

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H

D

HOUSE BILL 474  
PROPOSED COMMITTEE SUBSTITUTE H474-PCS30335-RQ-11

Short Title: Healthy Out-of-School Recognition Program.

(Public)

Sponsors:

Referred to:

April 2, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCLUDE IN THE TYPES OF PROGRAMS THAT DO NOT CONSTITUTE  
3 THE PROVISION OF CHILD CARE TRACK OUT PROGRAMS FOR CHILDREN  
4 WHO ATTEND YEAR-ROUND SCHOOLS AND TO ESTABLISH THE HEALTHY  
5 OUT-OF-SCHOOL TIME (HOST) RECOGNITION PROGRAM.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 110-86(2) reads as rewritten:

8 "§ 110-86. Definitions.

9 Unless the context or subject matter otherwise requires, the terms or phrases used in this  
10 Article shall be defined as follows:

11 ...  
12 (2) Child care. – A program or arrangement where three or more children less  
13 than 13 years old, who do not reside where the care is provided, receive care  
14 on a regular basis of at least once per week for more than four hours but less  
15 than 24 hours per day from persons other than their guardians or full-time  
16 custodians, or from persons not related to them by birth, marriage, or  
17 adoption. Child care does not include the following:

- 18 ...  
19 i. Cooperative arrangements among parents to provide care for their  
20 own children as a convenience rather than for employment; ~~and~~  
21 j. Any child care program or arrangement consisting of two or more  
22 separate components, each of which operates for four hours or less  
23 per day with different children attending each  
24 ~~component-component; and~~  
25 k. Track out programs provided to school-age children when they are  
26 out of school on a year-round school calendar."

27 SECTION 2.(a) The General Assembly makes the following findings relating to  
28 childhood obesity and physical health:

- 29 (1) Childhood obesity poses a serious threat to the children of our State and to  
30 their future.  
31 (2) According to the North Carolina State Center for Health Statistics, one out  
32 of every three children ages 10 through 17 years is either overweight or  
33 obese, and one out of every three children ages two through four years who  
34 participate in the Special Supplemental Nutrition Program for Women,  
35 Infants and Children (WIC) in North Carolina is overweight or obese.



\* H 4 7 4 - P C S 3 0 3 3 5 - R Q - 1 1 \*

- 1 (3) The medical and workforce consequences of childhood obesity also threaten  
2 the fiscal viability of our health care system and our economy if not  
3 addressed.
- 4 (4) In 2011, North Carolina costs attributable to individuals who were  
5 physically inactive, obese, or overweight were estimated at fifty-four billion  
6 dollars (\$54,000,000,000).
- 7 (5) The Healthy Out-of-School Time (HOST) provider community has the reach  
8 and opportunity to provide a healthy out-of-school time experience to nearly  
9 235,000 children in the out-of-school time period, with potential to reach  
10 more than 500,000 if out-of-school time resources were available to all who  
11 desired them.

12 **SECTION 2.(b)** Chapter 110 of the General Statutes is amended by adding a new  
13 Article to read:

14 "Article 7A.

15 "Healthy Out-of-School Time (HOST) Recognition Program.

16 "**§ 110-110.1. Short title; program established.**

17 (a) This program shall be known and may be cited as the "Healthy Out-of-School Time  
18 (HOST) Recognition Program."

19 (b) The Healthy Out-of-School Time (HOST) Recognition Program is hereby  
20 established, to be administered by the Department of Health and Human Services, Division of  
21 Child Development and Early Education.

22 "**§ 110-110.2. Definitions.**

23 For purposes of this Article, the following definitions shall apply:

- 24 (1) Department. – The Department of Health and Human Services, Division of  
25 Child Development and Early Education.
- 26 (2) HEPA Standards. – The National Out-of-School Time Healthy Eating and  
27 Physical Activity Standards.
- 28 (3) Out-of-school program. – Any nonlicensed program provided to children  
29 and youth ages 17 and under that is currently exempt from G.S. 110-91 or  
30 any other qualified out-of-school time programs that serve school-age  
31 children outside of regular school hours, including before school and on  
32 weekends.
- 33 (4) Program attendee. – A person enrolled in an exempt out-of-school time  
34 program.
- 35 (5) Screen time. – Time spent viewing or working on television, videos,  
36 computers, or handheld devices, with or without Internet access.

37 "**§ 110-110.3. Department to develop program.**

38 The Department shall develop a process, to be administered on its Internet Web site, for an  
39 out-of-school time program to be recognized as a program that meets the HEPA Standards as  
40 outlined in this Article. The Web site shall include all resources and links that an out-of-school  
41 time program may use to meet the requirements of this Article.

