

Optimizing Child Care Nutrition Programs



About Us

The Child Care Provider Action Committee (CCPAC) is a group of Nevada child care providers dedicated to ensuring the early childhood workforce has a permanent direct voice in state policy decisions. Operating under the principle of “Nothing About Me, Without Me,” the CCPAC leverages the practical operational expertise of its members to review, develop and improve systems impacting children and the early learning sector.

Introduction

High-quality nutrition is essential to young children’s growth, learning, and long-term health, yet many Nevada child care providers face barriers that limit their ability to offer nutritious meals. Inconsistent and overly burdensome local health regulations contribute to confusion around compliance and have led to the underutilization of the Child and Adult Care Food Program (CACFP), a key federal resource that supports healthy meal service. These challenges are compounded in Nevada’s food deserts, where access to affordable, fresh foods is already limited. Streamlining and clarifying requirements specific to child care providers will strengthen meal quality, reduce unnecessary administrative strain, and support a more consistent and effective nutrition system across Nevada’s early care and education settings.

Statutory and Regulatory Requirements for Child Care Providers

Chapter 446 of the Nevada Revised Statutes (NRS) mandate certain requirements for food establishments, including the enforcement of provisions through regulations by the local health authorities. NRS 446.941 exempts child care facilities from these regulations only if they limit their menu.

NRS 446.941

I. Any regulation adopted by the State Board of Health or a local board of health pursuant to NRS 446.940 that establishes a standard for the construction of a food establishment or the equipment required to be present in a food establishment does not apply to any child care facility that limits its menu to:

- (a) **Food that does not constitute a potential or actual hazard to the public health; and**
- (b) **Potentially hazardous food that has been:**
 - (1) **Commercially prepared and precooked; or**
 - (2) **Pasteurized**

Although NRS 446.941 was intended to provide regulatory flexibility for child care facilities, its exemption applies only when a center limits its menu to non-hazardous or fully pre-packaged, commercially prepared foods. As a result, any provider seeking to offer the fresh, nutritious meals required by the Child and Adult Care Food Program (CACFP), such as fresh cut fruit, steamed vegetables, or a sandwich, must meet the full commercial food-establishment standards outlined in Chapter 446. These requirements—originally designed for restaurants and large-scale food operations—can be costly and difficult for child care centers to meet, particularly smaller programs and those in rural areas. This statutory structure unintentionally restricts providers’ ability to serve healthier meals and discourages participation in CACFP, reducing access to a major federal resource that supports improved nutrition for young children.



Children's Advocacy Alliance hosted a provider meeting where CCPAC Members met with Senator Rosen to discuss federal policy.

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Home Based Providers

This challenge may also extend to home-based child care providers, who fall into a gray area under both NRS 446 and local health regulations. While certain exemptions exist for licensed family and group care homes, these provisions often depend on limited-menu criteria or permit classifications that can be difficult to interpret and inconsistently applied. As a result, home-based providers may be unsure whether preparing the fresh, healthy meals required by CACFP could trigger full commercial food-establishment standards—requirements that are costly, impractical, and often incompatible with residential kitchens. This uncertainty creates confusion for providers, limits participation in CACFP, and ultimately reduces access to nutritious meals for children in home-based settings statewide.

Rethinking the Approach

Moving forward, revising the NRS in **collaboration with child care providers** and local health authorities is essential to establishing clear, practical standards that support both nutrition and safety. A coordinated approach can eliminate ambiguity, align regulations with the realities of child care environments, and ensure providers are able to offer nutritious meals—whether center-based or home-based—while maintaining appropriate food safety protections for young children.

Nevada has an opportunity to lead the way in creating a child care system that is both safe and accessible. By aligning food program requirements with the realities of child care environments, the state can expand participation, reduce costs, and promote equity across its early learning landscape.

Policy Recommendations

Clarify Child Care Exemptions in Food

Establishment Law:

Remove NRS 446.941 and explicitly include “child care facilities” in the list of exemptions under NRS 446.020, while simultaneously strengthening food safety requirements within NRS/NAC 432A. Aligning the exemption with enhanced, child-care-specific standards in 432A will provide a clear regulatory pathway that distinguishes child care environments from commercial food establishments and ensures providers can meet appropriate safety expectations without being subject to restaurant-level requirements.

Strengthen Child Care-Specific

Food Safety Standards:

Revise NRS 432A to incorporate clear, practical food safety provisions tailored to child care environments. These revisions should authorize local health districts to develop and enforce appropriate regulations that allow providers to prepare and serve meals consistent with CACFP requirements, while ensuring health and safety protections without necessitating commercial kitchen infrastructure.