008; and

16 WHEREAS, a 2009 survey of Montana high school students found that 10% of the students were obese;  
17 and

18 WHEREAS, children are exposed each year to more than 40,000 advertisements, 72% of which are for  
19 candy, cereal, and fast foods; and

20 WHEREAS, Montana's licensed child-care facilities have the ability to serve more than 20,000 children.

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22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23

24 NEW SECTION. **Section 1. Health promotion standards -- exceptions.** (1) A day-care facility  
25 operating under this part shall promote childhood health for children of all ages in the facility's care by:

26 (a) serving nutrient-rich meals, snacks, and beverages;

27 (b) providing daily, developmentally appropriate opportunities for physical activity; and

28 (c) limiting the amount of time children spend viewing television and using the computer or other  
29 electronic devices that limit physical activity.

30 (2) (a) The department shall establish rules requiring licensees to follow the standards, regulations, and

1 guidelines for meals and snacks that are established for the child and adult care food program of the U.S.  
2 department of agriculture.

3 (b) A day-care facility shall use mealtime as an opportunity to introduce a variety of nutrient-rich foods  
4 and family-style meal service.

5 (3) A licensee shall support nursing mothers, including employees who are nursing mothers, by:

6 (a) creating a quiet, comfortable space for mothers who breastfeed their children in the day-care facility;

7 (b) understanding the proper storage and preparation of expressed and frozen breast milk;

8 (c) training employees in the proper methods for providing expressed or frozen breast milk to children  
9 under 1 year of age who are being breastfed; and

10 (d) keeping a daily record of the time and amount of expressed milk or formula that a breastfed child  
11 under 1 year of age receives.

12 (4) (a) For all children in a day-care facility except children under 1 year of age, the facility shall provide:

13 (i) an opportunity for moderate to vigorous physical activity indoors or outdoors for at least 60 minutes  
14 during a 9-hour day. Opportunities for the activity may occur throughout the day.

15 (ii) two or more structured, developmentally appropriate activities or games that are led by an adult and  
16 that promote movement over the course of the day, either indoors or outdoors; and

17 (iii) continuous opportunities to develop and practice developmentally appropriate gross motor and  
18 movement skills.

19 (b) (i) For children under 1 year of age, the day-care facility shall limit to less than 30 minutes the time  
20 that a child who is awake spends consecutively in confining equipment, including but not limited to a crib, infant  
21 seat, swing, high chair, or playpen.

22 (ii) The facility shall provide a child under 1 year of age who has been in confining equipment an  
23 opportunity for freedom of movement immediately after the child has spent time in the confining equipment. The  
24 area used for freedom of movement must be sanitary and protected from foot traffic.

25 (5) (a) Except as provided in subsection (5)(b), a day-care facility shall limit the amount of time a child  
26 spends viewing television programming of any type and using the computer as follows:

27 (i) 0 hours for children under 2 years of age; and

28 (ii) a maximum of 1 hour of combined television viewing and computer use per day per child or group of  
29 children for children 2 years of age and older.

30 (b) Television viewing time may be extended for special events or occasions, including but not limited

1 to celebration of a current event, holiday, or birthday. The day-care facility shall keep written documentation of  
 2 when television viewing time was extended and the reasons for the extension.

3 (c) This subsection (5) applies to any type of videocassette recording, digital video disc, or other item  
 4 projected through a television or computer unless the videocassette, digital video disc, or item promotes  
 5 developmentally appropriate physical activity.

6 (d) Computer use must be supervised by a member of the day-care facility's staff.

7 (6) (a) A day-care facility may not allow a child to engage in television viewing or computer use without  
 8 written permission from the child's parent or legal guardian.

9 (b) Television viewing and computer use must be limited to programs, video cassette recordings, digital  
 10 video discs, games, and websites that are age-appropriate.

11

12 **Section 2.** Section 52-2-702, MCA, is amended to read:

13 **"52-2-702. Purpose -- findings.** (1) The purpose of this part is to assure that children requiring day care  
 14 be provided ~~such food~~ with proper nutrition, shelter, security and safety, guidance and direction, nurture and  
 15 comfort, physical activity, and learning experiences commensurate to their ages and capabilities ~~so as in order~~  
 16 to safeguard ~~the their~~ growth and development of such children, ~~thereby facilitating~~ and to facilitate their proper  
 17 physical and emotional maturation.

