

SENATE BILL 716

O4

4r2438
CF HB 1276

By: **Senators Ferguson, King, Montgomery, ~~and Pinsky~~ Pinsky, Conway,
Benson, Jennings, and Rosapepe**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2014

CHAPTER _____

1 AN ACT concerning

2 **Child Care Centers – Healthy Eating and Physical Activity Act**

3 FOR the purpose of requiring certain rules and regulations for licensing and operating
4 child care centers to ~~require child care centers providing care to children under~~
5 ~~a certain age to have in attendance a certain individual who has had certain~~
6 ~~breast-feeding education and training; requiring the regulations to contain~~
7 ~~certain provisions as to beverages served by a child care center to children in~~
8 ~~the child care center's care; requiring the regulations to require a child care~~
9 ~~center to adopt limits on certain screen time; requiring the limits on screen time~~
10 ~~to contain certain provisions~~ promote proper nutrition and developmentally
11 appropriate practices by establishing certain training and policies promoting
12 breast-feeding, requiring compliance with certain standards for beverages
13 served to children, and setting limits on screen time; and generally relating to
14 rules and regulations for licensing and operating child care centers.

15 BY repealing and reenacting, with amendments,
16 Article – Family Law
17 Section 5–573
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2013 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1

Article – Family Law

2 5–573.

3 (a) The State Superintendent shall adopt rules and regulations for licensing
4 and operating child care centers.

5 (b) These rules and regulations shall:

6 (1) ensure safe and sanitary conditions in child care centers;

7 (2) ensure proper care, protection, and supervision of children in child
8 care centers;

9 (3) ensure the health of children in child care centers by:

10 (i) monitoring children for signs and symptoms of child abuse;

11 (ii) instructing licensees and staff concerning child abuse
12 detection and reporting;

13 (iii) monitoring health practices to help prevent the spread of
14 disease; and

15 (iv) monitoring the care of infants and children with special
16 needs;

17 (4) promote the sound growth and development of children in child
18 care centers;

19 **(5) PROMOTE PROPER NUTRITION AND DEVELOPMENTALLY**
20 **APPROPRIATE PRACTICES BY:**

21 **(I) ESTABLISHING TRAINING AND POLICIES PROMOTING**
22 **BREAST-FEEDING;**

23 **(II) REQUIRING COMPLIANCE WITH THE UNITED STATES**
24 **FOOD AND DRUG ADMINISTRATION CHILD AND ADULT CARE FOOD PROGRAM**
25 **STANDARDS FOR BEVERAGES SERVED TO CHILDREN, INCLUDING PROHIBITING**
26 **BEVERAGES OTHER THAN INFANT FORMULA THAT CONTAIN ADDED SWEETENER**
27 **OR CAFFEINE; AND**

28 **(III) SETTING LIMITS ON SCREEN TIME;**

1 ~~(5)~~ **(6)** carry out otherwise the purposes and requirements of this
2 Part VII of this subtitle, including imposition of intermediate sanctions to ensure
3 compliance;

4 ~~(6)~~ **(7)** prohibit a child from remaining at a child care center for
5 more than 14 hours in 1 day unless the Department issues an exception for that child
6 based on guidelines set by the State Superintendent;

7 ~~(7)~~ **(8)** (i) require that a child care center have in attendance at
8 all times at least 1 individual who is responsible for supervision of children, including
9 children on field trips, and who holds a current certificate indicating successful
10 completion of approved:

11 1. basic first aid training through the American Red
12 Cross or through a program with equivalent standards; and

13 2. cardiopulmonary resuscitation (CPR) training
14 through the American Heart Association or through a program with equivalent
15 standards appropriate for the ages of children for whom care is provided in the child
16 care center; and

17 (ii) require that a child care center serving more than 20
18 children have in attendance certificate holders described in item (i) of this item in a
19 ratio of at least 1 certificate holder for every 20 children;

20 ~~**(8)** **REQUIRE THAT A CHILD CARE CENTER PROVIDING CARE TO**
21 **ANY CHILD UNDER THE AGE OF 1 YEAR HAVE IN ATTENDANCE AT ALL TIMES AT**
22 **LEAST 1 INDIVIDUAL WHO IS RESPONSIBLE FOR SUPERVISION OF CHILDREN**
23 **AND WHO HAS HAD BREAST FEEDING EDUCATION AND TRAINING IN:**~~

24 ~~**(I)** **THE PROPER METHODS FOR PROVIDING EXPRESSED OR**
25 **FROZEN BREAST MILK TO CHILDREN UNDER THE AGE OF 1 YEAR WHO ARE**
26 **BEING BREAST FED;**~~