42 "**§ 110-110.4. Certificate.**

43 The process developed under G.S. 110-110.3 shall provide an out-of-school time program  
44 with the option to create a certificate, using a template designed by the Department, that  
45 includes a document, signed by the out-of-school time program director, demonstrating the  
46 manner in which the out-of-school time program meets each of the following:

- 47 (1) Training. – Ensuring each staff member of the out-of-school time program  
48 has received training on the HEPA Standards identified in this Article.  
49 Training shall be in accordance with the YMCA of the USA, the Center for  
50 Collaborative Solutions, A World Fit For Kids!, the National Institute on  
51 Out-of-School Time, or other similar programs.

- 1           (2)    Parent and caregiver education. – Engaging parents and caregivers using  
2           informational materials and activities focused on healthy eating and physical  
3           activity a minimum of once every three months at a minimum of three to  
4           four times each year.
- 5           (3)    Physical activity. – Providing children with opportunities for moderate and  
6           vigorous physical activity for at least 60 minutes each day during a full-day  
7           program or 30 minutes each day for a half-day morning or afternoon  
8           program, which time can be broken into smaller increments. The physical  
9           activity shall include a mixture of moderate and vigorous activity. For  
10          purposes of this subdivision, vigorous activity means an activity that  
11          increases the heart rate and breathing rate, as well as bone- and  
12          muscle-strengthening activities. Staff shall take active play outdoors  
13          whenever possible and shall model active living by participating in physical  
14          activities with children.
- 15          (4)    Screen time. – Eliminating screen time for children under two years of age  
16          and for children over two years of age, limiting screen time to less than 30  
17          minutes each day for children in half-day programs and to less than one hour  
18          each day for those in full-day programs. During screen time, the program  
19          shall seek to minimize children's exposure to commercials and ads marketing  
20          unhealthy foods.
- 21          (5)    Food. – Having children serve themselves, family style, all food and  
22          beverages from common bowls and pitchers with limited help while staff is  
23          sitting with children during snacks and meals; providing fruits or vegetables,  
24          whether fresh, frozen, dried, or canned in their own juice, at every meal and  
25          snack; preventing the serving of any fried foods or foods containing trans  
26          fat; offering only whole grains, as determined by confirming that the first  
27          item listed in the ingredients contains the word "whole"; providing foods that  
28          do not list sugar as one of the first three ingredients or that contain no more  
29          than eight grams of added sugar per serving; and having staff model healthy  
30          eating behaviors at all times, including having staff consume the same foods  
31          and beverages as children during meals and snacks, if possible; and avoiding  
32          consumption of foods or beverages that are inconsistent with the HEPA  
33          Standards during program time.
- 34          (6)    Beverages. – Having water accessible and available to children at all times,  
35          including at the table during snacks and meals; providing only water and  
36          unflavored low-fat one percent (1%) or nonfat milk for children two or  
37          older, served family style.
- 38          (7)    Fund-raising. – If the out-of-school time program is conducting a fund-raiser  
39          during out-of-school time program hours, having the fund-raiser meet each  
40          of the following requirements:
- 41            a.     Items sold shall be in compliance with the requirements specified in  
42                subdivisions (5) and (6) of this section.
- 43            b.     Sales shall not be scheduled during snack or meal service.
- 44          (8)    Location. – If the out-of-school time program is located on a school site,  
45          having the out-of-school time program communicate with the school  
46          regarding nutrition education and physical activity, as appropriate, to  
47          provide the program attendees with a complete educational experience. All  
48          activities shall also adhere to the local school administrative unit's wellness  
49          policy.
- 50          (9)    Notice. – Having information about the implementation of the requirements  
51          listed in subdivisions (1) through (8) of this section available for review by a

1                   parent at both the physical location of the out-of-school time program and on  
2                   the program's Internet Web site, if there is one; and having the out-of-school  
3                   time program also maintain in its records a document signed by all parents  
4                   acknowledging that they are aware of the HOST Recognition Program  
5                   requirements and policies to institute and reinforce these specific healthy  
6                   behaviors for all children served in the out-of-school time program.

7    **"§ 110-110.5. Length of validity of certificate.**

8                   A certificate issued under this Article shall be valid for one calendar year. An out-of-school  
9                   time program that wishes to create a new certificate for the subsequent year shall, by January 1  
10                   of the following year and thereafter, verify with the Department that the out-of-school time  
11                   program continues to follow the HOST Recognition Program criteria established under  
12                   G.S. 110-110.4.

13    **"§ 110-110.6. Department to maintain a list of programs.**

14                   The Department shall maintain and update a list of out-of-school time programs that qualify  
15                   under the provisions of this Article and shall post that list on its Internet Web site, including the  
16                   date of qualification for each program."

17                   **SECTION 2.(c)** The provisions of the Healthy Out-of-School Time (HOST)  
18                   Recognition Program, enacted under this section, are subject to the availability of funds for that  
19                   purpose.

20                   **SECTION 3.** This act is effective when it becomes law.