18 (2) (a) The legislature finds that ~~the number of many~~ children living live in homes where both parents  
 19 work or in homes with a single parent who works ~~has increased dramatically over the last decade~~.

20 (b) The legislature finds that the availability of quality child care is critical to the self-sufficiency and  
 21 independence of Montana families, ~~including the growing number of mothers who have young children and who~~  
 22 in which parents work out of economic necessity.

23 (c) The legislature further finds that the number of quality child-care arrangements falls far short of the  
 24 number required for children in need of child-care services.

25 (d) It is the intent of the legislature that the state promote day care for the purposes of:

26 (i) improving the quality of, and coordination among, child-care programs and providing additional  
 27 resources for child-care services;

28 (ii) promoting the availability and diversity of quality child-care services for all children and families that  
 29 need ~~such the~~ services;

30 (iii) providing assistance to families whose financial resources are not sufficient to enable them to pay

1 the full costs of necessary child-care services;

2 (iv) ensuring that parents are not forced by lack of available programs or financial resources to place a  
3 child in an unsafe or unhealthy child-care facility; and

4 (v) assisting people in finding and maintaining employment by lessening the stress related to the lack  
5 of adequate child care."  
6

7 **Section 3.** Section 52-2-723, MCA, is amended to read:

8 **"52-2-723. Requirements for licensure.** (1) The department shall include in the minimum standards  
9 for day-care centers the following requirements:

10 (a) The applicant, the applicant's employees, and all those persons who will come in direct contact with  
11 the children are of good character.

12 (b) The staff of the day-care facility is sufficient in number as provided by rule to provide adequate  
13 supervision and care of the children in the facility.

14 (c) Essential programs and practices carried on by the facility staff are developed and carried out with  
15 due regard for the protection of the health, safety, development, and well-being of the children.

16 (d) The day-care facility promotes childhood health by meeting the requirements of [section 1].

17 ~~(d) Applicant~~ (e) The applicant and staff are qualified by practical experience or education or training  
18 to give good care and treatment to the children.

19 ~~(e)(f)~~ Intake records are kept on each child admitted for care.

20 ~~(f)(g)~~ The applicant and staff limit admissions to the maximum number indicated on the current license.

21 ~~(g)(h)~~ The applicant will arrange for the necessary precautions to guard against communicable diseases.

22 ~~(h)(i)~~ Public liability insurance and fire insurance are currently in force for the protection of the operator,  
23 the staff, and the facility.

24 ~~(i)(j)~~ The ages and numbers of children that may be cared for in a day-care facility are specified.

25 (2) It is the duty of the department or its authorized representative to assist applicants in meeting the  
26 minimum requirements."  
27

28 **Section 4.** Section 52-2-731, MCA, is amended to read:

29 **"52-2-731. Standards for day care.** In developing standards, the department shall seek the advice and  
30 assistance of the superintendent of public instruction, representatives of day-care facilities, specialists in child

1 care, and representatives of parent groups who use the services of day-care facilities. The standards may pertain  
2 to:

3 (1) character, suitability, and qualifications of an applicant and other persons directly responsible for the  
4 care of children;

5 (2) the number of individuals or staff required for adequate supervision and care of children in day-care  
6 facilities;

7 (3) child-care programs and practices necessary to ensure the health, safety, safety in transportation,  
8 development, and well-being of children;

9 (4) programs and practices necessary to promote childhood health and prevent childhood obesity;

10 ~~(4)~~(5) adequate and appropriate admission policies;

11 ~~(5)~~(6) adequacy of physical facilities and equipment;

12 ~~(6)~~(7) general financial ability and competence of an applicant to provide necessary care for children and  
13 maintain prescribed standards; and

14 ~~(7)~~(8) the ages and numbers of children that may be cared for in a day-care facility."  
15

16 NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an  
17 integral part of Title 52, chapter 2, part 7, and the provisions of Title 52, chapter 2, part 7, apply to [section 1].

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