27 ~~**(II)** **MAINTAINING A DAILY RECORD OF THE TIME AND**
28 **AMOUNT OF EXPRESSED MILK OR FORMULA THAT A BREAST-FED CHILD UNDER**
29 **THE AGE OF 1 YEAR RECEIVES; AND**~~

30 ~~**(III)** **SUPPORTING MOTHERS WITH COMPLETE AND**
31 **CULTURALLY COMPETENT INFORMATION AND MATERIALS ON**
32 **BREAST FEEDING; AND**~~

33 **[(8)] (9)** (i) require that a child care center that receives notice of
34 a contaminated drinking water supply from the child care center's supplier of water, in
35 accordance with § 9-410 of the Environment Article or otherwise, send notice of the

1 drinking water contamination to the parent or legal guardian of each child attending
2 the child care center; and

3 (ii) require that the notice sent by the child care center shall:

4 1. be sent within 10 business days after receipt of the
5 notice of contamination from the child care center's water supplier;

6 2. be in writing;

7 3. identify the contaminants and their levels in the
8 center's water supply; and

9 4. describe the child care center's plan for dealing with
10 the water contamination problem until the child care center's water is determined by
11 the appropriate authority to be safe for consumption;

12 ~~[(9)]~~ **(10)** (i) require a child care center to have a written
13 emergency preparedness plan for emergency situations that require evacuation,
14 sheltering in place, or other protection of children, such as in the event of fire, natural
15 disaster, or other threatening situation that may pose a health or safety hazard to the
16 children in the child care center;

17 (ii) require the plan under item (i) of this item to include:

18 1. a designated relocation site and evacuation route;

19 2. procedures for notifying parents or other adults
20 responsible for the child of the relocation;

21 3. procedures to address the needs of individual
22 children, including children with special needs;

23 4. procedures for the reassignment of staff duties during
24 an emergency, as appropriate; and

25 5. procedures for communicating with local emergency
26 management officials or other appropriate State or local authorities; and

27 (iii) require a child care center to train staff and ensure that
28 staff are familiar with the plan; ~~and~~

29 ~~[(10)]~~ **(11)** require a child care center to have window coverings in
30 accordance with § 5-505 of this subtitle~~;~~.

1 ~~(12) AS TO BEVERAGES SERVED BY A CHILD CARE CENTER TO~~
2 ~~CHILDREN IN THE CHILD CARE CENTER'S CARE:~~

3 ~~(I) PROHIBIT BEVERAGES WITH ADDED SWEETENER,~~
4 ~~EITHER NATURAL OR ARTIFICIAL, OR CONTAINING CAFFEINE, EXCEPT FOR~~
5 ~~INFANT FORMULA OR COMPLETE BALANCED NUTRITIONAL PRODUCTS~~
6 ~~DESIGNED FOR CHILDREN;~~

7 ~~(II) LIMIT JUICE TO NOT MORE THAN 6 OUNCES OF 100%~~
8 ~~FRUIT JUICE PER CHILD PER DAY;~~

9 ~~(III) REQUIRE THAT, WHENEVER MILK IS SERVED, ONLY 1%~~
10 ~~OR NONFAT MILK BE SERVED TO CHILDREN AT LEAST 2 YEARS OLD, UNLESS~~
11 ~~OTHERWISE ORDERED BY A PHYSICIAN OR HEALTH PRACTITIONER; AND~~

12 ~~(IV) REQUIRE THAT CLEAN AND SAFE DRINKING WATER BE~~
13 ~~READILY AVAILABLE AND ACCESSIBLE THROUGHOUT THE DAY; AND~~

14 ~~(13) (I) REQUIRE A CHILD CARE CENTER TO ADOPT LIMITS ON~~
15 ~~SCREEN TIME OR TIME SPENT PASSIVELY WATCHING A DIGITAL MONITOR OR~~
16 ~~DISPLAY, INCLUDING A TELEVISION, A COMPUTER, A TABLET, A SMART BOARD,~~
17 ~~OR ANY OTHER SCREEN; AND~~

18 ~~(II) REQUIRE THE LIMITS ON SCREEN TIME TO INCLUDE:~~

19 ~~1. A PROHIBITION ON SCREEN TIME FOR CHILDREN~~
20 ~~UNDER THE AGE OF 2 YEARS; AND~~

21 ~~2. A LIMIT OF 30 MINUTES PER DAY OF~~
22 ~~COMMERCIAL FREE SCREEN TIME FOR CHILDREN AT LEAST 2 YEARS OLD IN~~
23 ~~HALF-DAY PROGRAMS AND 60 MINUTES PER DAY OF COMMERCIAL FREE~~
24 ~~SCREEN TIME FOR CHILDREN AT LEAST 2 YEARS OLD IN FULL-DAY PROGRAMS.~~

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2014.