

## Amendment No. 349

Assembly Amendment to Assembly Bill No. 152 (BDR 38-623)

**Proposed by:** Assembly Committee on Health and Human Services**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: Yes Digest: Yes

Adoption of this amendment will REMOVE the unfunded mandate from A.B. 152.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

EWR/RBL



Date: 4/14/2015

A.B. No. 152—Enacts certain requirements governing child care facilities.  
(BDR 38-623)



ASSEMBLY BILL NO. 152—ASSEMBLYMEN ARAUJO, DIAZ, THOMPSON; BENITEZ-THOMPSON, CARRILLO, FLORES, GARDNER, HAMBRICK, JOINER, MOORE, SILBERKRAUS AND NEAL

FEBRUARY 13, 2015

JOINT SPONSORS: SENATORS DENIS; HARDY AND WOODHOUSE

Referred to Committee on Health and Human Services

SUMMARY—Enacts certain requirements governing child care facilities. (BDR 38-623)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

~~{CONTAINS UNFUNDED MANDATE (§ 2)  
(Not Requested by Affected Local Government)}~~

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AN ACT relating to care of children; requiring the State Board of Health to adopt regulations prescribing ~~{requirements}~~ guidelines for meals and snacks provided to children at child care facilities ~~{,}~~ and setting forth certain requirements for child care facilities relating to breastfeeding ~~{,}~~ and 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}~~ guidelines 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 2 also: (1) allows a child, upon the request of a parent or guardian, to receive meals and snacks that do not comply with the guidelines; and (2) provides that the guidelines do not apply to any meal prepared by a parent or guardian and brought to a child care facility by a child or a parent or guardian.

Section 3 of this bill requires the Board to adopt regulations that: (1) require a child care facility to {, (1)} provide an appropriate, private space where mothers may breastfeed; and (2) limit the amount of time a child may spend viewing media. Section 3 also: (1)

~~required~~ (2) **require** certain child care facilities to provide a program of physical activity; and  
~~prohibit~~ (3) **prohibit** 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.** 1. The Board shall adopt regulations prescribing ~~requirements~~ guidelines for ~~all~~ meals and snacks provided to children by a child care facility. Such ~~regulations~~ guidelines must, without limitation:

- ~~1. Require~~
- (a) ~~Ensure that~~ each meal or snack provided to a child by a child care facility ~~for~~
- ~~(a) Comply with the minimum food components set forth in 7 C.F.R. § 226.20; and~~
- ~~(b) Be~~ is served in a portion size appropriate for the age of the child;
- ~~2. (b) Include specific requirements concerning milk, other dairy products and juice; and~~
- ~~3. (c) Limit the fat and sugar content of all meals and snacks.~~

2. At the request of a parent or guardian, a child in a child care facility may receive meals and snacks from the child care facility that do not comply with the guidelines prescribed pursuant to subsection 1.

3. The guidelines prescribed pursuant to subsection 1 do not apply to any meal or snack prepared for a child by a parent or guardian and brought by the child or a parent or guardian to a child care facility.

**Sec. 3.** 1. ~~The Board shall adopt regulations that:~~

(a) Require each licensee that operates a child care facility ~~shall~~ to provide an appropriate, private space on the premises of the child care facility where a mother may breastfeed.

~~2. 4.~~

(b) Require each licensee that operates a child care facility, other than an accommodation facility or a child care institution, ~~shall~~ to provide a program of physical activity that:

~~(a) 1. Ensures that all children receive daily periods of moderate or vigorous physical activity; and~~

~~(b) Includes that are appropriate for the age of the child;~~

(2) Limits the amount of sedentary activity, other than meals, snacks and naps, that children engage in each day; and

(3) Allows for 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~~

(c) Prohibit an employee of or a licensee who operates a child care facility ~~shall not withhold~~ from withholding or ~~require~~ requiring a child to participate in physical activity as a form of discipline.

~~5. 2.~~ 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, ~~and~~ and 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.~~ "Sedentary activity" means activity that does not significantly use arms or legs or provide significant exercise, including, without limitation, sitting, standing, reading, playing a board game, riding in a wagon or drawing.

Sec. 4. ~~[The provisions of NRS 254.500 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~  
(Deleted by amendment.)

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.