

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 999

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H.P. 700

House of Representatives, March 14, 2017

**An Act To Provide a Healthy Learning Environment in Early Care  
Settings by Requiring Rules Concerning Nutrition and Physical  
Activity**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TERRY of Gorham.

Cosponsored by Representative: HICKMAN of Winthrop, Senator: CHENETTE of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §8302-A, sub-§1, ¶I**, as amended by PL 2015, c. 497, §2, is  
3 further amended to read:

4 I. Licensing procedures; ~~and~~

5 **Sec. 2. 22 MRSA §8302-A, sub-§1, ¶J**, as enacted by PL 2015, c. 497, §2, is  
6 amended to read:

7 J. Requiring a criminal background check for:

8 (1) Each child care staff member whose activities involve the care or supervision  
9 of children; and

10 (2) Each adult who has unsupervised access to children who are cared for or  
11 supervised by a child care facility.

12 The criminal background check must meet the requirements of 42 United States  
13 Code, Section 9858f(b);

14 **Sec. 3. 22 MRSA §8302-A, sub-§1, ¶¶K and L** are enacted to read:

15 K. The provision of nutritious foods that contribute to the wellness, healthy growth  
16 and development of young children. Rules adopted under this paragraph must meet  
17 standards established under the United States Department of Agriculture, Food and  
18 Nutrition Service, Child and Adult Care Food Program; and

19 L. Physical activity and recreational screen time. Rules adopted under this paragraph  
20 must establish standards for evidence-based and age-appropriate physical activity and  
21 recreational screen time. For the purpose of this paragraph, "screen time" means  
22 sedentary activities done in front of a screen, such as watching television, working on  
23 a computer and playing video games.

24 **Sec. 4. 22 MRSA §8302-A, sub-§2**, as amended by PL 2015, c. 497, §3, is  
25 further amended to read:

26 **2. Rules for family child care providers.** Rules for family child care providers  
27 must include, and are limited to, rules pertaining to the following:

28 A. Cardiopulmonary resuscitation;

29 B. Water for drinking and cooking;

30 C. Wastewater;

31 D. Rabies vaccinations for pets;

32 E. Recording the times, reasons and numbers of children involved when more than  
33 12 children are cared for;

34 F. Ongoing training for providers on health and safety issues, including training on  
35 communicable diseases. This training must be offered at times that are convenient to  
36 the providers;

- 1 G. Child to staff ratios;
- 2 H. Health and safety of the children and staff;
- 3 I. Procedures for waivers of rules and for suspension and revocation of certification;
- 4 J. The age, criminal record and personal history of the family child care provider,
- 5 staff and members of the household; ~~and~~
- 6 K. Requiring a criminal background check for:
  - 7 (1) The family child care provider;
  - 8 (2) Each child care staff member whose activities involve the care or supervision
  - 9 of children; and
  - 10 (3) Each adult who has unsupervised access to children who are cared for or
  - 11 supervised by the family child care provider.

12 The criminal background check must meet the requirements of 42 United States  
13 Code, Section 9858f(b);

14 L. The provision of nutritious foods that contribute to the wellness, healthy growth  
15 and development of young children. Rules adopted under this paragraph must meet  
16 standards established under the United States Department of Agriculture, Food and  
17 Nutrition Service, Child and Adult Care Food Program; and

18 M. Physical activity and recreational screen time. Rules adopted under this  
19 paragraph must establish standards for evidence-based and age-appropriate physical  
20 activity and recreational screen time. For the purpose of this paragraph, "screen  
21 time" means sedentary activities done in front of a screen, such as watching  
22 television, working on a computer and playing video games.

23 Rules adopted pursuant to paragraphs A to F and L and M are routine technical rules  
24 pursuant to Title 5, chapter 375, subchapter 2-A and rules adopted pursuant to paragraphs  
25 G to K are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

26 **SUMMARY**

27 This bill provides that rules adopted by the Department of Health and Human  
28 Services for child care facilities and family child care providers must include rules  
29 pertaining to physical activity and recreational screen time and the provision of nutritious  
30 foods that contribute to the wellness, healthy growth and development of young children.